



# Management Policy, Employee Notification, Plan Scope, and Planner Ethics

Toxics Use Reduction Planners'  
Continuing Education Conference

April 3, 2014

# Overview

1. Introductions
2. MassDEP findings from plan reviews
3. Exercise & discussion
4. Planner ethics & planner dilemmas

# Management Policy

## The Management Policy Must Include:

- How facility encourages TUR
- Policies that encourage or discourage TUR
- Other optional information e.g. role of TUR in
  - hiring, promotion
  - R & D
  - capital investment decisions

## MassDEP Observations

- Policies that encourage TUR often missing
- Optional information rarely present

# Scope (completed at the END of the process)

## The Scope Must Include:

- Production unit descriptions – process, product, unit of product, chemicals
- Options identification Process
- Options identified
- Options disposition & implementation plan
- Projected changes in use & byproduct by production unit and chemical

## MassDEP Observations

- Elements usually present, not always in one section
- Missing projected use & byproduct change

# Employee Notification

## The Notice Must:

- Happen by January 1 of Planning Year
- Identify Production Units
- Describe Planning Requirements
- Solicit TUR suggestions
- Be Described in Plan

## MassDEP Observations

- Not always timely
- Missing planning criteria
- Facilities usually just post a notice

# Exercise

1. Read the case study
2. Review one of the following:
  - Management policy
  - Plan scope
  - Employee notification
3. Propose improvements
  - How to make the plan element fully TURA compliant?
  - Other improvements that go beyond compliance?

# Management Policy – What would you change?

“We, the management of Acme Electronics, aim to produce the highest-quality electronic products while minimizing emissions of toxic materials. In this effort, our highest priority will be the pursuit of cost-effective pollution control mechanisms to protect the environment around us. It is the policy of Acme Electronics that emissions reduction is a core element of our business plan and should be incorporated into all company projects.

We encourage all employees to forward their suggestions for helping to reduce our emissions. Financial incentives will be available to employees whose pollution control suggestions are accepted.”

# Answer Key – Statement of Management Policy

**1. Does this management policy include the minimum elements required under TURA? Why or why not?**

- No, this management policy does not fulfill the minimum TURA requirements.
- It does not describe the ways in which the company encourages toxics use reduction.
- It does not describe policies encouraging toxics use reduction.



# Answer Key – Statement of Management Policy

## 2. How would you revise this statement of management policy to comply with TURA?

- Revisions should include:
  - Replace the references to emissions and pollution control with wording related to toxics use reduction.

# Answer Key – Statement of Management Policy

**3. What other improvements could you suggest to increase the value of this management policy?**

– Other improvements could include:

- Add information about how this statement of management policy relates to other company policies, or incorporate this statement of management policy into any existing company policies on social and environmental responsibility.
- Make links to the company's approach to research and development, capital investments, hiring, promotions, or other factors.

# Scope – What would you change?

## Acme Electronics TUR Plan Scope

### Production Units

- #1 Circuit board assembly

### Chemicals

- Acetone (67641)
- n-propyl bromide (106945)

### Process for identifying TUR options

- Hired outside consultant

### TUR options to be implemented

- None (listed chemicals are essential to meet product quality specifications and customer requirements).

# Answer Key - Scope

## 1. Does this plan scope meet the TURA requirements? Why or why not?

- No, this plan scope does not fulfill the TURA requirements.
  - It does not identify the unit of product
  - It does not make clear which chemicals are associated with each production unit.
  - It does not describe the process used to identify TUR options (e.g. literature review, consultation with vendors & production staff, requesting information from TURA program agencies).
  - It does not describe the process by which techniques were evaluated for possible implementation.

# Answer Key - Scope

- See completed sample scope.

# Employee Notification – What would you change?

Pursuant to MGL 21I, The Massachusetts Toxics Use Reduction Act, Acme Electronics will be preparing a toxics use reduction plan. Please offer any ideas you may have to either your supervisor or myself. You may do so verbally, or preferably, in writing.

