

This transcript was auto-generated by the webinar. Please forgive typos.

0:04

Hello, everyone. My name is ... Rajib, from Trihydro Corporation, it's one o'clock, so just about one o'clock, so we'll get started here with our presentation together.

0:17

I'd like to welcome you to our presentation of three key initiatives that Environment Health and Safety Professionals should know about.

0:24

When we've been thinking about this webinar with the confirmation of Michael Reagan as Biden's EPA Administrator.

0:32

We looked at us focus as the head of a State EPA, Mister Reagan established North Carolina's first of its kind environmental justice and equity advisory board.

0:42

And he outlined in his confirmation hearing, its plans to place an environmental justice official in each of the agency's regulatory offices focused on air, water, land, and chemical safety.

0:56

Mister Reagan, as the head of North Carolina's EPA also led to complex negotiations regarding the cleanup of the ...

1:05

River, which had been contaminated for years by the toxic chemical spur and Poly Fluoro alkyl substances commonly known as

1:16

Also, earlier this year, EPA posted updated clarifications on the audit policy program as part of EPA's renewed Emphasis on self disclosed violations.

1:28

So, with that background, we have three speakers today.

1:32

First, Andrew ..., he's the partner at Thompson Hine. He will discuss Environmental Justice, a second speaker that Schneider for Goldenberg Schneider.

1:41

We'll delve into the environmental audit policy and wrapping up our session, Andrew pilots of trihydro will discuss the ... initiatives.

1:51

Just a few housekeeping items, first fall, all attendees are in listen only mode. However, if you have questions at any point, please use the questions form in your goto Webinar Attendee panel.

2:04

It's, it's on the panel that, that pops up, we'll save time at the end of the webinar for Q and A, after speakers are presented.

2:13

If we are unable to get to any of your questions, are unable to address any of your questions that are in our time together, we'll answer them via e-mail after the webinar.

2:23

Also, in the GoToWebinar Attendee Panel, we've included a copy of today's presentation in the hands, or handout, depth, so, if you go to the panel, I can see it here, the handouts tab is the, is a copy of today's presentation.

2:40

Finally, at the end of the webinar, you will have the opportunity to complete a very short survey, when you exit the webinar.

2:47

It'll take just a minute, and we will appreciate it greatly, since your responses will help us create valuable webinar experiences for you in the future.

2:57

Also, if you'd like, please place, topics you'd like to hear about in future webinars, the questions, panels, and any, and all suggestions.

3:05

And comments are much appreciated from from your end, but that, I'd like to introduce our first speaker.

3:19

Thank you, regime. Appreciate that.

3:22

And welcome to our attendees.

3:26

Amy, you can move the first slide.

3:30

So, before addressing the question, do they really mean at this time? Let's just define environmental justice.

3:40

EPA has defined it as the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, and income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

4:01

Now, Fair treatment according to EPA, means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

4:18

And meaningful involvement according to EPA, occurs when there's an opportunity for the community to participate in decisions about activities that affect the environment and or health and where public contribution can influence the agency's decision.

4:38

Next slide.

4:42

So this is not a new concept.

4:45

President Clinton issued an Executive order in 1994 where he and his administration established environmental justice as part of agency's missions.

5:01

He also created an inter-agency working group on EJ issues and asked the agencies to develop strategies.

5:12

And late December, 2020, President Obama issued the what's called the EJ 2020 Plan. And it had a focus on environmental justice and rulemaking, permitting and compliance.

5:32

Mandate that agencies work with state and local governments and local communities and progress demonstrated. And in some of the key environmental issues, such as lead exposure quality of drinking water and local air quality quality. The Environmental communities generally have, commented that, not all Presidents.

6:01

Paid attention to the Executive Order from Clinton, and, and some have ignored it.

6:08

one such President, according to the environmental communities, would be, of course, President Trump.

6:14

Now Trump publicly affirm their administration publicly affirmed their commitment, incited their progress and Superfund cleanups, rulemaking regarding lead in drinking water and some other achievements. But they also propose killing the budget for the Environmental Justice Office At EPA. Congress did not allow them to do that, So, that brings us back to the initial question: did they really mean at this time? I think the answer is yes. Starting with the campaign, there's been a core message from the bite administration.

6:52

And if you're if you're interested, you can review the Biden Plan, which was to secure Environmental Justice and Equitable Economic Opportunity, which became the template for the Biden Administrative Order Executive Order, regarding environmental justice.

7:15

Next slide.

7:19

So, so many people consider this to be an effort to put some teeth behind, perhaps lipservice, that may have been paid to this concept in the past.

7:30

It's a whole of government approach, not just CPA. And by involving multiple departments from the outset, President Biden is signaling that this is a top priority for his Administration. And this executive order, you know, has to be considered a reversal of President Trump's approach and in most respects. So let's just quickly go through it.

7:57

First, it will re-activate and update the Clinton executive order so that all agencies make achieving environmental justice part of their missions.

8:08

It creates a White House, EJ inter-agency Council, which includes all the major departments of government defense, eiji, Ag. Labor, EPA, and others.

8:22

establishes a White House EJ Advisory Council with members appointed by the President. They will provide recommendations to the inter-agency Council.

8:36

The inter-agency Council is mandated to develop strategies to address current and historic environmental justice.

8:47

They will develop clear performance metrics to ensure accountability and publish annual public performance score reports.

8:56

Excellent.

9:00

In addition, the chair of the C E Q shall create a geospatial climate and economic justice screening tool, which would be an improvement over the current tool called EJ Screen that EPA uses to identify impacted communities so that the government can focus assistance in those areas and also can be used in enforcement cases.

9:28

EPA is mandated to strengthen enforcement of environmental violations having a disproportionate impact on EJ communities.

9:38

EPA is required to create a community notification program to monitor and provide data to the public.

9:46

The Attorney General is required to develop a conch comprehensive each enforcement strategy.

9:54

And, finally, there is a goal of sending 40% of government benefits for relating to clean energy, clean transit, and other Green energy investments, too: environmental justice communities. So, I believe to take away is that the ... does mean it and things are advancing rather quickly. I also want to mention that President Biden wants to treat environmental justice as a civil rights issue under the under Title six of the 1964 Civil Rights Act, parties receiving funds from the federal government may not discriminate based on race, religion, national origin.

10:45

Biden is looking to bring actions under Title six or to modify it to strengthen it for enforcement purposes.

10:59

Next slide, please.

11:03

Now, I want to mention just quickly that this is not only happening on the federal level, and many states are actually head of the federal government, and just to give a couple of quick examples. The New Jersey New Jersey enacted comprehensive EJ legislation in December of 2020. Under that law, D P must deny permits, if it finds that the approval would cause adverse kuma, cumulative effects on environmental justice communities that are higher than other communities in the state or region.

11:42

It specifies the facilities that are covered, and it has enhanced public notice requirements.

11:50

Second, as an example, if you want to see where environmental bills, maybe heading nationally, it's a good idea to keep an eye on Illinois where they are considering some very aggressive EJ measures. As an example, House Bill 2767 would require the Illinois EPA to consider.

