

Policy: Environmental, Health & Safety External Audits/Inspections

Policy Number: E-10

Responsible for Policy: Environmental, Health and Safety

Most recent approval date: December 2019

### **Policy Statement**

Environmental, Health and Safety regulatory entities, agency representatives or inspectors on Finger Lakes Community College campuses shall be escorted at all times by a representative from Environmental, Health and Safety or their designee. If a Finger Lakes Community College employee is aware of an Environmental, Health and Safety regulatory entity, agency representative or inspector on a Finger Lakes Community College campus, the employee must immediately notify Environmental, Health and Safety and their immediate supervisor.

### **Reason for Policy**

Environmental, health and safety regulatory agency representatives or inspectors may on occasion make unannounced inspections of Finger Lakes Community College. This policy has been designed to ensure a safe and effective audit or inspection by an Environmental, Health and Safety regulatory agency representative or inspector and limit the College's institutional liability. Operations of Finger Lakes Community College are regulated by various entities/agencies such as the United States Environmental Protection Agency, the New York State Department of Environmental Conservation, the United States Department of Labor Occupational Safety and Health Administration, the United States Department of Transportation, the New York State Department of Labor Public Employee Safety and Health and others. Regulatory agencies generally have authority to enter public or private property connected with an activity governed by a permit or regulation.

### **Applicability of the Policy**

All employees of Finger Lakes Community College must be familiar with this policy.

### **Definitions**

EHS – Finger Lakes Community College Enterprise Risk Management and Environmental, Health and Safety

### **Related Document**

None

### **Review dates/action taken:**

- March 2014: original approval date (new policy)
- July 2015: no revisions
- December 2019: non-substantive policy revision

## **Procedures**

If a Finger Lakes Community College employee is aware of an Environmental, Health and Safety regulatory agency representative or inspector on a Finger Lakes Community College campus, the employee must immediately notify Environmental, Health and Safety and their immediate supervisor.

As the nature and purpose of agency audits/inspections is highly variable, there is no single procedure or protocol for regulatory agency interaction during visits. This procedure is designed to provide personnel with general guidance in responding to environmental, health and safety agency compliance inspections and provide the appropriate information needed to successfully comply with the audit/inspection. Regulatory audits/inspections are most successful if they are conducted in a non-confrontational atmosphere and are conducted in accordance with an organized format.

The following is a general summary of recommended actions for FLCC EHS personnel involved in an agency audit/inspection.

### Identification:

Politely verify the inspector's credentials upon arrival. Ensure that you obtain the names, addresses and telephone numbers of the inspector(s) (e.g., obtain business card). Always ensure that a knowledgeable person is available to answer questions and accompany the inspector(s) at all times during inspection tours, personnel interviews, records reviews and sampling activities.

### Notification:

If you are contacted by a regulatory agency or if an inspector or other representative arrives, notify your supervisor and the Environmental Health and Safety (EHS) office immediately. EHS personnel will guide the inspection.

### Pre-inspection Meeting:

Before commencing other activities, request a pre-inspection meeting to determine the nature and extent of the inspection. The inspector(s) may merely wish to speak with a qualified person to clarify a technical issue, may wish to review records for a particular program, or may wish to visit operating areas of the facility to verify compliance with a regulatory requirement. Politely ask the inspector(s) to describe the purpose of the visit, the information that he/she must obtain, and the reason why the inspection is taking place. Structure the visit to bring the inspector(s) directly to the information that he/she needs to obtain.

### Health and Safety Procedures:

Ensure that the inspector follows the safety procedures established for your facility or work area (e.g., safety glasses, hearing protection, steel toed shoes, etc.). Specialized training may be required for access to certain areas of your facility. Do not allow entry into manholes, confined spaces, or high hazard areas (e.g., exposure to high voltage or rotating machinery) without contacting EHS for guidance.

### Introductions:

The FLCC EHS representative that is escorting the inspector(s) should immediately introduce the inspector to other FLCC personnel to ensure that the individuals are:

1. alerted to the seriousness of the inspection;
2. the official nature of the inspection; and
3. the items that the inspector will be focusing on.

