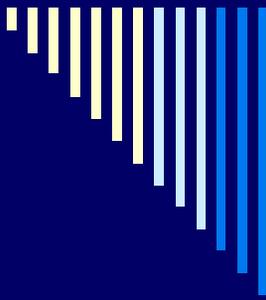


Dealing With The Regulated Community

Joyce A. Howell

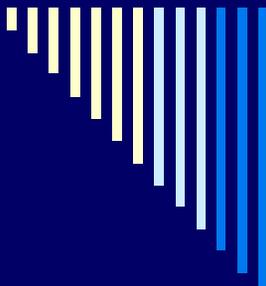
Senior Assistant Regional Counsel

howell.joyce@epa.gov



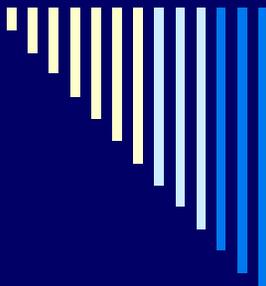
Survey Questions

- Denial of Access
 - Credentials Challenged
 - Safety
 - Hostility Race/Sex
 - Hostility/Refusal to Provide Answers
 - Interference/Distractions
 - Staged Obstructions/Unnecessary Delay
 - Lost in Translation
 - Lawyers
-



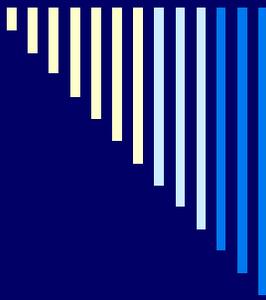
Denial of Access

I'vehad facilities refuse admittance on grounds that the owner wasn't present. Depending on my knowledge of the site, I have driven around the corner until I saw the owner drive up and followed him in.....



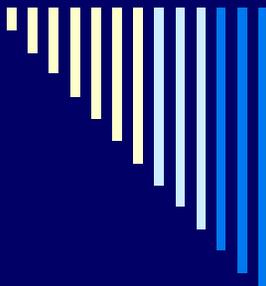
Denial of Access

- ❑ Ordered off the property
 - ❑ Threats of Violence
 - ❑ Locked premises
 - ❑ Owner not present
 - ❑ High Security
-



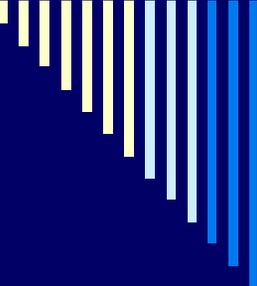
Solutions to Access Problems

- Uniform, state car, identification
 - Threat of police escort / warrant
 - Patient explanation
 - Call Owner and explain
 - Reschedule
 - Enforcement
-



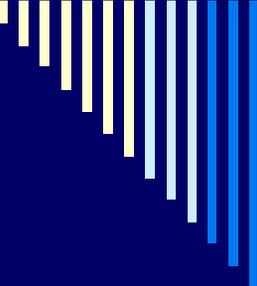
Denial of Access-Special Cases

- ❑ Bankruptcy
 - ❑ Minimum Wage employee in charge
 - ❑ High Security
 - ❑ Owner's previous bad experience w/Agency
-



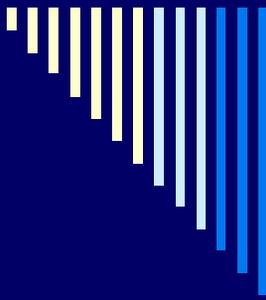
Credentials Challenged

..the state plates on the outdated vehicle
allay any misgivings



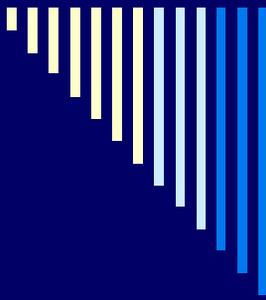
Credentials Challenged

- Prove employment
 - Prove safety training
 - Prove age
-



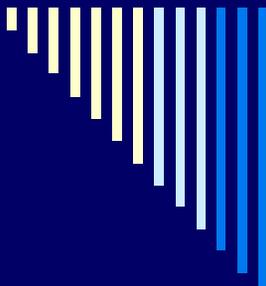
Solutions to Credential Challenges

- Business Cards, Official Credentials, State Car, Call the Office
 - Humor (“who else would have such a crappy car?”)
 - Understanding the owner’s view point
-



