Scott Fowler

This episode of the Case for Safety Podcast is sponsored by Grainger. Hello everyone, and welcome to the Case for Safety Podcast. I'm your host, Scott Fowler. I appreciate you being with us today. We're gonna be talking about the E and EHS. quick question for everybody listening. Think about how you got into safety. Somebody handed you a hard hat, somebody handed you a copy of 1910, and at some point somebody put the letters E, H, and S on your business card.

My theory is that most of most of you learned two of those three letters on the job and just sort of hoped nobody would ask about the first one. that's what we're gonna be focusing on in this episode. The E in E-H S, Environmental, the half-year title that nobody trains you for, that is already sitting on your desk, and that changes about four times faster than anything OSHA does. I've got two people here spend their whole week in this and excited to be talking to them. the first is Kevin Weaver.

Kevin is VP of EHS strategy at US compliance. Kevin, welcome.

Kevin Weaver

Scott, thanks for having me. Fair warning to your listeners, I'm gonna say the words tier two several times in the next half hour and I need everyone to stay with me. It gets better, I promise, it gets better.

Scott Fowler

Appreciate the heads up. and my other guest is Connor Moran. Connor is a field safety professional with Granger, which means he is on plant floors constantly. Connor, how many sites do you think you've walked in the last year?

Connor Moran

Honestly, Scott, I've stopped counting. It's quite a bit. So and the thing about walking that many sites is you start to see the same five problems over and over and in different buildings, in different states, and certainly at different companies that have no idea they have anything in common.

Scott Fowler

It's a perfect setup for you know, why we're talking about this and you kinda setting the co foundation for our conversation. You know, three reasons this matters and I'll get that out of the way. You know, one, this is already your job, whether it's assigned to you or not.

Two, environmental rules move fast enough that something you knew for certain a year ago is be wrong today. And three, the second year company adds a second site and a second state. This stops being a knowledge problem and becomes a completely different kind of problem. So we're gonna be hitting all three of those today. And we're gonna end with, you know, what you should actually be doing between now and January as we wrap up the year because reporting season is coming, whether you're ready or not. So Kevin, start me there. Is something

Say, you know, somebody has been doing safety for eight years. You know, they're good at it. They've never touched an environmental program. You know, why should they care? Why should why this why is this important?

Kevin Weaver

Well, lots of good reasons, but it's the fastest promotion available to them that doesn't require changing jobs. Look, safety is where you earn credibility on the floor. That is real and matters. But environmental is where you were earned credibility in the conference room. Permits, penalties, insurance, due diligence, customer audits. That's CFO language. The safety manager who can walk into the room and say, This is our exposure across all six sites. Here's what it costs. Here's what we're doing about it.

That person's not a safety manager, that's an EHS leader.

Scott Fowler

Right. Is there going along with that, is there a version of that that's, you know, just more work for the same paycheck?

Kevin Weaver

Sure, if you let it be. But here's what I'm watching across mid market right now. Companies are consolidating EHS roles, not expanding them. Three site level coordinators become one regional EHS manager. The person who gets that job is the one who can speak to both halves. The person who only does safety is the one explaining why they should keep their role.

Connor Moran

So I will back that up from the field, Kevin. So the safety people who have the most pull inside of their own companies are almost always the ones who understand what happens after the waste leaves the dock. Again, it's not because it's glamorous, because it really is not, but it's because nobody else in the building knows what's going on and where it goes and how it's done.

Kevin Weaver

That's the whole thing. It's not that environmental is more important than safety. It's that being the only person in the building who understands it is a very good place to stand.

Scott Fowler

Let's make this a little more concrete. Think about the typical manufacturing site. You know, what ad what environmental stuff is already, you know, the safety manager's problem, you know, whether or not anybody actually told them that.

Kevin Weaver

More than they think, and off the top of my head, tier two chemical inventory reporting coming up, the SPCC plan, which somebody wrote in a binder and nobody's looked at since, hazardous waste determinations, container labels, accumulation start dates, stormwater inspections, the annual report, air permit deviation logs, and TRI applicability, which I'd guess sixty percent of sites have never formally evaluated. They just assume it either doesn't apply to them or it's been done in the past.

Scott Fowler

That is the usual assumption that that you found?

Kevin Weaver

And usually until production changes and nobody reruns the number when production changes or new products come in, that's how a site genuinely did not have to report last year all of a sudden can be out of compliance this year, without a single person doing anything wrong.

Connor Moran

And that list Kevin just gave at most sites I walk that is not owned by an environmental person. In most organizations, these responsibilities naturally end up with the safety manager because they're closest to the information.

Scott Fowler

Connor, that is bleak.

Connor Moran

Well, I have a very cheerful job.

