

COMPLIANCE AUDITS AND INTERNAL INVESTIGATIONS

OVERVIEW

BCLP attorneys recognize the importance of helping clients conduct internal environmental audits to ensure that operations are performed in compliance with environmental laws and regulations. As a result, BCLP attorneys have extensive experience in counseling clients on the issues involved with planning, conducting, and distributing environmental audits, including: maintaining confidentiality and asserting legal privileges; incorporating the relevant regulatory programs into the audit; designing audit surveys and questionnaires; performing facility inspections; reviewing findings and draft reports generated by client or third-party auditors; accurately assessing audit results to identify noncompliance; evaluating the potential benefits and drawbacks of voluntary disclosures to state and federal regulatory agencies under "audit policy" programs; and negotiating resolutions with federal and state agencies for voluntarily disclosed violations.

MEET THE TEAM



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RELATED PRACTICE AREAS

- Energy Transition

EXPERIENCE

- Managing and providing oversight on EHS auditing programs for multi-billion dollar companies in the petroleum and pulp and paper industries with manufacturing facilities across the country, including retaining consultants, directing the audits, participating in the audits, preparing the audit reports, and overseeing the correction of all audit issues.
- Performing environmental audits of the key facilities of a national airline, including determining the scope of review, performing the audit, and preparing a comprehensive report of audit findings, regulatory citations and recommendations for addressing findings.
- Retaining consultants, directing audits, preparing the audit reports, overseeing the correction of all audit issues, and developing Requests For Proposals for ongoing consultant work to address audit findings for United States and Canadian facilities of a global bakery ingredient company.
- Conducting hands-on multi-media environmental compliance audits for a manufacturing company with multiple facilities in the metal working/finishing business.

- Assisting in-house personnel of a national water and wastewater utility company in designing, performing, and overseeing compliance audits for plants at several locations across the United States. In addition to the standard audit components of reviewing documents and operations and determining compliance status, BCLP attorneys have experience with distributing the audit reports to upper management, outlining and recommending corrective action based on the audit results, and collaborating with in-house personnel to update environmental management systems and assist in maintaining future compliance.
- Analyzing audit findings and counseling clients on the use of EPA's Audit Policy, Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations. BCLP attorneys have experience with submitting on behalf of their clients disclosures under the EPA's Audit Policy which allow clients to avoid millions of dollars of potential penalties.
- Structuring audit protocols and communication between audit team members to maximize the likelihood that the attorney-client privilege or other applicable protections or will be upheld.
- Directing a comprehensive investigation of all environmental operations at a large aerospace facility.
- Collaborating with a national environmental consulting company to respond to a federal criminal investigation by conducting expedited "find and fix" multi-media audits at dozens of chemical manufacturing facilities across the country. A team of attorneys and consultants spent a week at each facility to not only audit each facility's compliance, but to also work with the facility to correct the issues identified.
- Handling the multi-media environmental compliance audits of a major airline's airport facilities and working with the client to improve the environmental auditing program incorporating all aspects of environmental compliance at the state and federal level.

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