



NORTHEAST WASTE MANAGEMENT OFFICIALS' ASSOCIATION

June 23, 2016

Terri L. Goldberg
Executive Director

89 South Street
Suite 600
Boston, MA 02111

Tel 617 367-8558
TDD/TTY 857 265-3934
www.newmoa.org

Edward J. Messina, Director
U.S. EPA Headquarters
Office of Compliance
Monitoring, Assistance, and Media Program Division (MAMPD)
1200 Pennsylvania Avenue, N.W. MC 2201A
Washington, DC 20460

Dear Mr. Messina:

During a February 23, 2016 conference call of the Northeast Waste Management Officials' Association (NEWMOA) state hazardous waste program staff discussed a July 17, 2015 Memorandum from you to state officials regarding training mandates for inspectors (Order 3500.1 Health and Safety Training for States). During the discussion, a number of questions came up about how to implement the requirements outlined in your memorandum. We appreciate the opportunity to share our questions with you and hope that through a dialogue we can gain some clarity on what is expected for health and safety training for RCRA inspectors.

Prior to the July 17, 2015 EPA Memo, the federal training mandates for RCRA inspectors appeared to only cover EPA employees. Now, with the issuance of this Memo, it would appear that the training mandates are expected to apply to a far larger audience, including state employees. What, exactly, are the training requirements that EPA is mandating for state employees, and who is the intended target group? Is it EPA's position that these mandates apply to all state inspectors, including those working in states that have RCRA authorization, or just to those working in states lacking an authorized program? For the purpose of clarity, can you identify for us the source of EPA's authority to mandate such training for state employees?

The origins of this training program appear to come from EPA Order 1440, dated July 12, 1981, and the EPA OSWER Integrated Health and Safety Policy, dated August 16, 1988. Are these still current policies? Have they been superseded by OSHA 1910.120 or other health and safety policies? Are there other key policies or memos which would help to define this program or its implementation strategy?

The participants during NEWMOA's February call provided overviews of their state's health and safety training activities for RCRA inspectors. It appeared from this review that none of the northeast state agencies was aware of EPA's mandate prior to our conference call. The state programs have all, to varying degrees, attempted to comply with the mandates identified in OSHA 1910.120,

but none of them has developed a unique training program for RCRA inspectors. We are concerned about why this training mandate has not come to our attention before now, over 25 years after the program's initial adoption. We are also interested in whether the training requirements under 1910.120 satisfy all of the training requirements specified under EPA Order 3500.1. If not, what specific additional courses or activities must be added to the states' current programs, in order to ensure full compliance?

The topic of credentials and credentialing qualifications was raised in the Memorandum. Does EPA require completion of specified training courses prior to approving the issuance of future credentials to state staff? If so, what are those courses? Are there potential instances where state inspectors who wish to perform a RCRA inspection may be blocked if they do not have the approved EPA credentials?

NEWMOA's member states consider the health and safety of their employees to be a top priority, and they want to ensure that they are complying with EPA's requirements for health and safety training for RCRA inspectors. To that end, we would greatly appreciate answers to these questions and concerns.

NEWMOA is a nonprofit, nonpartisan interstate association that has a membership composed of the hazardous waste, solid waste, waste site cleanup, and pollution prevention program directors for the environmental agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NEWMOA was established by the Governors of the New England states as an official regional organization to coordinate interstate hazardous and solid waste, pollution prevention, and waste site cleanup activities, and was formally recognized by the U.S. Environmental Protection Agency (EPA) in 1986. NEWMOA's mission is to develop, lead, and sustain an effective partnership of states that helps achieve a clean, healthy, and sustainable environment by exploring, developing, promoting, and implementing environmentally sound solutions for:

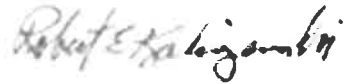
- Reducing materials use and preventing pollution and waste,
- Properly reusing and recycling discarded materials that have value,
- Safely managing solid and hazardous wastes, and
- Remediating contaminated sites.

The group fulfills this mission by providing a variety of support services that:

- Facilitate communication and cooperation among member states, between the states and the U.S. EPA, and between the states and other stakeholders;
- Provide research on and evaluation of emerging issues, best practices, and data to help state programs maximize efficiency and effectiveness; and
- Facilitate development of regional approaches to solving critical environmental problems.

Thank you for the opportunity to comment on this important topic. Please contact Terri Goldberg, NEWMOA at (617) 3678558 x302, tgoldberg@newmoa.org if you have any questions about this letter.

Sincerely,

A handwritten signature in black ink, reading "Robert Kaliszewski". The signature is written in a cursive style with a large initial "R" and "K".

Robert Kaliszewski, CT DEEP
NEWMOA 2016 Chair

