

March 2018

- **EPA Announces 2017 Annual Environmental Enforcement Results**
- **OSHA Will Enforce Beryllium Standard Starting in May**
- **Aerosol Cans that Saves Over \$3 Million Per Year**
- **EPA Announces Action Plan to Combat Harmful Algal Blooms in Lake Erie**

EPA Announces 2017 Annual Environmental Enforcement Results

WASHINGTON D.C., (Feb. 8, 2018) - The USEPA announced its Fiscal Year (FY) 2017 annual enforcement and compliance results, highlighting site remediation and civil and criminal enforcement results.

Highlights of EPA's FY2017 enforcement accomplishments include:

- An increase in the value of commitments by private parties to clean up sites to more than \$1.2 billion.
- An increase in the environmental benefits of EPA Superfund and RCRA Corrective Action enforcement, with commitments to address an estimated 20.5 million cubic yards of contaminated soil and 412 million cubic yards of contaminated water.
- An increase in the total of criminal fines, restitution, and mitigation to \$2.98 billion.
- An increase in the years of incarceration resulting from EPA's criminal enforcement actions to 150 years.
- An increase in the value of actions taken to improve compliance with the law and reduce pollution, to nearly \$20 billion.
- \$1.6 billion in administrative and civil judicial penalties, higher than any of the previous 10 years other than FY2016, which included the \$5.7 billion BP action.

Notable FY2017 Enforcement Cases:

- Volkswagen AG agreed to pay a \$2.8 billion criminal fine to settle allegations that it used illegal software to cheat emissions tests to sell approximately 590,000 diesel vehicles and avoid Clean Air Act compliance. In a separate civil resolution of Clean Air Act claims, Volkswagen agreed to pay \$1.45 billion in civil penalties.
- EPA filed a complaint against FCA US LLC, Fiat Chrysler Automobiles N.V., V.M. Motori S.P.A., and V.M. North America, Inc. alleging nearly 104,000 light duty diesel vehicles are equipped with software functions that were not disclosed to regulators during the certification application process, and that the vehicles contain defeat.
- Tyson Poultry Inc., the nation's largest chicken producer, pleaded guilty in federal court to two criminal charges for violating the Clean Water Act that stemmed from discharges at its facility in Monett, Missouri.
- Whole Foods Market voluntarily disclosed to EPA that it may not have consistently made sufficient hazardous waste determinations on discarded consumer products.

More Information:

<https://www.epa.gov/newsreleases/>

OSHA Will Enforce Beryllium Standard Starting in May

WASHINGTON D.C., (Mar. 2, 2018) - The Occupational Safety and Health Administration (OSHA) announced today that it will start enforcement of the final rule on occupational exposure to beryllium in general, construction, and shipyard industries on May 11, 2018. This timeframe will ensure that stakeholders are aware of their obligations, and that OSHA provides consistent instructions to its inspectors. The start of enforcement had previously been set for March 12, 2018.

In January 2017, OSHA issued new comprehensive health standards addressing exposure to beryllium in all industries. In response to feedback from stakeholders, the agency is considering technical updates to the January 2017 general industry standard, which will clarify and simplify compliance with requirements. OSHA will also begin enforcing on May 11, 2018, the new lower 8-hour permissible exposure limit (PEL) and short-term (15-minute) exposure limit (STEL) for construction and shipyard industries. In the interim, if an employer fails to meet the new PEL or STEL, OSHA will inform the employer of the exposure levels and offer assistance to assure understanding and compliance.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance.

More Information:

<https://www.osha.gov/news/newsreleases/trade/03022018>

Aerosol Cans that Saves Over \$3 Million Per Year

WASHINGTON D.C., (Mar. 6, 2018) - The USEPA is proposing a clear, practical, and safe system for handling hazardous waste of aerosol cans that encourages recycling. EPA estimates it will also save at least \$3 million per year in regulatory costs.

EPA's proposal streamlines the regulation of hazardous waste aerosol cans by adding them to the list of materials that can be managed under the universal waste management system. Hazardous waste batteries, certain hazardous waste pesticides, mercury-containing equipment, and hazardous waste mercury lamps are already included on the federal list of universal wastes.

Aerosol cans are widely used for dispensing a broad range of products, including: paints, solvents, pesticides, food and personal care products, and many others. The Consumer Specialty Products Association estimates that 3.82 billion aerosol cans were filled in the U.S. in 2015 for use by commercial and industrial facilities as well as by households. This proposal, if finalized, is expected to reduce the quantity of waste aerosol cans going to municipal solid waste landfills or waste combustors by promoting their collection and recycling and encouraging the development of municipal and commercial programs.

The 60-day comment period will open upon the forthcoming publication of the proposed Universal Waste Aerosol Can rule in the Federal Register.

More Information:

<https://www.epa.gov/hw/universal-waste>

EPA Announces Action Plan to Combat Harmful Algal Blooms in Lake Erie

CHICAGO, IL, (Mar. 7, 2018) - The USEPA announced the release of the United States' domestic action plan for reducing phosphorus, a major contributor to harmful algal blooms, in Lake Erie. The plan outlines

federal and state efforts to achieve the binational phosphorus reduction targets adopted by the United States and Canada in 2016 under the Great Lakes Water Quality Agreement.

The United States committed to reduce phosphorus nutrient sources by 40 percent, a reduction of 7.3 million pounds. Today's action plan summarizes the actions federal agencies and states are taking across the Lake Erie basin and provides a mechanism for tracking progress.

While the bulk of the phosphorus reductions will come from sources in Ohio, Indiana and Michigan, all five states in the basin are committed to taking action to reduce nutrient loadings and minimize problems of excessive algal growth. The U.S. plan presents a coordinated approach to link and expand the efforts across the states to achieve the nutrient goals in the basin. Additionally, the states of Michigan, Ohio, Indiana and Pennsylvania each submitted individual action plans that describe specific phosphorus reduction measures in more detail.

Excessive algal growth poses substantial threats to both Lake Erie's ecosystem and human health. More than 10 million people rely on the lake for clean drinking water, swimming and fishing opportunities. In the last decade, harmful and nuisance algal growth in the lake has increased significantly due to storms that deliver high levels of nutrients from major rivers. Recurring algal blooms and associated "dead zones" (oxygen-depleted areas created when algae die and decompose) threaten drinking water quality and Lake Erie's critical \$12.9 billion tourism industry and world class fishery.

More Information:

<https://www.epa.gov/glwqa>