12:15

Impacts on EJ communities with respect to new and renewed permits. They have enhanced public notice requirements, and a requirement would require an applicant in each community to enter into a community benefits agreement, with community to mitigate impacts in other states, also California, of course, and others are moving forward as well.

12:46

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12:49

Now, there's really two key aspects that I mentioned. If you look, if you think about the EPA definition, there's process, IE, whether or not effective communities are involved in decisions about government and business actions that affect them.

13:11

And, that's going to call for community involvement input, input in projects permits, consent, decrees transparency and education call for public meetings when people can actually attend, and translations of public notices.

13:33

The second aspect is fair treatment, focusing on the results of environmental justice initiatives.

13:42

And this includes stance ensuring that standards are protected of these communities ensuring that health impacts are act assessed from projects and strong enforcement exide.

14:02

So, I'm going to focus a fair amount of the rest of my presentation on enforcement, because I think that that's, that's, that's like, in some sense, the easiest thing for, for the federal government to do.

14:19

The leaders of agencies, including EPA and DOJ, have have the ability to identify priorities for their agencies. And so I think we can look to DOJ and EPA to focus on violations at facilities that are in EJ communities, as as it's true with enforcement.

14:45

In any case, bad conduct can't be punished more harshly, to send a strong message to the regulated community and have a strong deterrent effect.

15:03

Now, in the short term, I don't necessarily expect to see a big increase in enforcement overall, in part because EPA has some very significant budgetary limitations, which have been going on for a long time. But I do expect to see more enforcement related to EJ concerns, and just to give you a brief glimpse, let's go to the next slide.

15:32

This shows that inspections have decreased 50% from 2010 to 2018. Next slide.

15:43

Enforcement cases are down over 50% over the past years.

15:49

Next slide.

15:52

And enforcement funding has creased 18%, and the enforcement staff has decreased 21%.

16:01

So, so you can see that enforcement numbers are down, therefore it's going to take some time to for the Biden Administration, Biden EPA to ramp up, because they have to develop their cases and fill the pipeline, which does not happen overnight.

16:16

Next slide.

16:19

So let's take a look at what's happened already.

16:24

The Fight and Administration immediately withdrew not while the DOJ withdrew nine DOJ guidance policies from the Trump era, including a policy that bar DOJ attorneys from using supplemental environmental projects or saps in civil settlements. These are, just take different forms, but that often result in some type of physical improvement in and around the affected community.

16:53

Or pollution controls that go beyond what's required by law in many consider them to be important tools for addressing pollution and overburden communities, because some of the penalty can be paid into projects that improve those communities. They also withdrew the policy that part donations to third party environmental groups. And the policy that essentially kept Federal Government, the EPA, out of State enforcement actions under the Clean Water Act, where the Trump administration was giving more deference to the state.

17:31

Excellent.

17:34

So, these each initiatives are going to lead to more transparency, and then public involvement, more education and outreach. And this is going to awaken communities to risks that, perhaps,

say they weren't aware of or had accepted or didn't know how to address. So, we do expect that this will lead to more private suits and more activism at the community level. Some of the areas of focus that we can anticipate, our Clean Air Act and Clean Water Act enforcement, criminal, criminal prosecutions, of corporations, and individuals. This always sends a strong message to the regulated community. And, and and garners publicity if a CEO is going to jail and has a deterrent effect, so it gets a lot of bang for the buck for the Government.

18:33

We also could see environmental justice as an aggravating factor in enforcement actions, both in terms of whether or not they would refer something for criminal prosecution, but also in settlement negotiations, if you've been involved in them, you know that the government starts with a very high penalty. And then, we hope that we can mitigate that penalty with, with, you know, some of the good things that the company has been, has done, self reporting, and different things like that.

19:05

On the other hand, the impact on an environmental justice community could be seen as an aggravating factor. We're likely to see the return of saps, and a recalibration of relationships of the federal EPA with states and tribes.

19:24

Excellent.

19:26

Now, there's other impacts that we would expect to permitting. Permit applications for new sources and modifications will be given greater scrutiny. If there's a potential adverse impact on EJ communities, this suggests that productivity may be beneficial.

19:46

Consider, you know, consider things like, what, what is the impact of on the EJ community Upfront.

19:55

And what did you do throughout the process to involve the community, which could help to avoid surprises, and delays, or, or appeals at the end of the process.

20:08

Also, with respect to nipa, the Clinton Executive Order requires federal agencies to consider EJ effects and environmental impact statements.

20:19

NEPA, it's just not contain bright line numeric standards to establish disparate impacts. In historically, it hasn't really stopped projects or or significantly modified them. But it's likely that EJ impacts will get a closer look. So these are, these are things that the business community is concerned about.

20:41

And these efforts, which could lead to more red tape and delays, now Super Fun, Biden Plan, the Biden Plan, it's not specifically focused on Superfund, but I will note that there is a focus on ..., and Andrew is going to tackle that issue in this Webinar.

21:00

But it's worth mentioning that in the Biden Plan during his campaign, he said, instead of making empty promises with no follow through, Biden will tackle ... pollution by designating P fast as a hazardous substance. So it will be subject to circular in setting enforceable limits and Safe Drinking Water Act. Key takeaway is to be prepared to address environmental justice and P Foss impacts at Superfund sites, for example, there could be a call for more public involvement and Superfund Sites more consultation.

21:39

And as you may know, community acceptance is 1 of 9 NCP factors when evaluating remedial options and that might be given more weight as we move forward, eckstein.

21:55

So, I've got some thoughts about what companies should do in preparation for increased EJ enforcement, and these aren't new concepts proactive. Companies have been doing these things for, for years, but I think it's worth revisiting at this time, in the context of this potential new wave of enforcement. That we're likely to see if there's environmental justice impacts. First, of all, companies should take note, and then, just to protect the company, its employees against enforcement review, and update environmental management systems, and corporate compliance programs companies.

22:46

Know, so, these are things that, again, not new that can be used to ensure that these are current and they're state-of-the-art, and they're actually being implemented to avoid violations. They can also help to avoid criminal prosecutions and to mitigate civil penalties. Re-evaluate and improve training and regarding compliance.

23:13

Establish internal reporting systems like hotlines and refresh training And encourage employees to to reports of violations update your compliance audit programs. Ted is going to talk about that, but think about frequency focusing on higher risks, et cetera. Also, consider self reporting for penalty mitigation.

23:43

Prepare for inspections. Update your protocols, so everyone knows what to do when the government knocks on the door. From the receptionist to the plant manager and everyone in between. Consider using steps and settlement agreements and where appropriate, proactively engage regulators if there are ongoing compliance concerns.

24:11

Next slide.

24:15

Now, with respect to environmental justice, specifically, These initiatives will focus on poor minority and other communities that are disproportionately impacted by pollution.

24:34

Companies should proactively engage with these communities.

