Managing Environmental Compliance During the COVID-19 Pandemic
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Housekeeping Notes

Phones are muted during the webinar

Use the "Q&A" to ask questions

Antitrust Statement
Presenters

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Overview

- EPA Enforcement Discretion Policy
- State Approaches
- RCC Compliance Resources
  - Bottles & Bags
  - Hazardous Waste
  - Medical Waste
  - Other Environmental Programs
- Conversation
• Applies retroactively to March 13

• Directly applies to routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification

• No penalties for routine matters where EPA concurs that COVID-19 was the cause of the noncompliance and the entity can produce supporting documentation

• No effect on generator status for very small quantity generators or small quantity generators
EPA Enforcement Discretion Policy

• More limited application to permit exceedances due to state and local role in enforcement
  • EPA will consult with authorized states or tribes to determine the appropriate response

• Discourages state and local inspections
  • EPA believes states should take into account the safety and health of their inspectors and facility personnel and use discretion when making decisions to conduct routine inspections ... The EPA will take the COVID-19 pandemic into consideration in any review of a state compliance and enforcement program.

• Does not affect state or local programs or enforcement
State Approaches

- Significant state criticism of EPA’s policy
  - Attorneys general of California, New York, Illinois, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington and Wisconsin

- State agencies have reinforced the need for compliance as "essential" rather than providing blanket enforcement discretion
  - “CalEPA will continue to respond, investigate, and – when necessary – take action on complaints related to environmental non-compliance. CalEPA will also fill any enforcement gaps left by the U.S. EPA’s decision to reduce environmental oversight.”
  - Certain compliance relief may be granted, but
    - Requires clearly articulated circumstances
    - Requires pre-approval of extension or noncompliance

COVID-19 Compliance & Enforcement Status of State Environmental Regulations
COVID-19 Environmental Compliance Resources on RCC

Retail Operations

- Updated as new information is learned

COVID-19 Resources

- COVID-19 Emergency - Enforcement Status of State Bottle Redemption Regulations
- COVID-19 Emergency - State Changes to Consumer Bag Regulations
- COVID-19 Environmental Compliance FAQs for Retail Sanitation/Disinfectant Products
- COVID-19 Environmental Compliance FAQs for Retail Hazardous Waste
- COVID-19 Compliance & Enforcement Status of State Environmental Regulations
- List of EPA-approved disinfectants with UPCs and SDS
Bottle Redemption Regulations

- State & Local
- Fees, Redemption and Recycling
- Varied Regulatory Responses
  - Suspension of Service
  - Relaxed Enforcement

COVID-19 State Bottle Redemption Regulations
Consumer Bag Regulations

- State and Local Regulations
- Varied Response:
  - Relaxed Enforcement
  - Delayed Implementation

COVID-19 State Consumer Bag Regulations
HOW HAS YOUR COMPANY DEALT WITH REUSABLE BAGS?

- Prohibited customer-provided reusable bags: 30%
- Does not apply to my company: 48%
- Allowed, no change in policy: 10%
- Allowed, but customers must bag their own items: 12%
Disinfectant Products

FAQs to help you think through issues and considerations during these changing times.

COVID-19 FAQ-Retail Sanitation/Disfectant Products
COVID-19 EPA-approved Disinfectants with UPCs and SDS
HAS YOUR COMPANY INTRODUCED NEW CLEANING PRODUCTS BECAUSE OF THE PANDEMIC?

- Yes, just for in-store use: 33%
- Yes, both new SKUs and in-store use: 20%
- No: 47%
Disinfectant Products

• New Products:
  • Offered for Sale
  • Used in Store
• Cleaning Service Providers
  • Training, Cleaning Products & Handling
FAQs to help you think through some issues and considerations during these changing times.

COVID-19 FAQ on Hazardous Waste
Hazardous Waste
Vendor Business Continuity

- Communication and Partnership
- Shifting Priorities
- Alternate Plans
- Managing Data
ONE OF THE CALIFORNIA AGENCIES, A CUPA, RECENTLY SENT OUT GUIDANCE ON COMPLIANCE DURING STAY AT HOME ORDERS, AND IT NOTED THEY SEE HAZARDOUS WASTE HAULERS MAINTAINING SCHEDULES AS USUAL. HOW HAVE YOUR SERVICES BEEN AFFECTED?
Hazardous Waste
Temporary Store Closures

- Review Generator Status
- State Requirements
- Develop Checklist for Consistency
- Define Expectations
- Waste Shipment
Hazardous Waste Service Events

Canceling or Postponing
- Generator Status and State
- Enforcement Waivers or Guidance Issued
- Triage of Service Events Based on Priority
- Partnership with Vendor
Medical Waste

FAQs to help you think through some issues and considerations during these changing times.

COVID-19 FAQ on Medical Waste
Other Environmental Programs

- Stormwater Management
- Spill Prevention Countermeasures & Controls
- Fuel Tank Management
- Wastewater
- Hazardous Materials Management
Conversation
Managing Environmental Compliance During the COVID-19 Pandemic
THANK YOU