Kevin Weaver

Well, that's the part I actually want people to hear because it reframes the whole thing. You know, something as easy as tier two reporting is triggered by safety data sheets. The exact same SDS library you already maintained for Hazcom. If you own the Hazcom program, and if you do, you already own the trigger for that federal environmental filing. You did not opt into it, it just came with the job.

Scott Fowler

So the argument's, you know, not necessarily to learn a new discipline, it's you know, already doing this but not doing it well, you know. But by accident.

Kevin Weaver

I would have said it more gently, but yes.

Scott Fowler

Yeah. Connor, as I mentioned at the top, you're you know, you're constantly walking these sites. You know, what are what are the tells? you know, some somebody watching or listening wants to do, you know, a lap of their own facility this afternoon. What you know, what should stop them in their tracks? What should they be looking for?

Connor Moran

Yeah, great question. So I would say you should start outside because outside is where nobody looks at live. drum sitting in the weather with no cover and no containment underneath. I would say a transformer or a bulk tank with nothing around it. Really anything stored on the bare ground that should not be. And then I'd say go to your accumulation area and look at the labels. And it's again it's not whether there is a label, 'cause everybody has labels, but whether there's a start date on it.

And whether that date makes you nervous. So satellite accumulation areas are where I find the most problems because they're convenient and convenient things get forgotten. So another one is universal waste, lamps, batteries. Every facility has a corner where those accumulate and almost nobody's tracking how long they've been there. And then the one that gets people, and I love this one, it's floor drains. So I would say at the conclusion of this this podcast. Walk your facility, walk your production floor, and ask where each drain goes. If nobody in the building can answer that, that's your afternoon.

Scott Fowler

How often is that the case? How often can nobody answer that?

Connor Moran

Honestly, probably more than half the time we're talking about this. And it's not negligence. It's just the fact that the building's seventy years old and the guy who knew where those lines ran retired in two thousand nine. So it really just follows that that retirement there.

Kevin Weaver

Completely. You know, add one to Connor's list. Go find the SPCC plan and look at the date in the front. It's been more than five years since it's been reviewed. That's a finding sitting in a binder waiting for someone to open it.

Connor Moran

And take pictures seriously. Walk your own yard the way an inspector would and photograph anything you would not want to have to explain. And again, this that is your list and it's your project plan.

Scott Fowler

Kevin, you mentioned earlier, you know, that this is a, you know, a world that moves faster today than safety regulation. What, you know, how is that?

Kevin Weaver

Yeah, and be patient with me. But let me give you three things that happened in the last twelve months. number one, EPA wrote the hazard categories for tier two reporting, so they lined up with OSHA's Hazcom standard. Final rule was published in June of 2026. It swaps roughly two dozen broad categories for 118 that come straight off section two of your safety data sheet.

Scott Fowler

Yeah. That would make life a lot easier.

Kevin Weaver

In theory it does. Eventually and genuinely good news, but two things. The compliance date is January first, 2028. So we have time before it shows up on your twenty twenty-seven report, which is actually due March first of 2028. Your report due on March first, 2027, coming up, does not change at all. So please, please do not go reclassify your entire chemical inventory a year early, because a lot of people are about to do it.

You know, number two. The Federal PFOS reporting rule under Tosca, the Toxic Substance Control Act, has now been delayed three separate times. As of right now, the reporting window opens no later than January 31, 2027, or sixty days after a revision rule EPA is not published yet. Whichever comes first, and here's the fun part. EPA has not set a closing date. So you have a firm legal obligation, an unaffixed deadline, and a pending rule that might change. Who has no report at all yet?

Scott Fowler

So with the speed with which this moves, how you know, can those folks out there plan around that?

Kevin Weaver

Yeah, that's really the question, and the scope's not small. It reaches back to anything you manufactured or reported from 2011-2022, including PFOS, inside articles you bought. That's not a compliance project, it's an archaeology project. You know, number three in this one just happened in August of 26. The DC Circuit upheld EPA's definition of PFOA and PFOS as hazardous substances under Circlaw.

A lot of companies have been sitting on their hands waiting to see if that got overturned. It did not. The posture's over and it flows straight into phase one assessments, which means now it shows up on every property assessment, every major financial transaction around the property. And so every acquisition, you're going to start seeing questions about PFOS.

Scott Fowler

Connor, yeah, Kevin just mentioned, you know, those three major changes in the last twelve months. You know, folks out there, you know, watching, listening to this that run training, do incident investigation, sits on the safety committee and, you know, has their day job, you know, how are they tracking, you know, any of those developments?

Connor Moran

Well, the thing is they're probably not. And again, I want to be very, very clear, and I do not mean that as criticism. I mean it as really an observation, again, what I see in my day-to-day role. so again, nobody with a full-time operational job is reading the federal register on their lunch break. because the pace of change makes it difficult for even very strong teams to stay on top of every development.