24:38

How would you, how would you do that? Well, it's really going to depend on the circumstances. But, but, you know, thinking about designating a local liaison, who knows how to engage in ongoing discussions with the community regarding issues of environmental impact and

inequality. Having that person attend community organizations and meeting with community leaders.

25:08

Listening, listening to the community, maybe focusing donations, you know, relating to health and environmental, things that impact health, and environmental, like parks and trees. And being prepared to actually take measurable action, to reduce health risks.

25:31

And then, finally, communicate with stakeholders. You know, transparency with stakeholders, regulators. And, and that includes communicating about your successes, and, in some cases, mistakes, or issues of sensitivity.

25:50

The last thing I wanted to mention is there's a lot of focus these days on environmental social and governance reporting, ESG reports, These often include things like climate change board, member diversity, renewable energy, water use, and things like that.

26:11

Environmental justice, aspects of ESG, in some cases, has been there's been less focus and less focus in the day-to-day business decisions of companies.

26:27

So, so, companies that have ESG reports should ensure that the statements in the reports concerning social justice, or racial inequality and fair treatment are consistent with actual data on each a impacts of their business. And the company could consider voluntary E E J assessments.

26:54

Know, these things, we're not gonna spend the time to go into it now, but things like defining the community, the community that's affected, Evaluate the impacts against relevant benchmarks in other communities.

27:10

There's the use of the EPA, EJ screen tool to, to identify affected communities and and consider mitigation, you know, things like reducing sound and vibration, and other impacts.

27:29

So, so that's a quick overview of environmental justice, and I'll be around and answer questions at the at the end of the session, back to your regime. Thank you, Andy. There was an excellent presentation, a lot of a lot of things to think about and certainly new ways of looking at the permitting and and and facilities, as mentioned, we are holding questions until the end. I think Andy's presentation will generate a lot of questions. But so, please submit those in the attendee panel at any time and we'll, we'll get to them as fast as we can.

28:02

Our next speaker Stat Snyder, a partner with Goldenberg Snyder in Cincinnati, Ohio where he leads a group of legal technical practitioners to focus most of the tension, performing environmental health and safety and hazardous materials, audits, compliance counseling throughout the US, and internationally.

28:18

He started off as this, is, career as an Environmental Engineer and Safety professional, and subsequently earned a law degree and areas to talk about, the EPA's audit policy program updates.

28:32

Thanks for saying, Hey, as you can see, we're fall on right up here with Andy's concept of, Let's get back to auditing and there's a number of reasons for that in addition to what Andy had to say there. So let's go to the next slide.

28:48

Over the past year, you know, we've all been kind of cooped up in our homes doing work, a few people at work, but not everybody at work. And so we've had to jump into quite a new realm of auditing.

29:02

And so we personally have experienced a lot of virtual audits where we're looking at records from afar. I've done all that recordkeeping review from a distance.

29:14

Lots of communications by e-mail, and chair, file, SharePoint, and then teams and zoom, and all kinds of things to review records, walk through plants, and end up with the best audit we can at a distance. So what is happening here in the future? And what we're seeing starting to happen now, is, you know, will we go back to traditional audits?

29:40

I think some of us will, for sure.

29:43

There is certainly the benefit, at least on the visual piece of that, you get an A Much better field of vision. You see things up close and personal. You can wander around. And you find a lot more, get a lot more perspective. What fully remote audits continue. I think some companies may want to continue to do that.

30:05

It does save on travel costs, but it does have a little bit of a disadvantage if signal doesn't let you get a good picture as you're walking around or no picture at all.

30:17

And the field of vision is much more limited, even with, with decent signal.

30:23

So, another alternative, the one that we have, had come up quite a bit here in the recent months, has been a hybrid audit, which maybe something that folks like to consider as we go to the future. And that would be kind of a combination of a fully visual and a fully traditional audit.

30:44

So, in other words, you can save a little bit of travel costs by doing all of the document review from a distance.

30:50

And then send, maybe, one person for a couple of days to be the eyes on the ground and do more of the traditional audit.

30:57

So, those are the kinds of things we're seeing.

30:59

And I think we will see more hybrid audits and somewhat of a decent return back to the traditional maybe a little reduction on the fully remote.

31:10

Next slide, Amy.

31:14

And so why should we even consider audits at this point? Here we are. Now finally back in 2021, covered is hopefully on its way out for us.

31:25

Ah, we're seeing folks have had it and have the antibodies folks are getting vaccinated, we're getting back into the workforce. So you just heard Andy talk about the changes in the enforcement policy. So, enforcement's should be ramping up. That is definitely a good reason to take a step back and look at your programs.

31:46

through the various means that Andy talked about, but also through auditing find those gaps and get those fixed.

31:53

Another is, is that we're simply having the workforce get back in the workplace so we could be a bit rusty with our ability here in the past to get all over the facility to know what's going on in our ancillary Operations and may have had that just focus on what we need to get done day to day.

32:12

Now that we can get around a little bit more or will soon, we need to take a look at all those things that are going on in the back 40, make sure that we've got those under control.

32:22

Then, the other thing we're seeing, and I'm sure, I'm sure adding in regime and team, are all seeing, as well as we're starting to get more due diligence requests to support mergers and acquisitions.

32:34

So, you know, as we step into that realm, we're going to want to know about the facilities that we're considering purchasing, and most likely to a good, uh, moral.

32:47

A corporation that wants to sell a facility, likely wants to know that they're in good shape when they sell the facility as well.

32:55

So, as we take on these kinda challenges, moving to the next year and getting back a little bit more to normal, we want to think about if we're going to take on some auditing enacting some of our Environmental Management System checks and balances.

33:13

Maybe we want to consider EPA's audit policy, just in case we do uncover some issues and want to take that step that Andy also mentioned of just co-operating a bit and disclosing our findings and seeking a bit of penalty relief.

33:29

So, let's go to the next slide.

33:34

So, you know, the audit policy itself is, has been around for about 20 years now.

33:41

It's not a new thing. And about 12 years ago, 13 years ago, it was enhanced to allow new owners or those going through mergers and acquisitions and purchasing new facilities to also participate. So just as a reminder, looking back in history, what is the purpose of the audit policy.

34:02

Well, US EPA was trying to, uh, be efficient with its budget and personnel and the stresses on its agency.

34:13

And they also do want to see environmental benefits and improvements occur, and so one way they thought that might happen is introducing a policy that would reward companies for voluntarily discovering, then, disclosing to EPA and then correcting in a systemic fashion.

34:36

Violations so they don't re occur, it's a good benefit to the environment.

34:41

And so, in exchange for that disclosure, EPA was willing through this policy to offer penalty mitigation. And that is the gravity penalty that you might be assessed in an enforcement action.

34:55

Could be forgiven even up to 100%.

35:00

Over those 20 plus years now, over 10000 companies have taken advantage of the audit policy. Unmade disclosures covering about 28,000 facilities. Most of the disclosures, a little over 50%, have been about record keeping and reporting issues, but, you know, close to half have also been about the operating activities and things that should be being done better in the facility.

