

Walter Wright

From: EPA Region 6 News <noreply-subscriptions@epa.gov>
Sent: Tuesday, September 20, 2016 9:18 AM
To: Walter Wright
Subject: Whole Foods Agrees to Improve Waste Management in EPA Settlement



Whole Foods Agrees to Improve Waste Management in EPA Settlement

Facilities in Texas, Ark., La., Okla., and N.M. included in \$3.5M settlement

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DALLAS – (Sept. 20, 2016) Today the U.S. Environmental Protection Agency (EPA) announced a settlement with Whole Foods, Inc. over violations of hazardous waste regulations. During a year-long investigation, EPA found Whole Foods improperly identified or mishandled hazardous waste at company facilities throughout Texas, Arkansas, Louisiana, New Mexico and Oklahoma. In addition to correcting the violations, Whole Foods will also pay penalties totaling more than \$3.5 million and promote hazardous waste compliance in the retail industry as part of a supplemental environmental project, or SEP.

"All companies must follow the law and be responsible stewards of their hazardous waste, from generating it to safely disposing of it," said Regional Administrator Ron Curry. "Whole Foods is correcting these violations and will ensure their stores and facilities continue to comply with environmental regulations. They will also look into launching an innovative hazardous waste tracking system that we hope becomes the industry standard."

After the New Mexico Environment Department asked EPA to follow-up on information they shared on Whole Foods, EPA enforcement officials uncovered violations during a year-long investigation and record review of Whole Foods' actions as a generator of hazardous waste. Investigators in EPA Region 6 found Whole Foods did not properly make hazardous waste determinations at facilities in Texas, Arkansas, Louisiana, Oklahoma, and New Mexico, as required by the Resource Conservation and Recovery Act (RCRA). Whole Foods also improperly handled spent lamps, which are categorized as "universal" hazardous waste, a type of hazardous waste composed of items common to many types of facilities and industrial sectors.

As part of the settlement with Texas facilities, Whole Foods will create and fund a SEP to educate Texas retailers—particularly smaller businesses—about hazardous waste laws and the importance of maintaining compliance. This SEP, worth \$500,000, aims to raise awareness of business owners' responsibilities and increase compliance with regulations, and will result in environmental benefit to communities.

The RCRA Hazardous Waste Program establishes a system for controlling hazardous waste from the time it is generated until its ultimate disposal, including treatment and storage. EPA and the states verify compliance with these requirements through a comprehensive compliance monitoring program, which includes inspecting facilities, reviewing records and taking enforcement action where necessary.

More on hazardous waste enforcement:

<https://www.epa.gov/enforcement/waste-chemical-and-cleanup-enforcement>

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COMPANY NEWS:

Statement by GVP Brooke Buchanan regarding recent EPA decision

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Whole Foods Market signed an administrative resolution with the Environmental Protection Agency (EPA) Region 6 to resolve recordkeeping and cataloging issues related to common consumer products that may become waste at stores located in Texas, Arkansas, Louisiana, Oklahoma and New Mexico. No specific environmental impact has been alleged.

The products in question, which are classified as hazardous waste when they can no longer be used for their intended purpose, include items like nail polish remover, certain products containing alcohol (i.e. hand sanitizer), liquor and certain vitamins. This often occurs when a product is opened and returned by a customer and can no longer be returned to the stores' shelves.

Whole Foods Market has implemented a comprehensive compliance program that is designed to assist our Team Members to properly manage the limited number of products that may be regulated by EPA when they can no longer be used for their intended purpose. The company has extended the implementation of the program to all of its U.S. stores and facilities and, in partnership with the EPA, has committed to training and sharing best practices with businesses in Region 6 to support efforts to improve environmental compliance efforts across industries.

Whole Foods Market's environmental compliance measures include:

- Updated environmental compliance standards and operating procedures for stores and facilities
- Enhanced training programs for Team Members
- Investments in enhanced IT systems to identify products that become hazardous waste in real time, so they may be tracked, managed and catalogued properly
- Retention of additional internal and external environmental compliance experts for program and compliance

The enhanced environmental management program that Whole Foods Market worked with EPA to develop goes beyond the compliance requirements that apply under the law. EPA recognized these extensive efforts in the administrative resolution.

Whole Foods Market takes environmental stewardship extremely seriously. By working in partnership with the EPA, we were able to resolve the issues in the five states, enhance our existing environmental management program and extend the rollout of those improved best practices across the company.

Types of Products (Important note: This list is not exhaustive):

- **Flammables:** Hand sanitizer gels and sprays, perfumes and colognes, nail polish, nail polish remover, liquor (48 proof or above), etc.
- **Federal Toxics:** Vitamins and vitamin supplements (containing chromium, selenium and/or colloidal silver)
- **Oxidizers:** Laundry bleach, hair color products with hydrogen peroxide, etc.
- **Corrosive Acidic:** Certain toilet bowl cleaners, calcium and/or lime removers, products containing acetic, hydrochloric or phosphoric acid, etc.
- **Corrosive Basic:** Certain drain cleaners, oven cleaners, warewashing detergents, etc.

- **Universal Waste:** Electronics, batteries, fluorescent bulbs, and some state regulated items, such as paint in Texas

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