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Introduction

In today's world, environmental regulations touch nearly everything we do from raw materials storage to waste disposal. There are over 15,000 pages of laws and regulations that we must know and understand. Working with government officials as we try to interpret and comply with the regulations can be frustrating. In order to be effective in working with the different government entities, we must build trust and understanding between our business and them. Such trust and working relationship can result in the opportunity to influence policy and regulations. It can result in a more favorable relationship when negotiating permit conditions and enforcement issues. Building such trust starts with open and honest communication between the company and government personnel.

Background

Both state and federal environmental agencies are emphasizing enforcement of regulations, seeking funds for clean up and collecting penalties more every year. For example, as detailed in the February 2001 issue of "Clean Air Permits, Manager's Guide to the 1990 Clean Air Act":

1. BP Amoco agrees to pay a \$10 million penalty and install new equipment at a cost of \$650 million.
2. Archer Daniels Midland is to pay a \$1.4 million penalty and install new pollution control equipment for \$3.0 million.
3. Koch Petroleum Group agrees to a \$4.5 million penalty and to spend \$80 million on pollution control equipment.
4. Cinergy (utility) is to spend \$1.4 billion on pollution control equipment and has agreed in principle to pay \$8.5 million in penalties.

From the "Environmental Compliance AlertTM" newsletter dated February 26, 2001, pages 1-2, there is a discussion of the increased enforcement activities by both the state and federal government. "The number of inspections is skyrocketing, growing by nearly 20% per year.

"*Result:* Facilities spent a whopping \$2.6 billion to settle enforcement citations to repair old problems, expand emission control and monitoring programs, remove asbestos, clean up groundwater, and meet everyday hazardous handling and disposal rules.

"When you add in the formal court orders and criminal citations, the agency set another record – over 6,000 enforcement actions.

"Increasingly, managers, owners and CEO's are finding themselves in jail for allowing employees to violate environmental rules. The number of people charged in criminal EPA cases jumped from 322 to 360 last year. Sentences for those convicted totaled 146 years in prison."

It does not sound like it will get any better under Pres. Bush. Again, as quoted in the "Clean Air NewsTM" January 5, 2001, pages 1-2, "Brace yourself for tougher air regs from the new administration in Washington DC.

"*Reason:* Contrary to what you have heard, George W. Bush is likely to continue the crackdown on emissions started by his predecessors. . . .

"And lest you think Bush will ease up on other air pollution regs, take note: EPA powers usually increase when a Republican occupies the White House. . . .

"And during the campaign, Bush called for strict enforcement of current environmental regs, especially at the state level."

We are seeing a continued proliferation of new regulations and policies. Examples include new requirements for reporting toxic pollutants, increasing access to company environmental information being provided by EPA to the public, establishing a Total Maximum Daily Load program for water quality basins, the second phase of storm water controls, new haze control rules, and nutrient management planning that will directly affect farming practices.

As quoted in the February 2001 issue of "WE&T, Water Environment and Technology", page 27, "The U.S. Environmental Protection Agency (EPA) soon will publish a final technical guidance for managing agricultural sources of nonpoint pollution. The guidance, *Management Measures to Control Nonpoint Source Pollution from Agriculture*, is intended to provide technical assistance to state, local and tribal managers implementing nonpoint source (NPS) pollution management programs. . . .

"EPA said that although significant strides have been made in reducing the effects of discrete pollution sources, aquatic ecosystems remain impaired, primarily due to complex pollution problems caused by NPS pollution. The most recent national water quality inventory shows that, as of 1996, nearly 40% of surveyed waters in the United States remain too polluted for fishing, swimming, and other uses, according to EPA."

Now note what EPA identifies as the main causes of this problem, "The leading causes of impairment are sediment, nutrients, metals, oxygen-depleting substances, and bacteria, the agency said.

Agriculture, including crop production, pastures, rangeland, feedlots and animal operations, is listed as a source for 70% of impaired river miles surveyed in the United States."

This is a broad indictment of agriculture practices that affects almost anything we do from planting, harvesting and processing our crops. Please note that the state and local agencies will generally use EPA guidance as though it were regulation.

With this background we need to educate state and local regulators as best as possible about what really happens on a sugar beet farm and how their actions affect us. We can work with them to try to implement policies and programs based on specifics as opposed to a "one size fits all" mentality. It takes work to accomplish this.

The following are some suggested steps that can be taken to develop and implement a plan:

1. Demonstrate a commitment to comply with the law. This includes identifying responsibilities, training personnel and holding them responsible for compliance with the law. Having a company environmental policy and environmental management system in place. Conducting audits to ensure compliance. Responding quickly to problems and keeping the state notified of the problem and what is being done to correct it. Keep them informed!
2. Regular contact with the agencies helps build trust, understanding and prevents surprises from the agency. Regularly scheduled meetings to go over issues and review upcoming agency activities is useful. Calling the agency from time to time also promotes good communications. Asking for their

appraisal on how you are doing and what can be done to improve is also a way to prevent violations and find areas that need improvement.

3. Getting to know the personnel you work with and their supervisors is important in understanding how different individuals work. Even though there may be standard regulations and policies individuals frequently interpret and enforce them differently. Take time to just visit with the staff and managers to determine their personalities and how you can work with them effectively. Find out a little about themselves and their interests. Treat them as you would a good customer. However, be careful about taking them to lunch or dinner when you pay. Some states have laws prohibiting public employees from accepting any gift, including meals. Other employees just do not want to feel compromised by having someone pay for meals. Be respectful of their decision. I have taken state employees to lunch from the same agency and one did not want me to buy them lunch while the others in the group felt it was fine.
4. Attending meetings where government employees will be is a good way to establish useful contacts, visit one on one with agency staff and make yourself known to them. It does not matter if the meeting itself is particularly interesting if there are several agency staff with whom you can visit. Such meetings are helpful in finding what the agencies are doing and what their plans are for the future.
5. Participating with organizations that influence decision-making provides a source of information regarding agency policies, staff and upcoming rule making. You can also compare common issues that others may be having with the agency and what they have done to resolve those issues. It provides the opportunity to provide comments to the agency as part of a larger group that has more influence. Chambers of Commerce will frequently have environmental committees on which you can seek to have membership. There are also a variety of air, waste, and water organizations you can belong to as well as state and local organizations.
6. Solve problems at the lowest level possible in the organization. No one likes someone to go over his or her head all the time. Be careful about picking those issues that may need higher level discussions. Staff and managers both will appreciate your willingness to work things out at the staff level.
7. Knowing when it is necessary to "go over someone's head". An effective plan will include keeping local elected officials and legislators informed as to your efforts to comply with the regulations and working relations with state government. Taking the opportunity to participate on agency sponsored planning teams and boards helps in building credibility and trust. It also gives the company the opportunity to learn of emerging issues and state philosophy. As we have done these things we are experiencing greater cooperation from the states, have an avenue of raising issues with those who can make a difference and are developing helpful new contacts both inside and outside of government.

Conclusion

It takes planned and thought out actions to have good relationships with governmental agencies. Improving relationships does not imply giving in to the agencies all the time, but rather developing effective relationships where we can voice our concerns and be heard. The effort is well worth it, especially at those times when we need the agencies' understanding and support.