35:28

And, again, so the bottom line of all this is EPA's real goal with the program is to reduce pollution and correct things.

35:38

So this has been one vehicle to get to that point.

35:42

Next slide.

35:47

So, again, who does this policy apply to?

35:51

Well, anyone who's subject to US EPA requirements, regulations, laws, can take advantage of this policy. So you're an ongoing operation out there. You can consider that, and again, you want to remember this as we watch the changes in the enforcement environment, and you get back into that workplace and start to see things you want to consider, is a disclosure.

36:16

A smart thing to do, or at least an option to consider, then, like I said, the policy also applies to Nuon owners as of about 13 years ago. So remember that as you are looking into your merger and acquisition activities. Next slide.

36:37

And what are the incentives then? You know, I'm talking about making these disclosures, What can we really get from that? I mentioned the ongoing operations.

36:45

Those manufacturers that are out there can get their gravity penalty fully mitigated.

36:52

You have to keep in mind that if your violations happen to give you or provide some economic benefit, you're most likely not going to get any of that forgiven unless it's insignificant in the first place. And the concept there is that EPA wants to and has to maintain a level playing ground for everyone.

37:14

So, if a company gained a competitive advantage, because they have economic benefits due to violations that happened to them occurred, that part of the violation or penalty would not be forgiven.

37:28

But, still, the gravity piece can be significant.

37:32

New owners actually get a little bit more flexibility because they've not been involved in the particular facility. So, we would call that enhanced penalty mitigation.

37:43

They would also enjoy the economic benefit penalty forgiveness, as well as a gravity penalty mitigation.

37:55

Of course, to do that, the new owner can't have been responsible at all for the non compliance at that target facility Nor could they, Yeah, they may already be addressing facility compliance because of their due diligence practices.

38:11

I know when we do due diligence for companies, we tend not to do the traditional phase one, but some mix of, uh, liability investigation along with where does the company stand on E H and S compliance?

38:28

And so, we're doing that, kind of a light compliance review, are already finding some of these issues, and maybe that is a good time to consider disposer.

38:38

And then, finally, in mergers and acquisitions, there's usually some amount of funding that's been set, aside either for, by the purchasing company to take care of issues they find, or through the agreement to adjust the price if things are found and can be addressed. So EPA recognizes that as an opportunity to take care of some environmental issues.

39:01

Next slide.

39:06

So, again, who's a new owner?

39:09

obviously, you have to fall into the right category there, and make sure that you're not responsible at all for, for compliance.

39:16

So, you have to be the person who wasn't responsible at all for compliance at the Target facility. You didn't happen the cause of the violations at the Target facility, and you could not have prevented those violations from happening.

39:31

So it's kinda like the pointing the finger, you know that guy did it, not me, and the other aspect of it is, we're not related.

39:39

In other words, we don't own enough shares of stock to put us in the shoes of being the owner in the first place, we have to be pretty much detached from the transaction altogether.

39:52

Next slide.

39:57

So, then, we say, OK, do we want to consider making a disclosure?

40:03

And if we do, what does it take to make that disclosure? Are there any conditions while I say, come on, McFly, where you know, there's always going to be conditions.

40:11

So I thought maybe today would be a good time to go through those a little bit because they apply in one way, to ongoing operators and then they may apply, to some extent, a little differently to new owners. So there's nine conditions.

40:28

And you all know that in the past, there have been guidance documents and discussions about how these conditions apply.

40:35

And one of the purposes of today's discussion is that in January of 2021, just a couple of months ago, US.

40:43

EPA issued a new Frequently Asked Question document on the audit policy and how it applies to both ongoing operators and new owners and that New guidance, those Frequently Asked Questions on the responses is the guide you should follow.

41:02

If you want to make a disclosure or consider making one, you don't go back to the past documents, the questionnaire itself, Will tell you that this is the master document now, and it's the focus part of the reason for that is over 20 years.

41:20

Our approach to disclosure and how we do work has changed, in other words, we do a lot more things electronically. There's an E D E disclosure database.

41:30

And so, some of the old directives and guidance documents don't quite apply quite as well as they used to.

41:38

So this frequently asked questionnaire, you should get your hands on that, and take a brief review through it, and that'll help you think about whether you want to make a disclosure at some point in the future.

41:50

And you do want to think about that before you step into your audits, if you have any inclination that direction, because there are some timelines that we'll talk about. Next slide.

42:03

So, we'll just walk through a few basics about these conditions that we have to meet. And the first one is systematic discovery.

42:14

This means, in a sense, that you can't have discovered the violation by doing things you already have to do.

42:22

So if you have to monitor your waste water, or your stormwater, you have to do your Title five, Air pollution control monitoring, those kinds of things, ARR.

42:34

Not within the realm of a system, a systemic discovery method, they want to, EPA does 1 to 2, apply an audit method. You're looking at your system in a systemic way. And you're either doing that as a standalone audit or through an environmental management system.

42:54

It's kinda like the old plan, Do, check, act, This is the check piece. It needs to be systemic through a check designed to identify problems that you may have encountered. That's the same thing with like, let's say, a title five certification work that you have to do semi-annually or annually.

43:14

That is baked into your permit and so it wouldn't be considered outside of it wouldn't be considered a check process designed to satisfy the audit disclosure rules.

43:28

So they're really talking about audits or environmental management system checking to get to that systematic discovery.

43:38

Let's see, four.

43:41

Yeah. And obviously, that's why it's a little bit different for new owners because they haven't been on the site.

43:45

So, you know, while you can do periodic audit over, you know, every three years or every year or however you set up your system, this was waived for new owners because they aren't on the site.

43:57

The second is voluntary discovery.

44:00

So this, The discovery has to be voluntary so again, you're legally required monitoring or sampling.

44:10

That leads to discoveries, is not voluntary. It's that's mandated process, and so, and so, Andy have made a good comment to me before this presentation, about the Next Gen monitoring systems, and how much more advanced we're getting. Those make it a little more difficult to, to have voluntary discovery.

44:33

The more sensors and automatic reporting that we go to, the more we report up to EPA as a routine, the more difficult it is to meet the voluntary discovery requirements, but basically this is not part of your day-to-day activity and new owners.

44:59

They can take a little bit of advantage here, if they plan ahead.

45:04

You can enter into an agreement with EPA to do some audits as part of the due diligence process and disclose those violations before you get through the transaction and then start to need to do that monitoring. So, in a sense, you may have those monitoring requirements at some point.

45:27

But if you work with EPA, you can get in there and in turn a routine process into a voluntary one, if you do the work, the timing well enough so that you can show that you're trying to, in good faith, find those violations before you get too far down the road.

45:47

Next slide.

45:52

Here's one of the more difficult ones. one that you have to always keep in mind is the prompt discovery piece.

46:01

I mean, prompt, prompt disclosure.

46:03

In other words, EPA is willing to let you do audits and make some disclosures and get some penalty relief, but they do expect you to act on your discoveries relatively quickly under the US EPA policy.