For example, you might introduce an EPA inspector to a lab director as follows: "Hello, Mr. Facility Manager. This is Mr. John Inspector, from the Federal Environmental Protection Agency. He is here today inspecting FLCC's hazardous waste handling procedures, and he would like to inspect our facility. He is interested in how our facility ensures that chemicals are handled properly before and after use, how we ensure that chemicals are managed as hazardous waste, and the fact

that people working in our facility have received training in the proper use of chemicals. You might like to accompany us so you can answer any questions that Mr. Inspector might have."

#### Communications:

To the extent possible, limit the size of the group dealing with agency representatives. Respond to the inspector's questions honestly, directly, and concisely since the inspector will tell you if elaboration is needed. Provide only the information that is requested. Provide answers where requested, but if you don't know the answer to a particular question, inform the inspector that you do not have the answer. At such time, obtain the answer from someone who can respond and provide the answer to the inspector yourself, or notify the inspector(s) that you will provide a response at a future time after consulting appropriate personnel.

#### Interviews:

Agency inspectors may wish to interview personnel to verify that any required training has been provided, to verify operator competency, to determine if established procedures are being followed, or for other purposes relevant to the inspection. Ensure that your personnel follow the Identification, Notification and Communications guidelines listed above.

#### Records and Photographs:

Agency inspectors may wish to examine or photocopy records, or photograph processes or conditions that they observe during the inspection. If your area's security measures prohibit photography by outside personnel, provide a staff person to take photographs as requested by the inspector. Photographs must be provided to the agency within a reasonable period of time. If the inspector takes photographs or photocopies records, obtain your own set of duplicates for later review.

#### Sampling:

Agency inspectors may wish to obtain samples of various media (e.g., wastewater discharges, building materials, waste materials, air quality, etc.) during the visit. Contact EHS for assistance with sampling required chain-of-custody paperwork, analyses or other aspects of the sampling. Obtain a duplicate sample at the same time as the inspector(s). If specialized sampling equipment or procedures are required, request that the inspector return as soon as you are able to provide a person with the specialized equipment or knowledge. Many agencies will agree to this request.

#### Analyses:

Request copies of sample analyses performed by the inspector. Depending on the specific analysis, results may be available either during or after the inspection. This information may or may not be provided upon request, depending on the nature of the sampling and agency policy.

#### Closeout Meeting:

Request a post-inspection closeout meeting at the conclusion of the visit to review the inspector's findings. It is recommended that the closeout meeting be attended by management personnel, representatives from EHS and a representative for legal affairs. Ask the inspector(s) to provide a list of findings, with particular attention to issues or areas that the inspector has found to be in actual or possible non-compliance. Ensure that you record these findings. Do not make any conclusion or judgment regarding the compliance status of the finding yourself. Only qualified specialists should perform this task. Ask the inspector(s) if additional actions or correspondence will take place and the schedule for any follow up actions, decisions, or information development. Ensure that the inspector knows whom to call for further information regarding the inspection, and for exchange of additional correspondence.

#### Reports and Documents:

Request that the inspector provide a copy of his/her report for your records. Ask if you may review a draft copy of the report. This information may or may not be provided upon request, depending on Agency policy.

#### Suspected Non-compliance:

It is expected that any suspected non-compliance issues be corrected immediately, and that documentation of the corrective action and non-compliance issue be maintained by FLCC EHS.

Follow-up Report:

Write a follow-up report as soon as possible after the completion of the inspection visit. Copies of the follow-up report should be provided to the Environmental Health and Safety Department, and legal representation. This report should detail the inspecting agency, inspector names, nature and purpose of the visit, areas inspected, records reviewed or exchanged, sampling activities and results, personnel interviewed, and details of the closeout meeting.

Records Retention:

Make a permanent record of the inspection visit, results, analyses, photographs, follow-up reports, corrective actions and related correspondence. Maintain a duplicate of any records that are photocopied for the inspector and photographs that are taken. Maintain for at least five years.

**Forms/Online Processes**

- None

**Appendix**

- None

**Review dates/action taken:**

- March 2014: original effective date (new procedures)
- July 2015: no revisions
- December 2019: nonsubstantive changes to procedure.