Scott Fowler

So what breaks first in in that case?

Connor Moran

Well, really the thing they were confident about. It's never the stuff they know, and they do not know. It's the thing they found correctly for six years running that quietly changed on.

Scott Fowler

Sure. Now I mentioned earlier about multiple sites. Let's talk a little bit more about that because you know, how does the exact same operation end up compliant in one state and out of compliance in another?

Kevin Weaver

Great question. You know, it's because it's not a scale problem. Everyone thinks it's a scale problem, right? We go from one state to many sites, more sites, more work, hire another person. But really it's a jurisdiction problem. And those don't respond necessarily to headcount. The best example I've got is PFOS in products. Minnesota passed something called Amara's Law. Initial reports were due in September 15, 2026, after the state pushed the deadline twice.

There's an $800 fee, annual reports after that every February 1st. Eleven categories of product with intentionally added PFOS have been banned from sale in Minnesota since January 1st of 2025. And that ban expands to everything in 2032. Now, all of a sudden, Maine wrote the Minnesota law and copied it. And Maine's looked at how implementation was going and eliminated their initial notification requirements entirely. Same policy goal. Opposite direction inside of eighteen months.

Scott Fowler

So basically, if you have a plan in each state you're running two different programs.

Kevin Weaver

You are running two different programs and both are moving. And here's the part that surprises people the most. Everyone assumes federal deregulation means less work. It does not.

Scott Fowler

Talk a little more about that. explain that 'cause that that seemed counterintuitive there.

Kevin Weaver

Yeah, it's not easy. Greenhouse gas reporting, great example. EPA has proposed removing the reporting obligation for forty-six of forty-seven categories. Great. Sounds less. that's enormous. In the meantime, they pushed the 2025 reporting deadline all the way out to October of twenty-six. Well, they figured out. So less work, right? Except roughly 20 states run out in their own greenhouse gas reporting that either points at the federal or uses federal data.

And several of them, California, Colorado, New York, Oregon, Washington, specifically wrote programs so a federal appeal does not touch them. So the federal program might disappear entirely. And a multi-site operator still reports just to five different agencies on five different forums with five different deadlines instead of one.

Scott Fowler

Yeah. Doesn't sound very good. Sounds like a lot of work.

Kevin Weaver

It is meaningfully worse. And if you want one more, the definition of which waters are federally regulated is still moving right now. If you've been involved with this, it's gone on for years. EPA and the Army Corps put out another proposal in September of 2026 that would narrow it further. That is the fifth or sixth swing in that direction in about a decade. You can have a stormwater program that is correct on Monday and a different question on Friday.

Connor Moran

Yeah, I mean and what I see is companies with a genuinely strong federal program, assuming that covers them everywhere. And again, in a multi-state footprint right now, of course it does not. And that gap is where I think people are going to really get surprised.

Scott Fowler

Now let's talk a little bit more of that. So you know, worst case scenario, somebody misses a filing, what happens?

Kevin Weaver

Yeah, you know, the number people quote is the penalty. And for tier two, it is a per day per violation, which is the phrase that would get your attention. it can run six figures easily on the top end. I would tell anybody listening to look up the current figure yourself rather than just a number you just heard on a podcast, including this one, because the inflation adjustment moves around all the time.

But honestly, the fine is not the interesting part. The interesting part is everything downstream of it. Your insurance underwriter asks about it at a renewal. Your biggest customer's audit asks about it. The real one, if your company ever sells, refinances, or buys another company. An unfiled report, like a tier two or an expired SPC plan, turns into a line of diligence that someone has to explain to a legal team.

Scott Fowler

And that usually lands on whose desk?

Kevin Weaver

Well, whoever signs, or whoever should have signed it and didn't. there's very limited but personal exposure in some of these filings that safety professionals generally realize they're carrying. The signature can be a big deal.

Connor Moran

Yeah, and the cost I see most often is not financial at all though. It's the safety manager sitting in a room with a site director, a plant manager, and a regulator, and then being put in a position of managing an issue you didn't know existed. So that does more damage to somebody's standing or personal brand than a fine does.

Kevin Weaver

You know, one more thing worth saying. Federal enforcement priorities shifted this year. There was a memo in March that reorganized how the EPA approaches us. Some people have read that as a quieter enforcement environment.

Scott Fowler

Is that your take, Kevin?

Kevin Weaver

Federally, maybe on a state level, I would not bet on it. Several state programs have been clear that they intend to be as active in exactly the areas where federal attention is moved. And I want to flag this as my read of the landscape, not a statistic. But if your compliance strategy is built in the assumption that nobody's looking, the people that are looking are probably just not the ones that we're watching.

