Department of Veterans Affairs
Washington, DC 20420

VA DIRECTIVE 0059
Transmittal Sheet
MAY 25, 2012

VA CHEMICALS MANAGEMENT AND POLLUTION PREVENTION

1. **REASON FOR ISSUE:** This directive prescribes the goals, policies, roles and responsibilities, and major requirements for chemicals management within the Department.

2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** This directive outlines the principles, policies, and other key elements necessary to facilitate the continual improvement of VA's chemicals management and pollution prevention procedures.

3. **RESPONSIBLE OFFICE:** Assistant Secretary for Management, Office of Asset Enterprise Management (044), Green Program Management Service (044E).

4. **RELATED DIRECTIVE:** VA Directive 0057, VA Environmental Management Program.

5. **RELATED HANDBOOK:** VA Handbook 0059, VA Chemicals Management and Pollution Prevention

6. **RESCISSION:** None.

CERTIFIED BY:

/s/
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BY DIRECTION OF THE SECRETARY OF VETERANS AFFAIRS:

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Distribution: Electronic Only

VA CHEMICALS MANAGEMENT AND POLLUTION PREVENTION

1. PURPOSE

a. The mission of the Department of Veterans Affairs (VA) is to fulfill President Lincoln's promise "To care for him who shall have borne the battle, and for his widow, and his orphan" by serving and honoring the men and women who are America's Veterans. The goal of the Green Management Program Service within VA's Office of Asset Enterprise Management (OAEM) is to lead the Department in becoming sustainable. This supports the mission by making more resources available for Veterans' care and optimizing VA stewardship of public resources. The purpose of this directive is to support and expand the programmatic polices of VA Directive 0057, VA Environmental Management Program; VA Directive 0064, Environmental Management Systems; and VA Directive 0062, Environmental Compliance Management Program. This directive establishes VA policy and roles and responsibilities with respect to chemicals management and pollution prevention in support of VA's mission and goals.

b. This directive establishes policies for Administrations and staff offices for implementing chemicals management and pollution prevention requirements of VA Directive 0057. This directive is also designed to facilitate the development of uniform internal procedures across the Administrations and staff offices. Specific procedures may be found in VA Handbook 0059, Chemicals Management and Pollution Prevention.

2. SCOPE

a. The provisions of this directive apply to all Administrations and staff offices that purchase, store, handle, use, and dispose of hazardous and toxic chemicals/materials.

b. The provisions of this directive do not apply to the procurement, use, generation, storage, processing, disposal, or management of radioactive materials.

3. POLICY. It is VA policy to reduce or eliminate the quantity of toxic and hazardous chemicals and materials acquired, generated, used, and/or disposed, to the extent possible.

4. RESPONSIBILITIES

VA recognizes that the responsibility for a successful environmental program lies with every VA employee. VA is actively working to ensure that every person is aware of their role in the success of this effort. This section outlines the responsibilities for specific key offices/officials.

a. Assistant Secretary for Management. The Assistant Secretary for Management establishes the overall policy and guidelines to implement environmental programs within the Department, and is responsible for:

(1) Establishing a strong expectation of proper chemicals management and pollution prevention;

(2) Ensuring that formal processes and practices are implemented and maintained to achieve Departmental chemicals management and pollution prevention goals;

(3) Establishing a cross-functional, Department-wide VA Environmental Management Task Force, with appropriate representatives necessary to expeditiously meet the chemicals management and pollution prevention goals; and

(4) Requesting sufficient funds to ensure VA Department-wide implementation of chemicals management and pollution prevention programs.

b. Director, OAEM. The Director of OAEM is responsible for:

(1) Serving as the VA Senior Sustainability Officer;

(2) Ensuring that an effective hazardous and toxic chemical management program is implemented throughout the Department; and

(3) Resolving policy differences among organizations regarding chemicals management and pollution prevention issues, strategies, or procedures.

c. Director, Green Management Program Service. The Director of the Green Management Program Service provides policy guidance and oversight regarding the development and implementation of chemicals management and pollution prevention at the Department level, which includes the following duties:

