



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 11 2011

**MEMORANDUM**

**SUBJECT:** Involvement of Employees and Employee Representatives in Clean Air Act (CAA) Section 112(r) On-site Compliance Inspections – Final Guidance

**FROM:** Mathy Stanislaus  
Assistant Administrator  
Office of Solid Waste and Emergency Response

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Cynthia Giles  
Assistant Administrator  
Office of Enforcement and Compliance Assurance

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**TO:** Superfund Division Directors, Regions I-X  
Enforcement Manager, Office of Environmental Stewardship, Region I  
Director, Air, Pesticides and Toxics Management Division, Region IV  
Director, Compliance Assurance and Enforcement Division, Region VI  
Director, Air and Waste Management Division, Region VII  
CAA Section 112(r) Implementation Officials in Delaware, Florida, Georgia, Kentucky, Mississippi, New Jersey, North Carolina, Ohio, South Carolina, Allegheny County, Pennsylvania, Jefferson County, Kentucky, and Forsyth, Mecklenburg & Buncombe Counties, North Carolina

The purpose of this memorandum is to issue and make immediately effective, the attached document, "Guidance for Conducting Risk Management Program Inspections under Clean Air Act Section 112(r)." This document updates and supersedes the "Guidance for Auditing Risk Management Plans/Programs under Clean Air Act Section 112(r)" of August 1999. The document includes updated EPA policy on involvement of facility employees and employee representatives in EPA and delegated agency on-site compliance inspections as provided for in Clean Air Act (CAA) section 112(r)(6)(L).

While EPA staff may already engage employees and employee representatives during CAA section 112(r) inspections, the updated guidance provides formal EPA policy in this area. Additionally, the guidance reflects the Agency's focus on inspections as a means of facility oversight, and provides additional information on CAA section 112(r) inspection procedures.

The guidance preserves Risk Management Program audits as a facility oversight option. However, audits should supplement implementing agency inspection programs and not be done in lieu of inspections.

EPA requests that state and local agencies that have accepted delegation of the CAA section 112(r) program adopt procedures similar to those contained in this guidance in their 40 CFR Part 68 inspection programs. The interim policy on involvement of employees and employee representatives in CAA Section 112(r) on-site compliance evaluations established in our memo of April 2, 2010, is hereby superseded.

If you have any questions, please contact us or have your staff contact Jim Belke, in the Office of Emergency Management, at (202) 564-8023, or Rob Lischinsky, in the Office of Compliance, at (202) 564-2628.

cc: Removal Managers, Regions I-X  
Regional Counsel, Region I-X  
CAA section 112(r) implementation officials, Region I-X  
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