46:18

You're supposed to disclose the violation within 21 days of discovering it.

46:25

And that Discovery period is really based on the concept of your, your reasonably prudent person, your person, who would have known at a certain point in time. You can't just drag out the time, too.

46:39

Make the 21 days fit your schedule. That's why I say, You need to think about this before you.

46:45

I get into the process and understand what the steps of your audit or your EMS checking is, so that you know when that timeline really starts.

46:55

The new owners have a little different process. Just because of the closing date, So your due diligence processes can take place pre closure, Those that are completed before.

47:08

The deal closes can be disclosed to EPA up to 45 days after closing.

47:17

Obviously, due diligence often continues after closing.

47:21

Those items that get discovered after closing can be disclosed Within 21 days after discovery, or within 45 days of the closing, whichever is longer.

47:34

The nice thing with this is, EPA does recognize that there's a lot of activity going on in mergers and acquisitions, and sometimes, it's not a single facility, it's multiple facilities.

47:46

So, you can work out timeline where you're evaluating the compliance at various facilities and a systematic process to uncover items and EPA. I'll let you do work that out over a nine month period, as long as you're meeting.

48:03

Certainly agreed to timelines for the discovery, so they're trying to encourage those who take over new facilities, define the problems, and fix them, because it's a benefit to the environment.

48:15

I know that there is the discovery and the disclosure have to be independent, so in other words, you can't have EPA happened to walk in the door today and and possibly make some findings against the company and then turn around and enact the audit policy to try to mitigate the

penalties that might come from those notices of violation or orders. So in other words, you have to make the discovery on your own. It can't be discovered by EPA or any other agency. Or, say, through a citizens.

48:52

Now, there can be those cases where an agency or citizens make allegations that are never settled or are simply allegations. You can make some arguments. And the EPA does occasionally accept that.

49:05

Those are voluntarily discovered as opposed to involuntary. Next slide.

49:17

So the next three, obviously, you, as you would expect, EPA would expect that if you make some findings, that you're going to correct those findings. And in the policy, there is a 60 day window to do that.

49:32

From the date of discovery, not the date of disclosure, another one to keep in mind, but the date of Discovery, and you have to certify that, and remedy any environmental, or human harm, that that violation happened to, cause. That's a tight timeline.

49:48

So, there are actually some options and available to extend those, EPA does recognize that it takes time sometimes to correct these violations, but, at the same time, you need to really take these on in a serious manner and work towards correcting them as soon as possible.

50:11

Yeah.

50:13

Let's see. Oh, you have to prevent recurrence.

50:17

So, in other words, this was really, the basis of the policy is, to better the environment, we want to see corrective actions that are systematic.

50:27

So in other words, if you find a violation, that one department in a facility or at one plant and you have multiple plants, the expectation is to apply.

50:38

A remedy can address that issue across all those different areas so that it doesn't re-occur.

50:47

and to bolster that the seventh condition was put into place, and that's it.

50:54

You would have no repeat violations.

50:57

So a repeat violation can be the same violation at another facility or at another area in the facility.

51:05

So you really have to look at these violations in a holistic manner to make sure that if you have any reasonable expectation that the same or a similar violation could exist somewhere else, you want to look at that and claim those at the same time to get credit for all of those.

51:27

The EPA does, in this questionnaire talk about some of the option two workout.

51:35

An audit process that allows you to report those sequentially as opposed to all at one time. But again, you have to show that the process is designed to identify all of those. And it just happens to be a matter of getting to all the facilities in a timely manner that causes the sequential nature of the report as opposed to dragging it out, for example.

51:59

Next slide.

52:04

So, then, the final two conditions: Other violations are excluded.

52:10

This is interesting, that the EPA had originally thought that we can't give penalty mitigation or forgiveness for violations that cause serious injury. So actual harm to the environment that serious, or say, a fatality, those kind of things.

52:27

In the end, after all of these years, apparently there have only been about 10 or 12 disclosures that have been declined for this reason.

52:41

But, hey, I'm sure that some have tried to get those through.

52:46

But bottom line is EPA is pretty open to consider any of these kinds of violations, But if they are significant, they will likely be declined.

52:59

And finally, the last one, what you would expect is EPA does expect some co-operation from the operating company and the things they want you to work with them to show that the nine conditions are met.

53:15

That's actually enhanced for the new owners.

53:19

They have to definitely, as part of the for extra forgiveness that they're getting the economic benefit and other penalty mitigation clearly work with EPA to demonstrate that they meet all of these conditions.

53:37

So, that takes care of the nine conditions. So, let's go to the next step.

53:44

So, I mentioned earlier, how does the disclosure work well in 2015 and E disclosure portal was developed. That's how we make how operating companies should file. It automatically addresses the filing, looks at the conditions, can issue acknowledgment letters or determinations.

54:08

So, it's a little faster and more efficient that definitely saves time for EPA and reduces effort on its resources.

54:15

But from the standpoint of new owners, you want to be a little careful.

54:20

You probably don't want to use the E disclosure portal because its algorithms don't include things like the economic benefit, peace, forgiveness. And so, if you do use it, it won't be calculated into your penalty mitigation. The other thing you just want to be cautious of, is that the disclosure portal does not allow confidentiality claims.

54:46

And so you need to be a little creative for those kinds of questions that get asked, and just identify generic chemicals or confidential business information, as an acronym. And what the questionnaire described is that EPA will end up getting back to you to discuss that and then work out a way to keep those confidential matters, quiet. Finally, you got a certified compliance. And again, be Prompt, I mean, you got an algorithm calculating whether your prompt, so you just want to definitely be careful and understand your timeline. Next slide.

55:29

So, are there any other considerations? Well, of course, that's why I put the slide here, right.

55:34

So, we've been talking about US EPA's audit policy, and of course, there are many states out there that are authorized to operate the different air water waste programs, and they don't all view privilege and immunity, self disclosure, in the same way that ... Ada. So, there's a variety of state programs that are out there.

55:59

About 30, have privilege and immunity law, or a policy. They all, have differ quite a bit. Some have adopted US EPA's policy or a memorandum of agreement to abide by decisions through it, and the US EPA has done the same.

56:18

So you do have to think about where your facilities are when you're making a disclosure and determine whether and to what extent you need to involve the different state programs.

56:29

There are some interesting differences, US EPA does not require you to notify them before doing an audit or attack on a system, but there are some states that do, If I recall, I think Texas, Michigan required notification before you did an audit in order to take advantage of their programs.

56:51

Anyway, So I wanted to end with the next slide showing just that a brief overview of states that do have some privilege or immunity programs or laws, and self disclosure policies, just gives you a sense of the differences that go on, some, provide privilege.

57:11

Protection with your information, some provide the immunity from the penalties only.

57:17

Others provide both.

57:19

Som, as you can see by the asterisk, have stated during Attorney General opinions in place of a Memorandum of Agreement, and that others operate under self disclosure policies.

