

**Policy Statement and Strategy for
Pollution Prevention by Source Reduction
Within the Agricultural Research Service**

Purpose

This document describes the pollution prevention/source reduction policies and procedures of the Agricultural Research Service (ARS), U.S. Department of Agriculture (USDA), mandated by Executive Order 12856. This document also serves as the Agencywide strategy. It supplements ARS Manual 230.0, "Safety, Health, and Environmental Management Program," Chapter 52, "Pollution Prevention."

Applicability

The contents herein are applicable to all missions under the direction of the ARS Administrator whether accomplished by ARS personnel, cooperators, or contractors within ARS.

Abbreviations

The following abbreviations are used throughout this policy/ strategy:

ARS Agricultural Research Service

CFR Code of Federal Regulations

EHS extremely hazardous substance

E.O. Executive Order

EPA Environmental Protection Agency

EPCRA Emergency Planning and Community Right-to-Know Act (i.e., also known as SARA Title III)

FD Facilities Division

P2 pollution prevention

PPA Pollution Prevention Act

P2/SR pollution prevention/source reduction

SHEMB Safety, Health, and Environmental Management Branch

SR source reduction

TPQ threshold planning quantity

TRI toxic release inventory

Definitions

Covered Facilities: The term "covered facilities" includes all ARS facilities which meet one or more of the threshold reporting requirements of EPCRA, i.e.:

EPCRA Section 302: Any extremely hazardous substance (EHS) at or above its threshold planning quantity (TPQ) (40 CFR 355.20).

EPCRA Section 304: A release of an EHS or hazardous substance at or above a reportable quantity if the facility is one at which a hazardous chemical, as defined by the Occupational Safety and Health Administration, is produced, used, or stored (40 CFR 302.4 and Part 355).

EPCRA Section 311 and 312: Hazardous chemicals at or above 10,000 pounds and EHS at or above 500 pounds or TPQ, whichever is less (40 CFR 370.20, 370.21, 370.40).

EPCRA Section 313: 25,000 pounds/year manufacturing or processing, or 10,000 pounds/year otherwise using one or more listed toxic chemicals (40 CFR 372.25). As directed by Section 3-304(b) of the E.O., EPCRA

Section 313 applies regardless of the standard industrial classification code.

Facility: A "facility" is defined in Section 329(4) of EPCRA as "all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person or by any person which controls, is controlled by, or

under common control with, such person. The E.O. defines "person" to include Federal agencies.

Pollution Prevention (P2): "P2," as defined in the Pollution Prevention Act (PPA), means source reduction and other practices that reduce or eliminate the creation of pollutants through:

increased efficiency in the use of raw materials, energy, water, or other resources; or

protection of natural resources by conservation.

Source Reduction (SR): "SR," as defined in the PPA, means any practice which:

reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment prior to recycling, treatment, or disposal; and

reduces the hazards to public health and the environment.

Toxic Chemical: "Toxic Chemical" is defined as a substance on the list described in Section 313(c) of EPCRA.

Toxic Pollutant: A "Toxic Pollutant" includes, but is not limited to, those chemicals subject to the provisions of

Section 313(c) of EPCRA.

Background

On August 3, 1993, the President signed E.O. 12856, "Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements." Section 3-301 of the E.O. requires each Federal agency to develop and implement a written pollution prevention strategy to achieve:

toxic chemical reduction goals,

acquisition and procurement goals,

Toxic Release Inventory/Pollution Prevention Act reporting, and

Emergency Planning and Community Right-to-Know Act reporting.

The Department, in their November 4, 1993, memo, subject: Executive Order (E.O.) 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements, directed all USDA agencies to develop and submit draft pollution prevention policies/strategies.

Policy

To the maximum extent possible, ARS will identify, evaluate, and incorporate P2, energy/water conservation, life-cycle cost analysis and total cost accounting concepts and considerations into:

- the design and execution of program, mission, and mission-related activities;
- the design, construction, and maintenance of ARS facilities;
- the acquisition, procurement, and use of equipment, materials, services, and supplies;
- the acquisition, procurement, use, and release to the environment of extremely hazardous substances and toxic chemicals; and
- the disposal or offsite transfer of wastes resulting from procurement and use of toxic chemicals.

ARS is committed to using SR as the means of choice for P2 and compliance with applicable Federal, State, and local environmental requirements. Where P2/SR activities are discretionary, ARS will strive to minimize acquisition, procurement, use, and disposal of EHS' and toxic chemicals. Where SR is impractical, ARS will follow the hierarchy of P2; namely, environmentally safe recycling, treatment, and, as a last resort, responsible disposal or other release to the environment.

ARS will work closely with the public and local emergency planning committees to provide them with the information they need both to protect the public and inform the public about toxic and hazardous chemicals and hazardous substances used by and stored at facilities in their communities. The public will be afforded ready access to all strategies, plans, and reports that are required to be prepared under

this E.O. associated with the release of such substances, pollutants, or contaminants.

ARS will reduce the use of energy and related environmental impacts by promoting the use of energy efficiency and renewable energy technologies.