Scott Fowler

Here's an important question as we think about all this, you know, bringing in help. At what point does somebody stop, you know, trying to learn this on themselves trying to st try stop trying to learn this by themselves and you know, st start getting help to make sure they're, you know, doing everything they should be doing?

Kevin Weaver

Yeah, it's good because I've got a real answer, and the first part of it's going to disappoint my own marketing. One site simple waste profile, no air permit, toxic release inventory does not apply. That's learnable. You know, full stop, a motivated safety professional with decent training and a good checklist can own that program and own it well. If that is you, go do it. You do not necessarily need anybody once you're up and going. You need about forty hours in the calendar.

Scott Fowler

Thank you for that, Kevin. Appreciate the honest answer.

Kevin Weaver

It is also true. Now, here's where it changes. The moment you have an error permit with deviation reported, or a TRI that actually applies to you, I would get help at least for the setup. Maybe not forever, but for the setup, because your first filing becomes the baseline that every filing gets compared against. And fixing a bad baseline three years later is miserable.

You know, in the real line. Three or more sites across two or more states, at that point it stops being a body of knowledge you can learn and becomes a monitoring function. You have to staff. Different rule sets, different deadlines, different portals, all changing independently of each other. One person can't hold that. Not because they're not smart enough, because it's not a knowledge problem anymore. It's a surveillance problem.

Scott Fowler

And that includes PFAs?

Kevin Weaver

If PFAs touches your products or your process in any way, get help now. Not because it's hard conceptually, but because the retrospective scope means you need to supply chain data going back to 2011 that almost nobody has this sitting around.

Connor Moran

Yeah, and the way I would put it to somebody on a plant floor is this. Ask yourself whether you are trying to learn a thing or trying to watch a thing. Learning a thing has an end and you get there. Watching a thing never ends. And if watching is not your actual job, it's going to lose to the thing that is your actual job every single time. And that's n again, not a character flaw. That's just how our weeks work.

Kevin Weaver

Yeah, that's better than how I said it, Connor.

Scott Fowler

Well said. Now Kevin, you mentioned reporting season opens in January and to those out there watching and listening that want to be ready instead of you just reacting, you know, what do they need to be doing between now and then?

Kevin Weaver

Yeah, let me give the calendar first so people can write it down. Two for the calendar year 2026 is due March 1st, 2027. Using the current categories, not the new ones. The TRI or Toxic Release Inventory for Reporting Year 2026 is due July 1st, 2027. And the Tosca PFOS window opens no later than January 31st, 2027.

Now, if you report in Minnesota, your annual PFOS report is February 1st. So using that example again, you gotta check the state requirements. State air emission inventories are mostly first and second quarter, but vary, so check your area. And greenhouse gas reporting is genuinely unsettled. So watch it rather than assuming a date.

Scott Fowler

Yeah, and that work between now and then?

Kevin Weaver

You know, six things, and they're boring, which is why often they don't get done. Reconcile your chemical inventory against your SDS library. Everything downstream depends on that being right, and usually there's some errors. Then rerun threshold checks for tier two and tier I at every site you operate at. Not just the ones filed last year, because that's the trap we talked about earlier. Confirm which portal each site actually files through.

On these state reporting websites and whether they are state fees or state specific thresholds, it might change. Those vary way more than people expect. Pull the SPCC plan and check the review date. Figure out whether PFOS enters your site in any form at all. And if the answer is I don't know, that's your fourth quarter project right there. You know, and

one last one, which is the one that actually protects you. Put March 1st and July 1st on the plant manager's calendar, not just yours. The day those dates live somewhere other than your own head is the day that stops being a personal risk.

Connor Moran

Yeah, and I would add one that really costs nothing, Kevin. So again, do the walk that we talked about earlier and photograph it and 'cause you're gonna need that photo set for half of the six things Kevin just listed anyway.

Scott Fowler

One last thing, you know, looking you know, something that everybody out there watching, listening can do right now, something they can do, you know, Monday morning. what would that be, Kevin?

Kevin Weaver

Pull your tier two filing from last March, sit down with it for twenty minutes, and ask whether anything that site's changed since you submitted it. That's it. The one question that finds more problems than any audit I've ever read.

Connor Moran

Yeah, I would say again, like I've said this whole this whole time we've spent together, walk your own yard the way an inspector would, and please, please photograph anything you would not want to have to explain. And you'll know exactly what I mean when you see it.

Scott Fowler

Kevin Connor, thank you both so much again for coming on and sharing your insights on this. I really appreciate it. And everybody out there watching and listening that you don't have that E on their business card with the EHS, encourage you to take what we learned today and learn how you can apply it at your job site. So thank you both so much again.

Kevin Weaver

Yeah, appreciate it.

Connor Moran

Thank you, Scott.