57:30

There are quite a few differences. In some states.

57:34

I'd say that probably the majority, they're in the middle, and a lot of the self disclosure policies will work with, along with Ohio, with US EPA's, but, again, just a little caution.

57:49

Before making those disclosures so that we are sure we've contacted and disclosed to all the necessary parties.

57:58

And I think that might be my last slide, So SEC correct? Yeah, there we go.

58:04

So, I'll turn it back to regime.

58:06

Thank you, Ted. Was that was excellent residue. As I mentioned before, be holding questions till the end of the presentation to, we've had all speakers have had a chance to go through the presentations.

58:15

I do notice, Sunday on the panel that some folks have their hands up by, I'm not sure if you had a question to ask. But if you do, please put that in the questions panel, and we'll answer those as we go through.

58:30

Debts, Discussion here worked very well with, Andy, on, on, on, on how these two programs can work well together, in, in maintaining compliance at your facility.

58:43

Little bit different here, We are now going to shift to the what, with what we think is going to be an emphasis for the EPA Administrator, shown here, coming going forward.

58:54

And that's what P fast, the, the so-called forever chemicals, and Andrew Pilots from from tri Hydro, is uniquely positioned to discuss, be fast Because because he's a Board Certified Toxicologist with over 20 years of experience in industry consulting and government, he does, he's supported projects that involve damage to the environment from chemical agents.

59:21

Including contaminants of emerging concern, be fastest classified in that in that category.

59:26

He's been focused on risk based remediation site closure, Consumer product safety assessment is A is a specialty Affairs' chemical exposure, regulatory compliance, and community and regulatory concerns as well.

59:41

Andrew, we look forward to hearing more about these so-called forever chemical's, please take it from here.

59:49

Thank you, thank you. Appreciate your appreciate your joining the webinar today.

59:56

Before I start with my slide deck and my presentation, I would like to toot my hat's off to Andy and 10 for lining up some of the overarching issues.

1:00:13

Dad will be definitely interested, interesting to see play out with PFS.

1:00:22

So, in terms of Andrew's presentation on environmental justice, did talk about some of the aspects that the industry should be looking into and dads enhancing the information flow.

1:00:40

Um, and specifically, some of the risk communication aspects with PFS, two communities, the judiciary may be economically disadvantaged.

1:00:55

Sandy indicated disproportionately impacted by various contaminants including PFS. So thank Andy for now.

1:01:06

And then, looking for connectivity with Ted Schneiders talk on audit policy in the aspects.

1:01:18

Did talk about not only a force man who would get into that, but also some of the due diligence components and disclosure as part of merging next position, and this is mixed in Nevada.

1:01:35

Be complicated, because P fast are in now fraud regularly.

1:01:39

So there's a lot of uncertainty, gray zones, so to speak, on what to do about two facts that can fall through the cracks, because there's not a clear regulation, always from the federal government.

1:01:57

And finally, even before the administration changed Andrew Wheeler Plan, he rolled out the initial ... action plan some time ago.

1:02:11

He already was talking enforcement.

1:02:14

He used that word several times during his presentation, even though the enforcement component was, was not exactly clear, Valley's intent was clearly there to enforce.

1:02:29

So, I think once some of the initiatives and some of the actions in regulatory in 10 take shape with the federal government, there is no doubt, and both handy and 10 will be very busy.

1:02:46

So, there's no doubt about that. So, next slide, please.

1:02:51

So, as you indicated, I'm focusing on the PFAS compounds.

1:03:00

However, before I go into the overview of the federal regulations in this space and the initiatives, I think it's worthwhile to step back a little and talk about the history of be fast, but also their nature identity.

1:03:19

Because all don't we think the public and a community elder shouldn't know a lot about PFOS, given the fact how much information is being pumped up or ..., including EPA.

1:03:36

Still, there is a lot of uncertainty and some of the inflammation is not commonly recognize.

1:03:46

So, perhaps I can spend 2 or 3 slides just going over the background. That's OK.

1:03:54

So, even though PFS commonly referred to pass contaminants of emerging concern, by no means do through brand new compounds. In fact, they're not.

1:04:09

They were invented in 19 thirties as an alternative, a safer alternative, to quite toxic gasses that were being applied in commercial and even consumer refrigeration.

1:04:27

So, think of ammonia, another kiley toxic compounds.

1:04:31

So, that was a fairly good success, and I think that automotive manufacturers were very glad that this alternative existed.

1:04:42

Fast forward to late forties fifties, Because these compounds denature thereof, they are quite resistant to various physical chemical aggressors.

1:05:00

They very quickly found very critical to location in the atomic weapons develop in, in research programs.

1:05:13

And for a long time, it was, there was a state secret was, these compounds were known commonly.

1:05:19

Now, public, but eventually, they did find commercial, industrial education starting in about 1960s.

1:05:30

And, in fact, again, those PFAS compounds is chlorinated, hydrocarbons, recruited coal in successful completion of the American Space program and landing person on the moon then starting from seventies onward, there are so many applications of these compounds.

1:05:54

In fact, it's easier to listen than to find products. They do not have PFAS in our lives.

1:06:03

And some of these useful oh, characteristics though not only is their tenacity to remain effective, but also their anti stain resistance water proofing characteristics, they're very good surfactants and of course, fire resistance, you name it, they've got, this is one of those very interesting intriguing molecules.

1:06:37

And the final point on the slide is the timeline.

1:06:40

In the year two thousands is highlighted, because this is the time where the major manufacturers of some of these longer chain and C₈ or eight carbon compounds.

1:06:56

Again, the concerted effort working with you as EPA can goldman to voluntarily phaseout, some of these longer chain compounds have useful properties.

1:07:11

And some of them critical essential properties, for example, in the application of military spec, firefighting hoses to this day, but also unfortunately they do have propensity for environmental impacts.

1:07:27

So, next slide please.

1:07:32

Another maybe aspect in general understanding of P for us is, OK, if I look like what I learned, well, think of them as a carbon chain depicted on the slide here.

1:07:48

And those carbon chains can be sure.

1:07:51

Jimmy Long can be branched, all in any permutation combination to carbon chain.

1:07:57

I think when the ...

1:07:59

aspect of it comes in is some of the hydrogens on these molecules are invariably replaced with one more fluorine.

1:08:10

So, if the substitution is complete, so every carbon, every hand, so to speak, of the carbon, is occupied by flooring, and we call them curl for each car to escape.

1:08:25

And then, if the substitution is Incomplete, that's where the ... plural terminology comes in.

1:08:34

So, that's the distinction. It's complicated. The terminology is not easy.

1:08:39

Speciation is harder still.

1:08:42

I want you all to kind of rupture hair around terminology and what they look like. Next slide, please.

1:08:52

And finally, this slide talks a little bit about difficulty, an attempt to regulate PFS, because a PFS is a family, or a group of like chemical constituents.

1:09:11

We now know, or, identify, at least 10000 of them.

