

Seven Steps to Prepare for an Environmental Regulatory Inspection

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Be Prepared for an Environmental Inspection

Environmental permits and plans can take on renewed focus when there is an uptick in enforcement and inspections by state or federal regulators. With this ever-present potential of environmental regulatory inspections, it may be a good idea to consider whether your facility is ready for a planned or unannounced visit by an environmental regulator.

There are several technical and legal considerations with respect to an environmental compliance inspection. Considering these now, as opposed to when an inspector arrives, will make the process go much smoother.

Proactive Environmental Compliance Steps

While your workplace is private property, the authority written into some regulations allow regulators to inspect your property (within the context of that regulation). That does not *necessarily* mean that you must allow the regulator into your facility unannounced, and it definitely does not mean that they have unfettered access. Note that some regulatory permits allow, and sometimes require, unannounced inspections of your property... but *only* the areas that are associated with your permit are allowed to be inspected.

Just like everyone else, the inspectors from either the EPA or State are going to have a variety of personalities and

temperaments. Being cordial to them does not mean allowing them to go beyond their stated scope. Likewise, being firm about your parameters for the inspection does not mean you have to be rude to them...it's a balancing act.

Seven Steps to Prepare for an Environmental Compliance Inspection

Below are seven considerations as you prepare for a potential environmental inspection (soon or sometime in the future).

1. Identify a specific person (and a backup) to be responsible to handle any environmental regulatory inspection. That identified person should be thoroughly familiar with your environmental compliance plans. In addition, it is important that administration and security know who this person is so the proper people are contacted when an inspector arrives.
2. A regulator is a visitor to your facility. As a visitor, unless there are extenuating circumstances, they must abide by the rules you have in place for any other visitors. For example, do you have requirements that all visitors must sign in, show identification, be escorted into your facility, watch a safety video, wear safety equipment (safety glasses, hearing protection, steel-toe shoes, etc.) or other rules? Do you have limitations on use of photography?

These requirements apply to the regulator as well. Note that depending on upon your business, certain US Homeland Security and biosecurity restrictions may apply. All employees, starting with the front desk staff and leading to management, should understand the visitation policy.

3. As you would with an ISO14001-type audit, have a pre-inspection meeting. This is also a good time to get their business card. Prior to bringing them into the manufacturing areas, sit with them in your conference room and ask them, specifically, what they are requesting during the inspection. Be as specific as possible, and limit the inspection to the agreed-upon areas. Also, limit them to their area of interest. For example, if they identify themselves as an inspector in the hazardous waste division, focus the inspection on related areas of your facility. Note that they may be there for a multi-media inspection, but this should be stated up front.
4. Be organized. Have all of your regulatory paperwork (e.g., permits, spill-response plans, inspection and monitoring reports, etc.) in order and secured, but accessible. Being able to access a permit or plan quickly when a regulator asks for it goes a long way in first impressions. You will demonstrate you are organized and take compliance seriously.
5. Additionally, good housekeeping goes a long way in *second* impressions. When an inspector sees a neat and tidy work area, they are less likely to want to dig deeper.

6. As previously mentioned, take the inspector only to their areas they need to observe based on your pre-inspection meeting. Document all of their comments and photography (if allowed). When the inspection is complete, ask for
 - a. A summary of their inspection.
 - b. A copy of any forms they completed at your property.
 - c. Whether there will be any anticipated follow up.
7. Finally, you might want to practice your plan, following chain of command, insuring that your regulatory files are organized and current, making sure your spill and emergency-response plans are current, available, **and** implemented. Walk your facility with the “regulator’s hat” on, and ask yourself if you would be comfortable with the housekeeping and organization.

Environmental Compliance Help

If all this seems daunting to you, or you do not feel comfortable that you would pass an inspection from a regulator, you may want to consider an environmental compliance assessment. Ideally, the compliance assessment includes your legal and environmental advisors. You may find compliance issues during the assessment, but it is likely better to uncover potential deficiencies prior to an inspection by a regulator.

If you need assistance with environmental compliance, contact us at **248-932-0228** or **info@dragun.com**.