Babst Calland Attorneys at Law

Where Trust and Value Meet

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SURVIVING INVESTIGATIONS AND FACILITY INSPECTIONS

Pennsylvania Chamber of Business and Industry October 27, 2022

Babst Calland Clements & Zomnir, P.C. www.babstcalland.com

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Babst Calland

Attorneys at Law

Where Trust and Value Meet,...

Introduction

PARs

- ✓ PREPARE
- ✓ ADAPT
- ✓ RECOVER / REGROUP / RESPOND
- ✓ STANDARDS FREQUENTLY CITED





Proactive Steps Before Being Investigated/Inspected

AIM – "A"

ASSESS - Take a Compliance Snapshot to Identify Potential Noncompliance

- ✓ Environmental Audits
- ✓ Protection of Results
- Prioritization of Problems:
 Short-Term and Long-Term
- ✓ Audit Policy Use





Proactive Steps Before Being Investigated/Inspected

AIM - "I"

INFORM - Prepare Employees

- ✓ Plant-Wide Awareness
- ✓ Inspection Teams
- ✓ Process Area Representatives
- ✓ Interview Training: Attitude and Preparation





Proactive Steps Before Being Investigated/Inspected

AIM – "M"

MANAGE - Attitude and Preparation are Key

Provide Training on Responding to Questions:

- ✓ DON'T ramble
- ✓ DON'T allow yourself to be baited
- ✓ DON'T get defensive
- ✓ DON'T relax
- ✓ DON'T editorialize
- ✓ DON'T vent internal issues





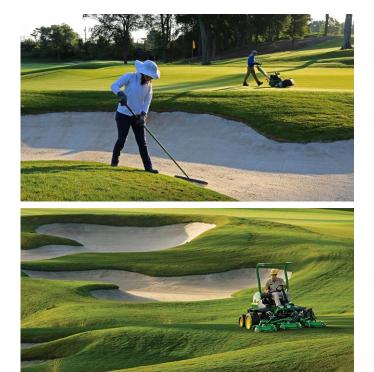
On-Site Inspection Tips

AIM – "M"

MANAGE – Notice

Final Preparations

- ✓ Work Area
- ✓ Safety/Security Training
- ✓ Plant Operations
- ✓ Plant-Wide Housekeeping





On-Site Inspection Tips

TEE – "T"

TONE – Set It in the Opening Meeting

- ✓ Work Area
- ✓ Scope
- ✓ Teams
- ✓ Schedule
- Sampling
- ✓ Photos

- ✓ Interviews
- Documents
- ✓ Office Rules
- ✓ Daily Closeouts





On-Site Investigation/Inspection Tips

TEE – "E" & "E"

EXECUTE

- ✓ Field Coverage
- ✓ Daily Debriefing

EMPOWER

- ✓ Correction of Violations
- ✓ Exit Interview





Investigation/Inspection Follow-Up Tips

COMPLETE SCORE CARD

- ✓ Fill Outstanding Documentation Requests
- ✓ Provide Written Clarification of Issues
- Provide Written Documentation of Corrections
- ✓ Consider Contact with Inspection Team Leader on a Regular Basis
- ✓ File a FOIA

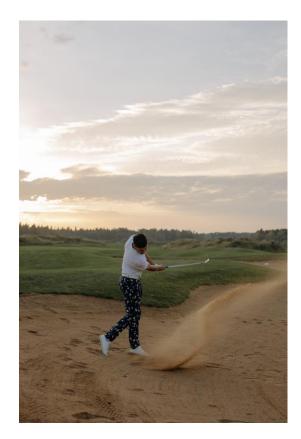




Standards Frequently Cited

COMMON ISSUES IS PENNSYLVANIA

- ✓ SPILL PLANS
- ✓ AIR
- ✓ WATER
- ✓ WASTE✓ OTHER





Closing Remarks/Questions

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Thank You

Where Trust and Value Meet,

Construction | Corporate and Commercial | Emerging Technologies Employment and Labor | Energy and Natural Resources | Environmental | Litigation Public Sector | Real Estate | Transportation Safety

Pittsburgh, PA | Charleston, WV | State College, PA | Sewell, NJ | Washington, DC

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