ARS will conserve and protect water resources by reducing water use where possible.

ARS will make each employee aware of what they need to do to comply with EPCRA.

This policy shall be fully integrated into other policy and guidance issued for administration and program operations in ARS.

Responsibilities

The Administrator is responsible for developing, implementing, managing, monitoring, and evaluating the overall P2/SR strategy/plan and effort within ARS.

The Administrator designates the Chief, Safety, Health, and Environmental Management Branch,

Facilities Division (SHEMB, FD), the overall coordinator for P2/SR effort within ARS.

Strategy on Implementing the E.O.

Goals. The goals of ARS' P2/SR program are to prevent pollution of the environment and to conserve natural resources. These goals are to be achieved by:

minimizing the generation of waste and hazardous waste at ARS facilities;

eliminating, minimizing, mitigating, or preventing environmentally damaging use, storage, disposal, discharge, release, or offsite transfer of oil, petroleum products, and hazardous and toxic chemicals, substances, and wastes; and

conserving energy and water.

ARS' P2/SR goal is to achieve a 50 percent reduction in the release and offsite transfer of toxic chemicals from facilities subject to toxic release inventory (TRI) reporting under

Section 313 of EPCRA by December 31, 1999. The 50 percent reduction goal is applied on an Agencywide basis allowing for variation in the achievement of these reductions at individual Areas and facilities. However, each Area and location is expected to come as close to the 50 percent reduction goal as practicable.

Baseline. The baseline for measuring progress in achieving the 50 percent reduction goal is the first year in which all of an agency's covered facilities have publicly reported releases and transfers of toxic chemicals. For ARS, the baseline will be the calendar year 1994. The 50 percent reduction goal will be

based on the toxic chemicals listed in Section 313 of EPCRA as of December 1, 1993.

Toxic Pollutants. Areas and locations have the option of setting a reduction goal for releases and offsite transfers of additional chemicals not subject to TRI reporting, such as Resource Conservation and Recovery Act hazardous wastes and/or hazardous air pollutants under the Clean Air Act. Areas and locations are encouraged to consider identifying and setting a reduction goal for toxic pollutants. The Department provides a standard format for publicly reporting these reductions.

Pollution Prevention Plans. Written pollution prevention plans for each **covered facility**. Locations that are considered "covered facilities" because they meet EPCRA reporting thresholds other than those in section 313, may not be able to contribute to ARS' reduction goal for TRI toxic chemicals. However, these facilities are required to prepare a pollution prevention plan which outlines their P2/SR efforts. Additionally, Areas and locations that do not have/are not "covered facilities" are encouraged to develop pollution prevention plans.

Annual Reductions Reporting. Each Area/location subject to TRI reporting under Section 313 of EPCRA will annually report on reductions achieved towards ARS' 50 percent reduction goal. Locations that are not subject to TRI reporting are also encouraged to monitor and annually report accomplishments. Consolidated annual reports will be assembled from the individual locations' reports by the Area. The consolidated Area reports will be forwarded to FD/SHEMB for further consolidation and submission to the Department. ARS' report is due to the Department by August 31 each year, beginning in 1995 for the previous year. Area reports will be due to SHEMB, FD, not later than August 1.

Public Participation: Areas and locations are encouraged to involve the public in developing the plans under this order and in monitoring their progress in meeting the requirements of this order. This can be accomplished by holding public meetings and hearings, advisory committees, or public notices.

The E.O. does not require submission of covered facilities pollution prevention plans to the Environmental Protection Agency (EPA) or State agencies; however, ARS facilities should make them available to regulatory agencies and the public upon request.

Training. Areas and locations will provide the necessary level of training for each employee. This may be accomplished by: reviewing applicable ARS, Department, and EPA documents; viewing video tapes; and/or attending training courses held by Federal agencies and/or private contractors.

Funding. ARS encourages Areas and locations to identify and request funding for carrying out the activities needed for this effort. The EPA FEDPLAN process will be used in conjunction with regular budgeting channels (e.g., Annual Resource Management Plan) to request and allocate needed resources. Areas and locations will maintain financial and other records that allow determination of amounts spent on P2/SR, consistency of such expenditures with ARS P2/SR strategies/plans, and savings resulting from such expenditures.

Collaboration. ARS encourages personnel to share information through established mechanisms such as safety committee meetings and monthly safety, health, and environmental management teleconferences, as well as through other means.

Recognition. ARS will recognize outstanding individual, location, and Area achievements internally via the ARS Incentive Awards Program and will strive to gain external recognition for such effort through the challenge program established under the E.O.

Other Provisions. Areas and locations are responsible for identifying and complying with other

provisions of the E.O. applicable to their facilities and programs.

Exemptions. ARS recognizes exemptions, including the laboratory activities exemption under Section 313 of EPCRA. Exemptions require justification, documentation, and the written approval of the Chief, SHEMB, FD.

Review. ARS will oversee these activities by reviewing established reporting requirements and via the Onsite Assistance Review process.