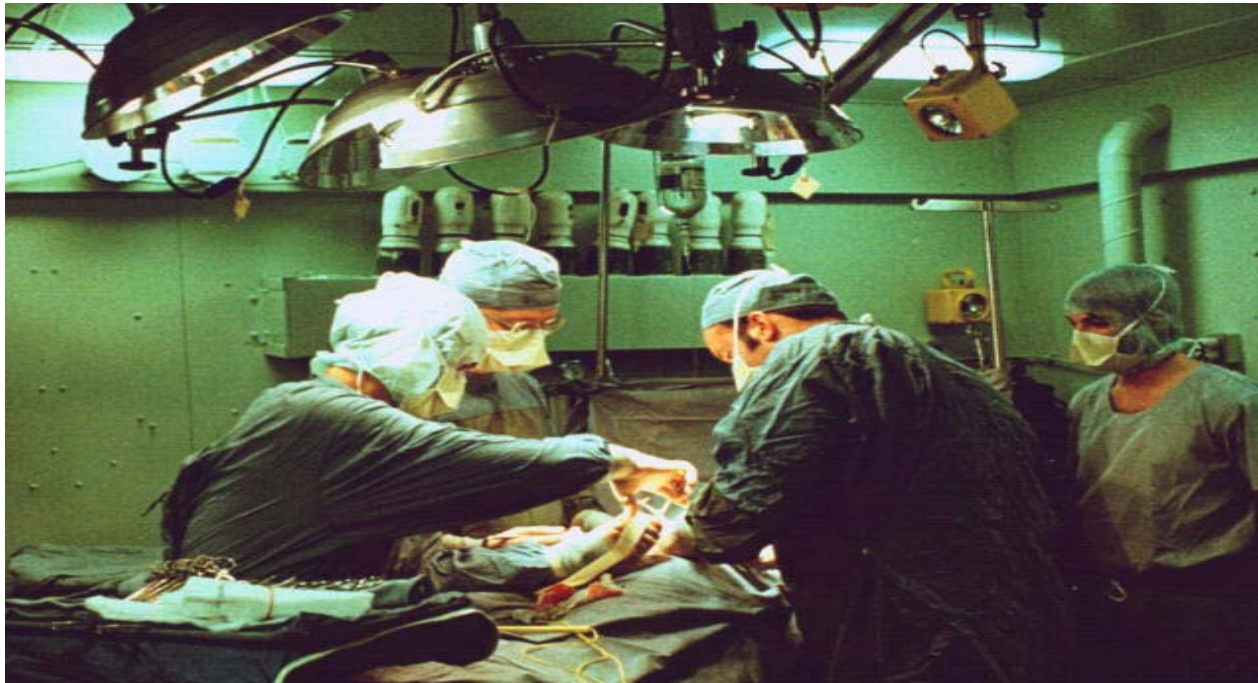


US EPA ARCHIVE DOCUMENT

EPA Region 2 Healthcare Compliance Initiative



Basis for the Initiative

- Source of toxic chemicals such as phthalates, and persistent, bioaccumulative toxics (e.g., mercury and dioxin);
 - Generators of a wide variety of hazardous wastes;
 - Produce two million tons of solid waste;
 - Contribute to air pollution (e.g., smog, air toxics, depletion of ozone layer); and
 - Not complying with environmental requirements.
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Goals

- Hospitals will comply with environmental requirements.
 - Hospitals will develop Environmental Management Systems –
<http://www.epa.gov/region02/ems>
 - Mercury-containing waste will be eliminated from the hospital waste stream by 2005.
 - The volume of all hospital waste generated will be cut in half by 2010.
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Integrated Strategy

- Provide environmental assistance to healthcare facilities.
- Encourage healthcare facilities to perform voluntary compliance audits and enter into corporate audit agreements.

