



Blogs / Environmental Compliance & Enforcement Defense

Toggle
Navigation

RECORDED WEBINARS

- [Environmental Enforcement & Crimes Webinar – March 22, 2016](#)

BLOG TOPICS

- [Air Emissions Climate Change & Sustainability](#) (6)
- [Brownfields & Contaminated Properties](#) (13)
- [Environmental Cleanups](#) (12)
- [Environmental Compliance & Enforcement Defense](#) (24)
- [Environmental Litigation](#) (21)
- [Environmental Permitting](#) (9)
- [Environmental Statutes & Regulations](#) (27)
 - [CERCLA / Superfund](#) (12)
 - [Clean Air Act](#) (10)
 - [Clean Water Act](#) (11)
 - [EPCRA](#) (5)
 - [FIFRA](#) (4)
 - [RCRA / Hazardous Waste & Solid Waste](#) (10)
 - [TSCA](#) (4)
- [Fracking](#) (8)
- [Industries](#) (21)
 - [Construction](#) (13)
 - [Energy](#) (12)
 - [Health Care](#) (7)
 - [Life Sciences](#) (9)
 - [Manufacturing](#) (16)
 - [Petroleum](#) (11)
 - [Transportation](#) (9)
 - [Waste Management](#) (12)
- [OSHA / Health & Safety](#) (12)

BLOG EDITORS

[Andrew C. \(Drew\) Brought](#)

T 816.292.8886

abrought@spencerfane.com

ENVIRONMENTAL LAW GROUP

- [Overview](#)
- [Attorneys](#)

Latest Posts

07.26.2018 [Upcoming Proposition 65 Changes May Catch Companies Without Warning](#)

By Paul Jacobson

All companies in supply chains for products sold in California need to be aware of the law known as California's Proposition 65. This is especially true because significant changes to Proposition 65 requirements go into effect on August 30, 2018, increasing potential liability.

02.01.2018 [EPA Asks States to the Take the Lead in Environmental Enforcement](#)

By Baerbel E. Schiller, Ryan Pulkrabek

Recently, EPA issued an Interim OECA Guidance on EPA and state roles on managing enforcement and compliance assistance. See, [Interim OECA Guidance on Enhancing Regional—State Planning and Communication on Compliance Assurance Work in Authorized States](#). While EPA is seeking to emphasize cooperative federalism in modifying the emphasis of the [1986 revised policy on state/EPA enforcement agreements](#), as provided in the first footnote of the Guidance, the policy issued on January 22, 2018, appears to make the states the primary enforcer of environmental laws and provides a secondary role for EPA in that regard.

01.24.2018 [EPA and OSHA Increase Civil Penalties](#)

By Paul Jacobson

In January 2018, both EPA and OSHA increased civil penalties for new enforcement cases. These increases are required by the Federal Civil Penalty Inflation Adjustment Act of 2015 (Inflationary Adjustment Act), which directs federal agencies to annually adjust civil penalties for inflation by January 15 of each new calendar year in order to “maintain the deterrent effect of civil penalties by translating originally enacted statutory civil penalty amounts to today’s dollars.” [83 Fed. Reg. 1190, at 1191 \(January 10, 2018\)](#).

11.20.2017 [Trump Administration EPA to Focus Criminal Enforcement on Significant and Egregious Violators, Citing 1994 “Devaney Memorandum”](#)

By James T. Price, Baerbel E. Schiller, Andrew C. Brought

A high-ranking Environmental Protection Agency (EPA) enforcement official in the Trump Administration recently cited a 1994 memorandum by Earl Devaney, then Director of EPA’s Office of Criminal Enforcement, as presenting guiding principles to select cases for criminal enforcement of environmental violations. The January 12, 1994, memorandum, “Exercise of Enforcement Discretion,” is often referred to as the “Devaney Memorandum,” and it is available at this link: <https://www.epa.gov/sites/production/files/documents/exercise.pdf>. This may signal that criminal enforcement of environmental laws under the Trump Administration will be limited to situations in which there has been significant actual or threatened environmental harm and truly culpable conduct.

10.24.2017 [EPA Administrator Directs EPA to Cease its “Sue and Settle” Practice](#)

By Paul Jacobson

On October 16, 2017, EPA Administrator Pruitt issued a [directive](#), requiring EPA to immediately cease a practice known as “sue and settle,” in response to concerns that EPA has lately been defending against suits brought by environmental organizations with insufficient vigor. The “sue and settle” concept is not defined in relation to a specific political party or view of environmental protection. Rather, it is the concept that political parties in power sometimes half-heartedly defend against lawsuits, when the relief sought by such suits is actually favored by the party in power.

09.11.2017 [OSHA Issues New Guidance on Process Safety Management](#)

By Paul Jacobson, Andrew C. Brought

OSHA recently published a [guidance document](#) to help petroleum refineries comply with OSHA’s Process Safety Management (PSM) standard, [29 CFR 1910.119](#), distilling lessons learned by OSHA over the past ten years from the Petroleum Refinery PSM National Emphasis Program (NEP). The OSHA guidance serves as a road map for process safety professionals to understand specific areas that OSHA will focus on during a PSM audit and areas most likely for OSHA to find gaps in PSM programs.

03.12.2017 [Stormwater Runoff from Construction Activities Subject to New EPA 2017 General Permit](#)

By Shelby Wood, Andrew C. Brought

Construction companies, general contractors, developers, and property owners involved in land clearance and disturbance activities will want to take note of the new Stormwater Construction General Permit (“Construction General Permit”) issued by the United States Environmental Protection Agency (“EPA”) on February 17, 2017. As with earlier Construction General Permits, the 2017 permit applies to land clearance and disturbance activities greater than one acre and requires site operators to comply with best management practices (“BMPs”), effluent limits, and other permit requirements, including developing a Stormwater Pollution Prevention Plan (“SWPPP”).

02.05.2017 [EPA and OSHA Increase Civil Penalties – Days Before New Administration](#)

By Andrew C. Brought

In January 2017, both EPA and OSHA increased civil penalties for new enforcement cases. While the increases became effective just days before the new Administration took office, the increases are a result of Congressional action in 2015 to annually adjust civil penalties for inflation by January 15 of each new calendar year.

12.11.2016 [EPA Issues Final Hazardous Waste Generator Improvements Rule](#)

By Paul Jacobson, Baerbel E. Schiller

On November 28, 2016, EPA published the final version of the Hazardous Waste Generator Improvements Rule (the Rule) in the Federal Register. Promulgated under the Resource Conservation and Recovery Act (RCRA), the Rule updates EPA’s regulations governing generators of hazardous waste, most of which EPA promulgated in the 1980s. The Rule significantly revises the hazardous waste generator requirements.

09.18.2016 [Retail and Consumer Product Hazardous Waste – Update on Reverse Distribution and Aerosol Cans by EPA](#)

By Andrew C. Brought

On September 12, 2016, EPA issued its “Strategy for Addressing the Retail Sector under RCRA’s Regulatory Framework.” The strategy document sets forth three actions the agency is expected to finalize in the short-term to help ease the RCRA burden on managing retail and consumer products that may trigger RCRA hazardous waste characteristics or RCRA listings once a decision to discard is made.

1 2 3 › Showing 1-10 of 24 results [View All](#)