1:09:17

The issue here is that only a handful, most notably ..., two species, is fairly well researched the restaurant and have very little, or no information. So, whoever, so you can imagine the difficulty in attempting to regulate something that's mostly unknown.

1:09:42

And also, if there is any risk based aspect to it, that's harder still because of the potentially different fate and transport and toxicity of those very little chemicals.

1:09:59

So, with that aspect, there's one more slide, I believe, live it in the background, and this also the questions, so, why when Andrew, why, why are we are concerned with P facts to be around forever Now?

1:10:14

Sorry, the analogy, but about what seventies and 90 years spent?

1:10:20

The issue here is his dad because they were constructed to be tenacious and persistent.

1:10:30

Some of the longer chains can be maximum relative.

1:10:34

And, of course, they have spread themselves across the entire globe.

1:10:39

They are naturally hard to deal with, and they're very hard and expensive to mitigate.

1:10:46

And because of their own, oh, Oh, presence, nature.

1:10:53

Day, we are detecting them in food, water, and air.

1:10:59

Then, just speaking regarding the inputs of human beings and talk about your laboratory animal studies results just focusing on groups of individuals, cohorts in epidemiological studies.

1:11:16

We do see associations between exposure and metrics, such as increased blood cholesterol levels.

1:11:25

We also see increased enzymatic activities and liver.

1:11:32

There's also sometime the immune system response, particularly how antibodies react with vaccines, for example.

1:11:43

And there's also some risk of disease associated with tiree.

1:11:50

And finally, we see associations between exposure and decreases in the third way, and fertility.

1:12:00

And, of course, there's a whole slew of environmental impacts and concern separate to tissue in half those involved, ecological receptors. Next slide, please.

1:12:17

So the next set of slides, we're really, we're going to transition now into the PFS and how does the federal government regulation of EOP, fast specifically.

1:12:31

So this is a quick snapshot, alright?

1:12:34

It's my attempt to situate you in the world of federal regulations and how P plus period.

1:12:42

So you can see there's three cones in organization here.

1:12:47

The left is the regulator, combed. orange squares fact PFS have been or are currently regulated.

1:12:58

These programs so Tesco handcraft, PPA and DCA.

1:13:05

And then the middle column is, is, this is part of the new initiatives, the actions that EPA is taking.

1:13:12

And they also entail a number of the outer, existing federal regulations, such as Safe Drinking Water, Clean Water, Act, Circular Record, something, and the mentioned, the superfans, which is circular, and even safer, potentially. And then finally, calls though, and you mention NEPA.

1:13:38

But this will be probably as a consequence to certain rules and regulation under the other rules.

1:13:47

But right now, I could not find any indication than any of the other major US environmental relations, are mentioning PFS right now.

1:14:00

And finally, to orient you, so sometimes this graphic, I have six boxes highlighted in yellow, and essentially, this brings to your attention.

1:14:11

Some of the more active, more impactful actions that EPA is considering are taking actionable currently for you to consider. In fact, the rest of the slides will focus intently on each one of those rules. Next, slide, please.

1:14:35

This is a fairly condensed table.

1:14:38

I'm not going to spend too much time on it, I understand.

1:14:42

You have access to the handout through the chat box, frankly, this route is small.

1:14:50

So some of you may not be able to decipher every word and character and symbol, But essentially, this is the back.

1:15:00

For the other general graphic I presented where you have the column identifying specifically the acronym and the ruled zander, then whether or not there's some type of existing PFS regulation, yes or no.

1:15:20

And then in parentheses, this approximate number of PSAP five species that identified in those rules. And this is intriguing because a lot of common information you find out there is indicating that EPA is not leading or taking charge of PFAS.

1:15:39

But if you do a thorough examination of past rules and regulations, you find that now might not be entirely the case.

1:15:50

So a little bit disconnect.

1:15:51

And then finally, the actions, this is the latest and greatest TPA is considering.

1:15:59

And we'll talk about that next, and some notes, as well.

1:16:02

Also, Stein on the bottom of each slide there there are links to the reference documentation where this information is sourced. Next slide, please.

1:16:17

Something to watch out for is the surface water media and, most importantly, the corresponding rule is Clean Water Act particular section, forward to permitted, And so, for those of you familiar with talking about the NPV as permits here and since this is a regulatory action on the federal level, those state lead entity as permits may not be directly linked to this.

1:16:53

Nevertheless, there couldn't be a cascading effect and eventually to find their way into the State MPD's permits as well.

1:17:01

So the nature of this action is that the ..., Regional Kubernetes Community met, and they came up with a set of recommendation.

1:17:13

And I think this came out late last year.

1:17:16

And the recommendation, we're focusing on the point source discharges into wastewater and from wastewater stormwater.

1:17:26

And within those recommendations, I think the key words is phased in nor test the water approach for monitoring VLPs and controls another keyword where PFS would be expected.

1:17:44

So very tentative sort of loose terminology. But nevertheless, there is a recommendation for adding P has to be MPs and MP is permanent process.

1:17:58

Now, interestingly enough, unlike the Safe Drinking Water Act, there is when there's 29 ...

1:18:07

species mentioned, in their methods, factories seven factors in three chairs. It's on 24 methods listed.

1:18:17

So, let me disconnect with the ... 327, so that's going to be the method, that will be required.

1:18:24

It's validated, but it's not listed in 42 CFR 136, just yet, but the expectation is that there will be can finally, the recommendation they also have was that given the uncertainty within the ..., there's definitely need for information sharing and the permits, right?

1:18:46

As Clearing House, it's an online website that can be a resource too Permitted riders.

1:18:55

Next slide.

1:18:59

And again, this is something that Andy previewed what's happening with PFS within the superfans ... and Retro.

1:19:09

So, I think the watershed moment will be designation. Hazard. This is Ignatius.

1:19:17

And that's going to trigger a lot of regulations, actions enforcements and such percolate through the entire river system but that's pending that's pending.

1:19:30

In an interim there is those recommendations for groundwater or reference limits, which is four parts per trillion.

1:19:41

It is a risk based screening level for only ...

1:19:46

that indicates the need for further assessment.

1:19:50

There's also the 70 parts per trillion.

1:19:53

That's the ..., again, from ..., before separately, but if you recall, the setting in parts per trillion is also the health advisory, now, tepees students should previously.

1:20:08

And finally, there's, there's also intend in the February relations to adopt errr, and that can then also come from federal rules and regulations.

1:20:22

God is an invitation, but also state standards.

1:20:25

And we understand assays are way far ahead in terms of P slash P plus regulation, and Sanders issued implementation promulgation. So definitely, that's an important component to keep and keep in mind.

1:20:42

And the most recent action was the NDA, for fiscal year 20 20, those draft interim guidance issued for destroying and disposing of certain PFAS compounds.

1:20:57

So perhaps you can refer to them if you're interested. Next slide, please.

1:21:06

Now, going back to the reporting component and that recording requirements are already there within the toxic substances controller.

