

Message

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To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
Subject: ACC statement on EPA enforcement discretion
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This went out from the CEO. Happy to answer questions anytime.

<https://blog.americanchemistry.com/2020/03/epas-temporary-enforcement-discretion-policy-provides-important-flexibility-to-manufacturers/>

EPA's Temporary Enforcement Discretion Policy Provides Important Flexibility to Manufacturers

by [Chris Jahn](#) | March 28, 2020



U.S. Environmental Protection (EPA)'s decision to grant [temporary enforcement discretion](#) will provide manufacturers with additional time to complete administrative requirements such as regulatory filings and allow inspections to be rescheduled after workforce shortages, travel and movement restrictions no longer present uncontrollable challenges to compliance.

This short term measure is needed because essential personnel and resources must be devoted to maintaining production and meeting increased demand for vital chemical products such as sanitizers, disinfectants, and plastics for consumers, governments and the health care community.

While some manufacturing plant personnel have been designated as essential to allow for continued operations, the vast majority of other company employees are subject to telework requirements, travel restrictions and stay-at-home orders consistent with Centers for Disease Control and Prevention (CDC) and local or state government requirements. Because of this, many administrative activities such as regulatory filings and inspections simply may not be feasible during this period.

The principle of providing flexibility in meeting regulatory requirements goes back decades and was invoked in the aftermath of Hurricane Katrina, an event equally as unique and unprecedented as what the United States faces today from COVID-19. Any company in need of this flexibility will be required to fully document and submit to EPA a rationale and plan to resolve any outstanding regulatory requirements.

All ACC members are committed to safe and responsible operations, and agree that enforcement discretion should only be sought when absolutely necessary. We, like all other Americans, look forward to the time when the risk to our employees and communities has passed and such flexibility and discretion will no longer be needed.

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