(1) Developing and issuing guidance to ensure Department-wide compliance with chemicals management and pollution prevention policies and procedures;

(2) Developing a chemicals management tracking system for the procurement, use, reuse, recycling, and disposal of hazardous materials that will be used throughout the Department, with the ability to retrieve and compile data;

(3) Coordinating the submission of chemical management information for any Department-wide reporting such as the Sustainable Acquisition Report and the Strategic Sustainability Performance Plan; and

(4) Conducting oversight activities to ensure that VA implements an effective chemicals management and pollution prevention program and makes continual improvements to that program.

d. Under Secretaries, Assistant Secretaries, and Other Key Officials. Heads of VA offices that use, store, and/or handle toxic and hazardous chemicals/materials are responsible for:

(1) Developing and implementing a chemicals management and pollution prevention program (taking into account Administration and staff office missions) to reduce the

release of pollutants and the adverse effects on human health and the environment. This program shall be documented as part of each facility's environmental management system.

(2) Eliminating the procurement of Class I ozone-depleting substances (ODSs); managing polychlorinated biphenyl items in accordance with 40 Code of Federal Regulations (CFR) 761; and complying with all provisions of the Emergency Planning and Community Right-to-Know Act (40 CFR 355, 370, and 372) (following legally applicable, relevant and appropriate federal, state, and local regulations related to hazardous chemicals/materials, to include risk management plans). This would include maintaining an inventory and submitting required Toxic Release Inventory and Tier 1 and Tier 2 reports to the appropriate federal, state, and local emergency planning commissions and the U.S. Environmental Protection Agency (EPA);

(3) Emphasizing pollution prevention, including improvements in energy and resource utilization, as the "first choice" in achieving compliance with applicable environmental requirements;

(4) Incorporating pollution prevention and waste minimization into all phases of equipment and chemicals/materials acquisition, operations, maintenance, support and disposal over the system or chemicals/materials life-cycle;

(5) Establishing and executing cost-effective pollution prevention programs to reduce the volume of hazardous and toxic chemicals/materials through its affirmative procurement and green procurement programs including applying improved procurement practices and inventory control to prevent regulated hazardous waste generation through material spoilage, shelf-life expiration, or improper inventory control;

(6) Ensuring employees are trained in the proper use, handling, and storage of hazardous and toxic chemicals/materials and have ready access to Material Safety Data Sheets for appropriate chemicals.

(7) Applying best management practices to reduce risk to human health and the environment from hazardous and toxic chemicals/materials. These practices will be applied throughout the life cycle of the hazardous and toxic chemical/materials; and

(8) Conducting chemical inventories twice a year. Tracking those inventories either in a Department-wide chemical inventory tracking system or in a database that can be easily downloaded to a Department-wide chemical inventory tracking system.

e. Department Staff. The achievement of VA chemicals management and pollution prevention sustainable practices is a core mission responsibility of each employee who purchases, uses, handles, or disposes of hazardous chemicals. Department staff shall be familiar with their Administration's or staff office's chemicals management and pollution prevention policies and participate in chemicals management and pollution prevention tasks and training as directed by the heads of the Administrations and staff offices, as appropriate.

5. REFERENCES

a. Environmental Laws and Regulations

There are numerous environmental regulations and requirements that apply to facilities, operations, and locations within VA. A complete listing of all the applicable regulations is too expansive to enumerate here. Federal laws and regulations are available through web-based resources such as Government Printing Office (GPO) Access, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl. Most environmental-related regulations can be found in the Code of Federal Regulations, Title 29, Labor; Title 40, Protection of the Environment; and Title 49, Transportation. Hardcopy is available from the GPO. State and local regulations are typically available through state and local environmental agencies.

b. Executive Orders

To date, executive orders (EOs) containing significant implications to chemicals management are EOs 13423 and 13514. A complete list of all environmental EOs can be found through the National Archives accessible at: http://www.archives.gov/federal-register/executive-orders/disposition.html.

c. VA Environmental Directives

(1) VA Directive 0057, Environmental Management Program, establishes VA environmental policies. It sets forth a comprehensive Department-wide environmental management policy to comply with Federal mandates and achieve internal goals. It provides direction to VA offices in developing and administering their specific environmental programs. The directive establishes policy in environmental compliance, green purchasing, chemicals management and pollution prevention, electronics stewardship, waste prevention and recycling, and environmental management systems. It also includes reporting requirements and roles and responsibilities.