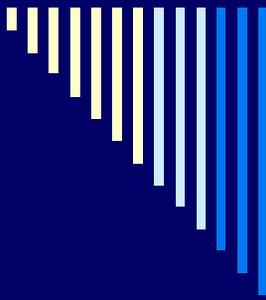
Safety

- A facility owner brought his very angry rottweiler along for the inspection. The owner looked at me with a sarcastic grin and said; “Don’t worry, she isn’t violent but a good judge of character.”
-



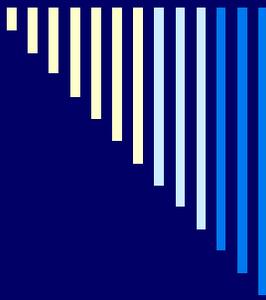
Safety

- Dogs
 - Illegal activity on site (other than environmental)
 - Won't assist (hidden hazards)
 - Site in bad neighborhood
-



Solutions: Safety

- Demand dog be secured
 - Bring a colleague
 - Get in, get out
 - Keep to the task at hand
-

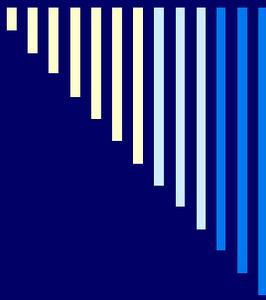


Hostility due to Race/Sex

...Manager insisted on hitting on me...

Subtle looks and comments intended to get to me

I would ask them a question and they would talk amongst themselves and then they would laugh hysterically



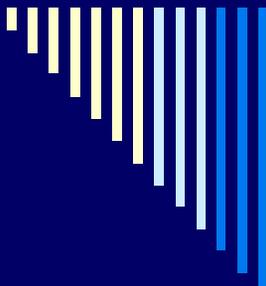
Hostility due to Race/Sex

Assumed incompetence

Unwelcome solicitation

Cultural attitude towards women

Impression of prejudice conveyed indirectly



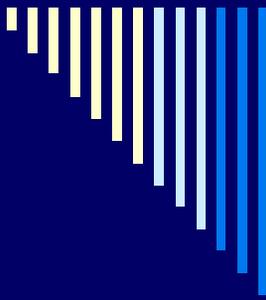
Solutions: Hostility due to Race/Sex

Go through the regulations and ask facility specific questions to convey knowledge

Set straight

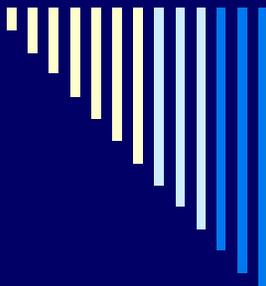
Golden rule

Ignore it, do job



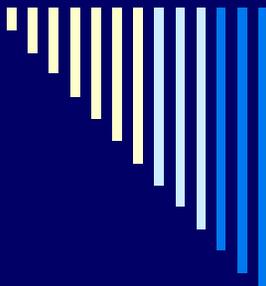
Hostility/Refusal to Cooperate

- What's a Yankee boy like you doing in Virginia?
 - One owner yelled at everybody including his family, so I just yelled back
-



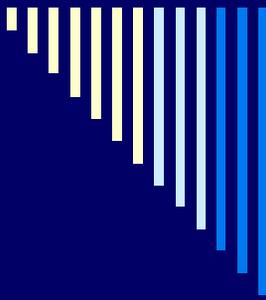
Hostility/Threats/Refusal to Cooperate

- ❑ Cultural/assume integrity questioned
 - ❑ Claim CBI/Proprietary Information
 - ❑ Verbal: threats, foul language, displays of temper
 - ❑ Threats to call politicians, supervisors
 - ❑ Challenges based on age/youth
-



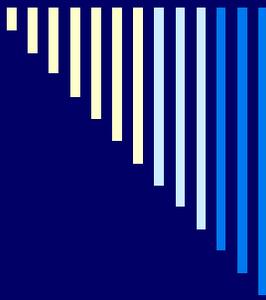
Solutions-Hostility/Refusal to Cooperate

- ❑ Stay calm. Don't elevate. Not personal. Wait.
 - ❑ Allow venting
 - ❑ 6'5" colleague
 - ❑ Demonstrate knowledge
 - ❑ Work with someone else from the site
 - ❑ Call agency supervisor
 - ❑ Police escort
 - ❑ Exit Strategy/Leave
-



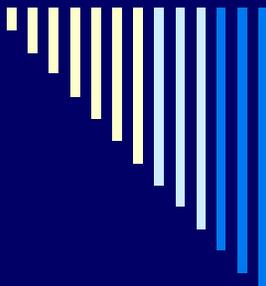
Interference/Distractions

- I've had facility operators try to talk about anything but the inspection
-



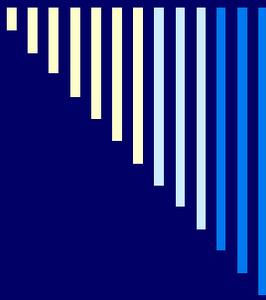
Interference/Distractions

- Talking
 - Locks
 - “Guided”
 - Hurried
 - Fishing on behalf of another facility
already cited
-



