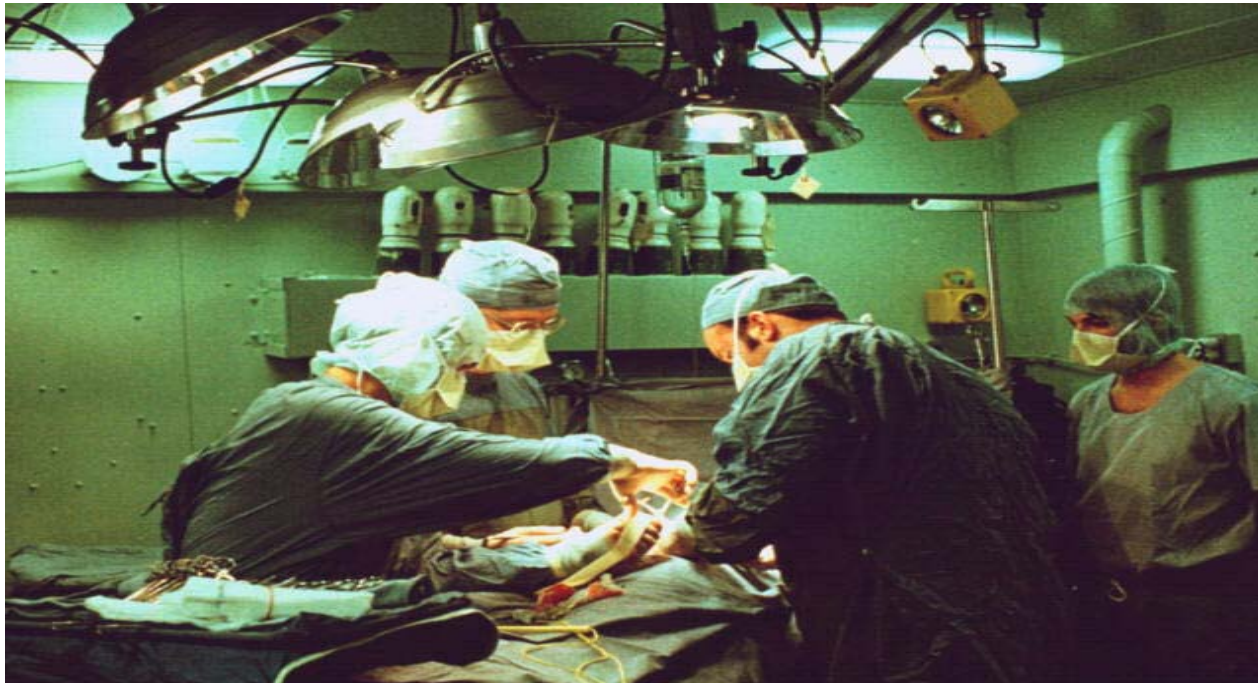


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# EPA Region 2 Healthcare Compliance Initiative



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# 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.

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# 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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