1:21:19

And there's different aspects of reporting under task, on not only the active inactive designations, which I believe the next round of reporting for active active will be coming off. It's frozen right now.

1:21:36

That will be re-opened and also under these significant new use rules, so there's no doubt that there were nervous issues in the past, and currently they are acquired and so will the future.

1:21:55

So, that's another aspect of current regulatory actions with EPA.

1:22:02

And another reporting aspect came about relatively recently, it's under ... within the ... Reporting.

1:22:14

So, I think that EPA outdated PFS list for 2022, and we are up to 175.

1:22:25

There is some thresholds to minimum quantities to keep in mind, but the very interesting development recently is the ability, and maybe that speaks also, too, environmental justice.

1:22:43

The presentation earlier today is that the public will have the input for potentially adding PFS, two outcry reporting. That's very interesting component to it.

1:22:57

Next slide, please.

1:23:01

And, again, this is in closing, I want to leave some time for questions and answers.

1:23:08

This graphic shows you sort of a bubble chart or of what's in play in terms of the initiatives.

1:23:16

So, we definitely have surface where I mentioned cleanup, guidance, monitoring, research and testing and toxics.

1:23:28

I mean, EPA's conducting additional toxicity testing, so that they can have additional data for other species that they can look at, potentially regulating.

1:23:40

And finally, is something that I did not talk about, but I do want to spend couple of minutes, is the drinking water.

1:23:49

So specifically, the Safe Drinking Water Act, and that's definitely worth discussing.

1:23:59

In fact, because it is this very exposure, medium, drinking water, it's really triggered initiated. A lot of the EPA has interest in ...

1:24:11

because we've heard stories about the community's water supply being severely contaminated with PFS.

1:24:19

And individuals were exposed for extended periods of time, before any action was taken, whatsoever.

1:24:28

So, obviously, there's public health concerns and interests, having PFS regulating safe drinking water.

1:24:40

And, as I mentioned before, a lot of states preemptively so to speak, to, to come up with some of themselves, to regular ..., specifically in drinking water, and they should vary very low, in a single digit, trillion standards for drinking water.

1:25:00

EPA was a little bit of slow star, understandably so because is the process in place and information had to be obtained to make informed decisions and EPA's catching up and very recently.

1:25:20

People were at it and only two pitfall and pitfalls to the CCL lists for.

1:25:28

So EPA has determined there's sufficient information, evidence, and ability to test for P P PFOA and PFOS, to be able to successfully develop an MCO.

1:25:42

That is actually taking place in concert with data. process, Fantasy, and development.

1:25:48

Is also looking at methods, treatment, and everything else, that has to go along with MCO development.

1:25:57

And, finally, in terms of the overall timeline.

1:26:00

I think the draft MCS are expected to potentially surface in about two years or February 2024.

1:26:10

Promulgation, perhaps or a year later with extension can be 20 25 to 26.

1:26:17

So that's the overall schedule. So with this, I would like to conclude my talk and thank you for attention and new regime back to you. Thank you, Andrew. Thank you for an excellent presentation Near your talk, really hit on a number of very important points, one of which being that with the data that's going to be generated from the TRA Reporting, in the next, this year, and for next year. Environmental justice. Advocates will certainly have the data available to make the case as, as, and when the day.

1:26:48

And perhaps to, the, your facility audits can can uncover some of those as well.

1:26:55

It's got a few questions here that have that have come up, and Andy said, Andrew, if you could activate your Your Webcams once again and then they'll start asking some of those questions. The first one actually goes, goes to, goes to Ted Ted. You mentioned that there was a January 2021 FAQ on the EPA's website that presumably came at the end of the previous administration. So it was is that FAQ now being reviewed by the Biden administration.

1:27:25

As far as I know, it is in effect, and I know of no review of it at this point.

1:27:32

Andy, any thoughts from you?

1:27:34

I have not heard, other than the general comment, that everything that the Trump administration, it is under review, So stay tuned.

1:27:45

Yeah, the fact that this one is designed to get, to encourage companies to come forward, I think, as is assigned that it may last a little longer if it is reviewed.

1:27:58

So a follow up to that dead was that so can, can disclosures be, actually be revised or or withdrawn?

1:28:06

Yes, they can.

1:28:08

Though, with the E disclosure software, once information gets into it essentially stays.

1:28:17

So if you withdraw, it doesn't mean your information goes away, it's still there, and EPA technically could review it and decide to ignore it, take enforcement action, or whatever. And to amend the information, the same story.

1:28:36

You're essentially submitting information where a human being for a person would up, EPA, The official would look at that information to supplement what you've supplied and probably contact you to get to know a little bit more about the process you're trying to go through.

1:29:00

Very good. Thank you, Ted.

1:29:03

Andy, question question for you. So do you do to separate that Congress was going to pass any legislation to propel the EJ initiatives?

1:29:15

Well, my prediction would be, no, it just kind of from a general sense that the Congress is not able really to pass much these days.

1:29:27

There is legislation pending, probably the most notable bill was proposed by then Senator Harris along with Senator Cory Booker called the Environment: Environmental Justice for All Act. And, you know, it really essentially just codifies all the things that we've been talking about with respect to the Biden initiatives and, and, so, no need to go through those, but it's very comprehensive.

1:30:06

Excellent.

1:30:07

Thank you.

1:30:08

Got one more question coming through here, Um, Ted, does the audit policy offer any flexibility for smaller companies?

1:30:19

That's a good question. I didn't talk about that, but there is a small business compliance policy out there that is taken into consideration for those businesses with 100 employees or less among all their facilities.

1:30:35

So there is some flexibility for those folks were a little extra time, in some instances, as provided a little flexibility on there, sophistication, if you want to call it, that, to give some flexibility and forgiveness with some of those conditions.

1:30:53

So, yeah, it's worth looking into if you're a small business.

1:30:58

Thank you did. We are actually, at the end of our time, we do have a few more questions for Richard, you directly due to get to those. But thank you to everyone. Thank you to the panelists for their presentations and thank you for everyone for attending this presentation, and thank you for Diane and Amy for hosting this for us and making it so smooth.

1:31:18

When you exit from the webinar, there will be a short survey, a very short survey. It's only a few questions and we would greatly appreciate it if we were to fill that out because it really would help us target and tailor these webinars better, better for you. There's also an opportunity in the survey to request some one-on-one time with any of us to discuss your interests further. If you had an additional questions, there'll be a link to today's webinar, that's going to be sent to you by e-mail. It's going to be, I know for sure it's going to be ... website, I suspect it's going to be on the other partners websites as well. And, obviously, to learn more about our respective companies, our websites are great sources of information.

1:31:58

And, as always, please don't hesitate to let us know what future topics you'd like in our webinars. We really enjoyed putting these together, and you want to make them as relevant for you as we possibly can. So, once again, thank you, Andy: Thank you.

1:32:13

Thank you, Andrew, for putting together an excellent presentation here in total. Thanks, everybody. Thanks. Our pleasure.

1:32:22

Thank you, Ron.

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