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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 23 2007

ASSISTANT ADMINISTRATOR  
FOR ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Mr. Otto Wolff  
Assistant Secretary for Administration  
Department of Commerce  
14th and Constitution Avenues, NW  
Room 5830  
Washington, DC 20230

Dear Mr. Wolff:

Federal laboratories face a number of unique challenges in reducing their impacts on human health and the environment, as they attend to a wide variety of research functions which are vital to many public services. I am writing to inform you that the U.S. Environmental Protection Agency (EPA) is committed to helping federal laboratories overcome these challenges as we ensure compliance with all federal regulatory and executive order (E.O.) requirements.

In fact, **EPA is implementing a new integrated strategy targeted on the laboratory sector of the federal community which includes compliance assistance, outreach and training, as well as compliance monitoring, inspections and enforcement.**<sup>1</sup> The strategy's goals are to reduce hazardous waste and other laboratory pollution, while improving laboratory compliance and facility operations. A key objective of this initiative is to help the laboratories in your organizations accomplish their missions in the most environmentally protective manner possible.

Recently, EPA has observed a number of compliance problems at federal laboratories. To address these problems, EPA and states have taken enforcement actions at several sites. At least one of these cases resulted in a penalty assessment exceeding \$200,000. Many federal laboratories are working to prevent violations by implementing Environmental Management Systems (EMSs), originally pursuant to E.O. 13148 and now under new E.O. 13423, signed by President Bush on January 24, 2007. EMSs integrate effective strategies which reduce environmental impacts from your facility's operations, raise awareness of environmental issues, and tie environmental concerns into your facility's mission.

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<sup>1</sup> EPA's Federal Facilities Enforcement Office in the Office of Enforcement and Compliance Assurance has implemented integrated strategies associated with waste water, storm water and underground storage tanks, as well.

EPA encourages lab officials to make use of the many compliance assistance tools available to help them comply with federal statutes and regulations, and encourages their staff to contact the **EPA Federal Facilities Program Managers (FFPM)** in their region for more information. The list of FFPMs is provided as an enclosure to this letter. We also encourage the use of the Federal Facilities Environmental Stewardship and Compliance Assistance Center – **Fedcenter** at (<http://www.fedcenter.gov>). At **Fedcenter**, participating agencies work collaboratively to improve their environmental performance. The site is updated daily and includes a vast amount of environmental information, including technical guidance and regulatory information, training, conference and workshop opportunities, and announcements on pertinent Federal Register notices and regulatory changes. It is open to all federal employees. EPA is currently developing special compliance assistance training for laboratories, which also will be posted at the center.

Labs, like other regulated entities, may self-disclose and voluntarily correct violations or potential violations pursuant to EPA's Audit Policy,<sup>2</sup> which encourages voluntary and prompt disclosure of violations or possible violations. When such disclosures are made and other specific policy criteria are met, EPA may reduce or eliminate penalties on a case by case basis. If violations are discovered during an EPA inspection prior to self-disclosure, however, penalty reductions under the Audit Policy will not apply. The policy and its specific requirements are available at <http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html>. Several states also have audit/self-disclosure policies which may be applicable to federal laboratories. Information about State audit policies can be found at: <http://www.envcap.org/audit>.

We encourage you to share this information with your facility and environmental managers to make them aware of this new assistance and monitoring focus on federal laboratories. If you have questions regarding the applicability of the Audit Policy to federal laboratory environmental violations, please contact Dan Drazan ([drazen.dan@epa.gov](mailto:drazen.dan@epa.gov)) at (202) 564-2328 of EPA's Federal Facilities Enforcement Office. Questions concerning the broader Federal Laboratories integrated strategy should be directed to David Levenstein ([levenstein.dave@epa.gov](mailto:levenstein.dave@epa.gov)) at (202) 564-2591 in the same office. Questions may also be directed to the FFPMs.

We appreciate the commitment of both you and your organization to improved environmental stewardship and compliance.

Sincerely,

  
Granta Y. Nakayama

Enclosure

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<sup>2</sup> "Incentives for Self Policing: Discovery, Disclosure, Correction and Prevention of Violations," 65 FR 19, 618 (4/11/2000)

cc: Edwin Pinero, Federal Environmental Executive  
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**FEDERAL FACILITIES PROGRAM MANAGERS  
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<b>REGION 2</b> Kathleen Malone	NJ, NY, PR, VI	US EPA Region 2 Compliance Assistance Section 290 Broadway, 21st Fl. New York, NY 10007-1866	malone.kathleen @epa.gov	212-637-4083 212-637-4086
<b>REGION 3</b> Jose Jimenez	DE, DC, MD, PA, VA, WV	US EPA Region 3 Office of Enforcement, Compliance & Environmental Justice 1650 Arch Street Philadelphia, PA 19103-2029	jimenez.jose@epa.gov	215-814-2148 215-814-3163
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