- Plant Manager, March 1, 2014

# Answer Key – Employee Notification

## 1. Does this Employee Notification meet the requirements of TURA? Why or why not?

- No, this Employee Notification does not fulfill all the TURA requirements.
  - It is dated March 1, 2012. The Employee Notification must be issued by January 1.
  - It does not list the specific plan requirements and criteria.
  - It does not identify the toxic chemicals and production units included in the plan.

# Answer Key – Employee Notification

## 2. How would you change the employee notification to meet the TURA requirements?

- Changes should include:
  - Post the notification by January 1.
  - List the specific plan requirements and criteria;
  - Identify the toxic chemicals and production units included in the plan.



# Answer Key – Employee Notification

## 3. In what other ways could you increase the likelihood of getting useful input from employees?

- Add statement: The management welcomes any and all ideas from employees to reduce or eliminate the toxic chemical(s) that we use in our facility.
- Add statement: We also solicit volunteers to serve on our toxics use reduction planning team.
- Distribute the information with paychecks in addition to posting in cafeteria.
- Put comment boxes in easily accessible areas.
- Announce a brainstorming meeting and ask management to provide leave time for shop floor workers to attend.
- Announce an incentive or prize for the best TUR ideas.

# Planner Ethics

- Planners are responsible for assuring that TUR plans are complete and meet all the requirement of the law.
- Planners also work to promote the broader goals of TURA:
  - Protecting environment & public health
  - Keeping MA businesses competitive
  - Using TUR to enhance compliance with other laws

# Planner Ethics

- Liability:
  - The planner's contractual liability is to the corporation as a whole, not to individual employees supervising the planner's work.
- Employee protection for TUR planners:
  - If you are an employee of the corporation whose plan you are developing, you have legal protection against on-the-job discrimination.

# Preparing Plans

**When preparing plans, the planner must:**

Use good engineering practices

Use standard accounting practices

Plan in good faith

# Reviewing Plan



# Certifying Plans

**When certifying a plan the planner must:**

Use independent professional judgment

Make good faith effort to identify relevant data

Maintain records of procedures used to review plan

Disclose conflicts of interest

# TUR Planners Association (TURPA) Code of Ethics

<http://www.turpa.org/CodeOfEthics/CodeOfEthics.html>

**What do you do if ....?**



1. You are working with (or you are a staff member at) a company that is unwilling to incorporate TUR into its management policy. How should you respond?

2. You are working with a company that forgot to do its employee notifications in January. The company did distribute employee notifications with paychecks in March.

3. You are a general planner working as a consultant. You get a call from a company on June 15<sup>th</sup> of a planning year. The company has not yet started its TUR plan, and would like you to do a complete plan for them by July 1<sup>st</sup>. How should you respond?

4. You are responsible for developing a company's TUR plan. The company is not devoting enough time to the process, and wants to shortcut the number of meetings. You are concerned this will lead to a poor planning outcome. How can you motivate the company to devote the necessary time to the planning process?

5. You are an in-house planner working at a biotech firm. Each time your team generates a new idea for toxics use reduction, someone tells you it is infeasible because there is a need for a lengthy validation process to get FDA approvals. What can you do to help your company make progress and get beyond this barrier?

6. You are an in-house planner working at a manufacturing facility. You are trying to lead a high-quality process, but you have not had access to much person-power within the facility. The plan is due in a few months, and you feel you are essentially on your own in the planning process. What can you do to improve the situation?

7. You are a staff member at a facility that has submitted essentially the same plan every two years for the past five planning cycles. How can you reinvigorate the process and ensure it is meaningful?



Thank you!





# Additional Slides

# Core Principles

- Good faith & reasonable effort
  - Document your good faith efforts!
- Standard engineering practices
- Standard accounting practices
- Current business decision making practices
- Building TUR planning into business practice