



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

Toxics Use Reduction Planners'
Continuing Education Conference

November 20, 2013

Overview

1. Core principles
2. Key requirements: statement of management policy, plan scope, and employee notification
3. Exercise & discussion
4. Planner ethics & planner dilemmas

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

Management Policy

The Management Policy Must Include:

- How facility encourages TUR
- Policies that encourage 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

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 Criteria (Requirements)
- Solicit TUR suggestions
- Be Described in Plan

MassDEP Observations

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

Exercise

- Read the case study.
 - Feel free to add more hypothetical information (e.g. ISO certification, other factors that interest you)
- Critique the sample statement of management policy, plan scope, and employee notification.
- Propose improvements.
 - How to make the plan element fully TURA compliant?
 - Other improvements that go beyond compliance?

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.

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, brainstorming, 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.

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 should:

Use good engineering practices

Use standard accounting practices

Plan in good faith

Reviewing Plan



Certifying Plans

When certifying a plan the planner should:

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 TURA 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. (Or alternatively: You have just been hired at a company that needs to complete a TUR Plan this year. It is February, and you notice that the company has not yet done its employee notification.)

3. You are a general planner working as a consultant. You get a call from a company on June 15th 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 1st. How should you respond?

4. You are a general planner working as a consultant. You are setting up a contract to work with the company on its TUR planning process. It is September now, so you have plenty of time before the July 1st deadline. However, you are concerned that the company representatives you've been meeting with do not seem to have much data about their company's processes and costs, and they seem to be very busy and distracted. What can you do to make sure they stay on track to develop a good TUR plan?

5. You are working with a company as an outside consultant. 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?

6. 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?

7. You are a general planner working as a consultant. You have arranged a series of six meetings with a team at the company. However, you have now had two of the six meetings, and only one person from the company has showed up. You are finding that the planning process can't be effective without more participation. What can you do to improve this situation, or to avoid similar situations in the future?

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

9. You are an in-house planner working at a manufacturing facility. You are responsible for TUR planning as well as for production work. You have a lot of responsibilities and TUR planning sometimes just feels like an extra responsibility. What can you do to ensure that TUR planning remains a priority for you and your colleagues, and that it remains a meaningful process?



Thank you!