

AEPA TARGETS SPECIFIC INDUSTRIES FOR ENFORCEMENT ACTION IN 2002A

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The United States Environmental Protection Agency (US EPA) is currently lining up its enforcement “poster children” for 2002. These targeted industries include facilities which have hazardous substance release reporting obligations, water and air discharge limitations, and spill containment requirements.

While the EPA does not ordinarily make it a habit of publishing whom its likely targets of enforcement may be, this information can usually be gleaned by looking at which industries the EPA offered compliance assistance to in the previous year. Usually, when the EPA is intending to hit a specific industry segment of the economy with enforcement activities, it will usually offer compliance assistance to that industry segment in advance. If industry professionals do not heed the warning, the EPA generally takes a “no mercy” approach to enforcement after the compliance assistance term ends.

A case in point is the compliance assistance offered to colleges and universities last year which had poor histories of environmental compliance. These areas of non-compliance included everything from poor waste management practices to limited management oversight of regulated materials used in research. After the compliance assistance program ended, the US EPA aggressively mobilized enforcement against many colleges and universities assessing fines and penalties, some exceeding seven figures, for various environmental compliance problems. In 2001, the EPA offered compliance assistance to specific segments of the manufacturing, metal finishing, and chemical industries. The assistance included information on managing critical materials and hazardous substances on facilities, accurate reporting on the consumption use and disposal of those substances and specific focus on air and water waste which resulted from the use of those substances. Thus, it is expected that these same industries will see stepped up enforcement in 2002.

To aid in these enforcement endeavors, the Bush Administration has provided the US EPA 3.7 billion dollars for environmental enforcement and regulatory compliance programs. This budget includes a 56 million dollar increase from prior environmental budgets approved by the Clinton Administration. EPA announces that a significant portion of this enhanced enforcement budget will be earmarked for state enforcement programs, giving states additional federal enforcement funds so long as states can show that they are effectively utilizing the federal funds in pursuing fines and penalties to replace the federal funds on an annual basis. Clearly, the Bush Administration wishes to dispel the myth that they are soft on environmental issues.

Businesses within the metal finishing, manufacturing and chemical industries would be well advised to carefully review their compliance programs to prevent future fine and penalty problems down the road. In the context of environmental fines and penalties, an ounce of prevention is probably worth ten pounds of cure.

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