



## Who Regulates What and Why

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It'd be nice, in an isolationist kind of way, if you could run your business without having to deal with all the regulators. But your business affects others. When you spray paint, you expose your neighbors to solvents and particulates. When you wash cars, the water eventually goes into other people's source for drinking water. The waste you dispose of incorrectly contaminates my well water. The employee who develops asthma from isocyanates, so can't work anymore, is my cousin.

Most businesses (but not all) try to operate responsibly, without harming others. Because the hazards from chemicals are often not obvious for years, even good people can create harm inadvertently. The regulations we have – for better and for worse – provide guidance for the good folks and penalties for the bad. Because they were developed independently, on all levels of government, we end up with a hodge-podge to deal with.

**EPA (Environmental Protection Agency)** oversees environmental regulations on a national level. If something has the potential to leave your facility as waste, in water, or in air, EPA takes the lead. EPA has given authority to the state (the MPCA) to monitor and enforce its requirements. We're most likely to see an EPA inspector if there's a new requirement (such as the NESHAP 6H for body shops), and the agency wants to monitor how well companies are coming into compliance, or when the EPA does inspections to check up on the state.

In Minnesota, the **MPCA (Minnesota Pollution Control Agency)** handles all air quality issues. It's given authority to the seven metropolitan counties to oversee hazardous waste. And it's given authority to the Metropolitan Council – Environmental Services, to oversee discharges to the sewer system. Away from the metropolitan area, the MPCA is the regulator.

Those companies in the metropolitan area probably know their county hazardous waste inspectors. Businesses outside that area see fewer inspections.

As soon as chemicals are moved from one place to another, **DOT** gets involved. The U.S. Department of Transportation has authorized both Mn/DOT and the Department of Public Safety to enforce these requirements. If you ship hazardous materials (example: you authorize the shipment of a drum of hazardous waste) or receive hazardous materials, you're subject to DOT requirements. MnDOT also gets involved if you are towing vehicles.

If the issue affects people who work for you, **OSHA (Occupational Safety and Health Administration)** takes the lead. OSHA doesn't care what's disposed of where, or what pollutants go out your spray booth stack. But the agency does care that you have a good spray booth, because that protects employees. In Minnesota, federal OSHA has granted its authority to MnOSHA. Cross the border into Wisconsin, and you'd deal with federal OSHA.

That's not all. Minnesota has adopted various codes, the Electrical Code, building codes, the Fire Code. These have the aim of keeping the emergency responders unemployed – if your building doesn't collapse or go up in flames, the emergency responders will be out of work. While these are adopted statewide, enforcement is a local matter. We see huge differences from one city to another. The bigger cities usually have fire inspectors or a fire marshal, who routinely inspects both new and existing buildings. The fire inspectors look for many of the same problems OSHA looks for (logically, as many of OSHA's standards are intended to prevent the same kind of disasters the fire code aims to prevent. In fact, many OSHA standards were originally based on fire and electrical codes). Rural areas may never see a fire inspector, and their cities may provide little to no guidance on fire code requirements.

Just in case that's not enough, if you're in Minneapolis, you have your own hazardous materials requirements. Minneapolis wants its firefighters to know what they're getting into, so they require a hazardous materials permit for the high hazard shops, such as collision and mechanical repair shops.

You could, therefore, be inspected by:

- the EPA (but that's uncommon)
- the MPCA for air quality problems (rare) or to check on how your county inspector is doing or hazardous waste for any shop outside the Twin Cities metro area
- Minnesota OSHA, for worker safety and health issues (possible)
- MnDOT for transportation issues (unlikely, unless the agency is auditing the waste hauler you use)
- the Metropolitan Council – Environmental Services for water discharge concerns (likely only if you have a car wash that discharges to the sewer)
- County hazardous waste inspectors (common)
- City fire inspectors (depends on where you're located)

In general, programs that are enforced on the lowest level (such as county hazardous waste inspectors) have the highest level of enforcement and, we believe, the fewest penalties. If EPA gets involved in a case, the costs start rising rapidly.

We've highlighted the primary regulators you have to deal with from an environmental, health and safety standpoint. All of these agencies have information and resources available on compliance issues. AASP-MN can also serve as a source of information on the regulations.

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| <p>This article is intended to provide general information (not advice) about current safety topics. If you have questions about safety or environmental regulatory compliance, contact CHESS at 651-481-9787 or toll-free at 877-482-4377 to discuss your specific concerns and how CHESS may help.</p> |
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