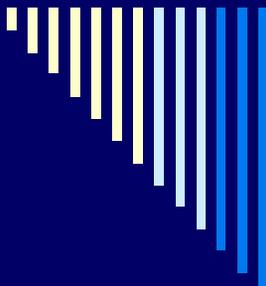
Solutions: Interference /Distractions

- Set the agenda
 - Establish a rapport
 - Lead the exchange
-



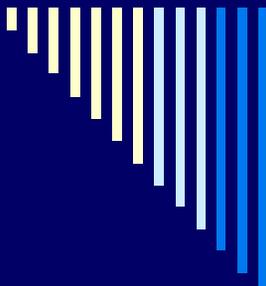
Staged Obstructions/Delay

- ❑ I have encountered lock rectifiers and tank fills to which the owner cannot find a key. So I helpfully offer to cut off the lock with my handy bolt cutters.
 - ❑ We once had a hospital announce our presence over the intercom.
 - ❑ After 10-15 minute delay, upon questioning facility confessed it was because they were getting their storm water pumped out of their secondary containment
-



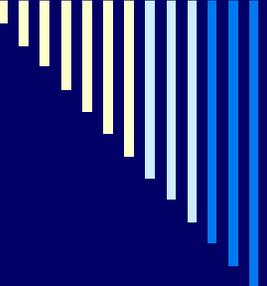
Staged Obstructions/Delay

- Locks
 - Car with 4 flat tires over sump
 - Manager or records off-site
 - Contacting corporate
 - Material dumped in front of access way
 - Attempt to fill out a month of inventory while inspector standing outside office
-



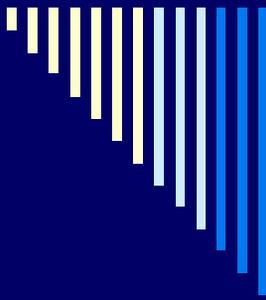
Solutions: Staged Obstructions/Delay

- ❑ Persistence
 - ❑ Return (don't want to put a min. wage employee on the spot)
 - ❑ Written request
 - ❑ Warning letter/enforcement
 - ❑ Keys/tools
-



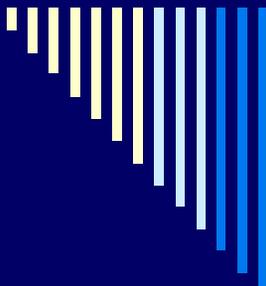
Lost in Translation

- I can't tell how much of this is genuine, and how much this is bluff.
-



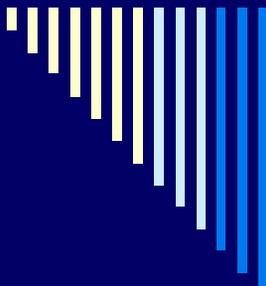
Lost in Translation

- Ability to understand/speak English decreases as emotion increases
 - Interferes with inspector's ability of conduct the inspection
 - Daily issue
-



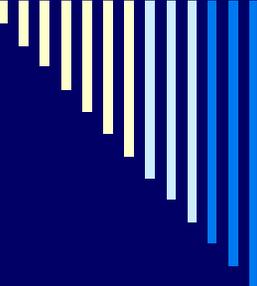
Solutions: Non-English Speakers

- ❑ Get a relative to interpret
 - ❑ Keep it short and sweet
 - ❑ Knowledge to run a business = knowledge to comply
 - ❑ Leave a number for follow-up questions
 - ❑ Wait for another type of exchange, watch ability to communicate with customer, talk on phone
 - ❑ More common with operators, not owners?
-



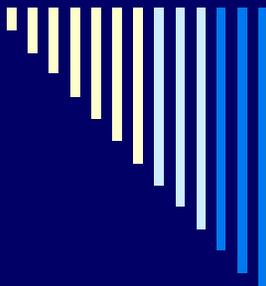
Lawyers

- On follow-up inspections I have had the facility send their lawyer with me on inspection. I tend not to talk to him and ask questions of the employees directly, not through him.
-



Lawyers

- They do talk a lot!
 - Intimidate/heightened consciousness
-



Solutions-Lawyers

- Bring yours
 - Do not engage
 - Stay within scope of inspection
 - Discern between your area of expertise and anything else
-