



# The Case of a State Government EMS Program

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# Presentation Overview

- ◆ Accomplishments
- ◆ Problems/Remaining Issues
- ◆ Future direction

# Accomplishments

- ◆ Capacity Building - External Efforts
  - EMS guidance for small-to-medium sized organizations (available in spring 2002)
    - ◆ STEP 1: The Basics – focused on understanding the EMS concept and building support from management
    - ◆ STEP 2: EMS Development and Implementation Guide – focused on the fundamental steps of developing and implementing an EMS
    - ◆ STEP 3: EMS Template – focused on providing the tools necessary to efficiently develop and implement an EMS

# Accomplishments

## ◆ External Efforts (cont.)

- Developed sector focused P2/compliance and environmental assessment manuals to complement the generic EMS guidance
  - ◆ Metal Finishing
  - ◆ Electronics and Computer Industry
  - ◆ Printing Industry
  - ◆ Health Care
  - ◆ Food Processing Industry
  - ◆ Wood Furniture and Fixture Industry

*These documents can be found at  
[www.dec.state.ny.us/website/ppu/p2pub.html](http://www.dec.state.ny.us/website/ppu/p2pub.html)*

# Accomplishments

- ◆ External Efforts (cont.)
  - Workshops – metal finishers, health care facilities, and state agencies
  
  - Strategic Goals Program for Metal Finishers – has an EMS component

# Accomplishments

- ◆ Capacity Building - Internal Efforts
  - Introductory EMS Training for:
    - Enforcement Attorneys
    - Program Attorneys
    - Regional Attorneys
    - M2P2 Coordinators
  - Need to continue these efforts and expand effort to reach out to our environmental quality divisions (i.e. air, water and waste)

# Accomplishments

- ◆ EMS use in enforcement actions
  - Example - Department of Correctional Services (DOCS) Consent Order
  - Consent Order set forth:
    - Initial EMS training by NYSDEC
    - Key elements that EMS must address
    - Phased schedule to implement EMS
    - Requires monthly update summaries to be submitted
    - NYSDEC evaluation upon completion

# Accomplishments

- EMS at NYSDEC
  - Received initial support from our executives
  - EMS will be focused on maintenance operations
  - Initial goal is to implement a pilot EMS at one of our regional maintenance centers



# Problems/Remaining Issues

- Facilities unwilling to request assistance
  - Uncertain how DEC staff will deal with identification of a violation
  - Fear of incurring penalties
  - Prevalent Department practice - an inspector must act on any violation in the enforcement process
  - No policy or guidance to develop a more certain understanding between inspectors and facilities

# Problems/Remaining Issues

- No policy for using EMS in enforcement
  - Difficulty in developing a policy/model that will ensure enhanced environmental performance
  - Belief by enforcement attorneys that an EMS is inappropriate for penalty mitigation
    - ◆ Why should we provide penalty mitigation, the EMS itself is supposed to save money??

# Future Direction

- Develop a means to effectively provide assistance to industry
  - Can we differentiate between enforcement inspectors and staff providing assistance??
  - Develop a policy that gives industry more certainty in the way DEC will handle violations

# Future Direction

- Develop an Industry EMS Pilot Program
  - Allow both the DEC and Industry to learn
    - ◆ What is the most appropriate role for DEC?
    - ◆ What are the limits of EMS?
    - ◆ What are the benefits of EMS?
  - Show industry that the DEC can work with them in a cooperative fashion
  - Create pressure for other facilities to implement EMS

# Future Direction

- Integrate an EMS focus in our multi-media pollution prevention (M2P2) program
- Leverage the facility expertise derived from the EMS Pilot Program, by building an EMS mentoring program
- Develop an Industry recognition program that is built around EMS