<http://www.epa.gov/region02/capp/cip>

- Conduct Inspections and take enforcement, if necessary.
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Environmental Assistance

- Hold regulatory and pollution prevention workshops.
 - Establish focus groups in NY, NJ, & Caribbean
 - Develop compliance assistance tools
<http://www.epa.gov/region02/healthcare>
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Voluntary Audits

<http://www.epa.gov/region02/capp/cip>

- EPA issued a Voluntary Audit Policy in 1995 to encourage regulated entities to voluntarily discover, disclose, correct and prevent violations of federal environmental requirements.
 - As incentive, EPA will forgo all gravity-based (non-economic benefit) penalties when the regulated entity satisfies all policy conditions.
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Conditions

- The violation was identified voluntarily.
 - The violation was discovered through:
 - an environmental audit; or
 - an environmental management system.
<http://www.epa.gov/region02/ems>
(75% reduction possible otherwise)
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Conditions

- Promptly disclose violations in writing to EPA (within 21 days of discovery)
 - In Region 2, send to:
Regional Administrator, EPA Region 2
c/o Compliance Assistance Section
290 Broadway
New York, New York 10007-1866
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Conditions

- Must promptly correct violations (usually within 60 days)

Correcting the violation includes remediating any environmental harm associated with the violation, as well as implementing steps to prevent a recurrence of the violation.

The Policy Excludes:

- Violations that result in serious actual harm or present an imminent hazard to public health, safety, or the environment
 - Violations of any judicial/administrative orders or consent agreements
 - Repeat violations (within three years)
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The Policy Excludes:

- Violations that are part of a pattern of similar violations across a multi-facility organization within the past five years.
 - Criminal violations of individuals (entities generally exempt)
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Audit Policy Disclosures from Academic Institutions

- 48 disclosures from 27 colleges and universities so far.
 - Although 10 of these disclosures are still under review, a total of approximately 2.4 million dollars in penalties have been waived to date.
 - No economic benefit was assessed.
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Audit Agreements

- Audit agreements allow EPA and the company to reach mutually acceptable terms regarding schedules for conducting the audit, and disclosing and correcting any violations discovered.
 - Model Audit Agreement for Hospitals
<http://www.epa.gov/region02/healthcare>
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Steps to Negotiate an Audit Agreement

- Contact EPA for current model agreement.
 - Submit commitment letter.
 - EPA responds with “low inspection priority” letter.
 - Submit draft agreement.
 - EPA discusses comments, if any, with facility.
 - Draft agreement developed for final review.
 - Final agreement signed.
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Advantages of Audit Agreements

- Low inspection priority" designation
 - More time to disclose and correct violations
 - Other flexibility can be built into agreement to meet needs
 - Single point of contact for all environmental regulatory issues
 - Partnering with EPA can result in good publicity
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Enforcement

- Unannounced inspections will be conducted at hospitals (both single and multi-media).
 - Appropriate enforcement will be taken – from notice of violation to criminal prosecution.
 - Implementation of a supplemental environmental project may reduce penalties.
<http://www.epa.gov/region02/p2/sep.htm>
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Common Violations – Hazardous Waste

- Improper or lack of HW labeling
 - No or improper weekly inspections of HW storage/satellite areas.
 - Open containers of HW.
 - Improper disposal of chemotherapy drugs.
 - Failure to perform or improper HW determinations.
 - No or inadequate HW manifests.
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Common Violations – Hazardous Waste

- Improper management of mercury-containing wastes, expired pharmaceuticals, paints, etc.
 - Lack of a contingency plan.
 - Lack of or inadequate training of employees in HW management.
 - Failure to upgrade/close USTs by 12/22/98.
 - Malfunctioning leak detection systems.
 - Improper consolidation of wastes from nearby facilities.
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Common Violations – Air

- Failure to use properly trained and accredited asbestos personnel.
 - Failure to notify EPA of asbestos removal projects and to keep required documentation/records.
 - Failure to properly dispose of asbestos debris.
 - Failure to close parts washer lids when not in use.
 - Failure to include spray paint booths and parts degreasers in air permit.
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Common Violations - Water

- No permit for or noncompliance with wastewater discharges.
 - No or inadequate secondary containment for storage tanks
 - Improper disposal down floor drains.
 - No Spill Prevention, Control and Countermeasure Plan.
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Common Violations – Lead Paint

- Failure to notify residents of lead paint in building or lack of knowledge of any lead hazard.
 - Failure to provide EPA's pamphlet, "Protect Your Family from Lead in Your Home."
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Steps to Achieving and Maintaining Compliance

- Commitment from top management
 - Commit sufficient resources
 - Implement an Environmental Management System (EMS)
 - Conduct periodic environmental compliance audits
 - Join Hospitals for a Healthy Environment
<http://www.h2e-online.org>
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EPA Region 2 Contacts

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