(2) VA Directive 0058, Green Purchasing, establishes VA green purchasing policies. VA will ensure the preferred acquisition of environmentally preferable goods and services.

(3) VA Directive 0061, Electronics Stewardship, establishes VA electronics stewardship policies. In managing the Department's electronic assets, VA will buy Electronic Product Environmental Assessment Tool (EPEAT)-registered electronic products, enable the Energy Star features on agency computers and monitors, establish and implement policies to extend the useful life of its electronic equipment, and use environmentally sound practices with respect to the disposition of electronic equipment that has reached the end of its useful life.

(4) VA Directive 0062, Chemicals Management and Pollution Prevention, establishes VA chemicals management and pollution prevention policies. It is VA policy to reduce or eliminate the quantity of toxic and hazardous chemicals and materials acquired, generated, used, and/or disposed, to the extent possible.

(5) VA Directive 0063, Waste Prevention and Recycling, establishes VA waste prevention and recycling policies. It is VA policy to reduce, reuse, and recycle materials and waste, and to maintain life-cycle cost-effective waste prevention and recycling programs.

d. Federal Property Management Regulations (FPMR) 101-42, Utilization and Disposal of Hazardous Materials and Certain Categories of Property.

FPMR 101-42 lists most categories of chemicals and hazardous materials handled throughout the Federal government and directs agencies on how to handle each category of material.

6. DEFINITIONS

a. **Environmentally Preferable**. Products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

b. **Hazardous Chemicals/Materials**. For the purposes of this directive, a hazardous or regulated chemical or material is:

(1) Any chemical or material defined as hazardous in 29 CFR 1910 or 1926;

(2) Any item or chemical which is reportable or potentially reportable as inventoried under the requirements of the hazardous chemical reporting (i.e., 40 CFR 355, 370 and or 372); and

(3) Any item or chemical regulated by the Department of Transportation Uniform Safety Act (49 CFR 100-185) as amended which, when being transported or moved on public roads, is a risk to public health or safety or an environmental hazard.

c. **Ozone-Depleting Substance (ODS).** An ODS is any substance designated as a Class I or Class II substance by the EPA in 40 CFR 82. Examples include the following:

(1) Class I ODSs include any substance designated as Class I by the EPA pursuant to 42 United States Code (U.S.C.) 7671(a), including but not limited to, chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform; and

(2) Class II ODSs include any substance designated as Class II by the EPA pursuant to 42 U.S.C. 7671(a), including, but not limited to, hydrochlorofluorocarbons.

d. **Pollution Prevention.** “Source reduction” as defined in the Pollution Prevention Act of 1990 (42 USC 13102) and other practices that reduce or eliminate the creation of pollutants through:

(1) Increased efficiency in the use of raw materials, energy, water, or other resources, or

(2) The protection of natural resources by conservation.

While the term “pollution prevention” is often used interchangeably with waste minimization, there are some differences. Pollution prevention is a broader term than waste minimization in that pollution prevention encompasses all pollutants, including air emissions, wastewater and solid wastes; energy and water consumption; and initial product design. In addition, while both terms encompass source reduction, certain types of recycling are considered waste minimization, but not pollution prevention. Generally, only closed-loop recycling, where chemicals are recycled or reused without being removed from the process, is considered pollution prevention. Off-site recycling, where wastes are taken from the process and recycled at another facility or a different area of the same facility, falls within the definition of waste minimization but is not considered pollution prevention.

e. **Recovered Material**. Waste materials and by-products recovered or diverted from solid waste, excluding those materials and by-products generated from and commonly reused within an original manufacturing process.

f. **Solid Waste.** Any discarded material as defined according to 40 CFR 261.2 or, where applicable, each State’s solid waste management rules and regulations.

g. **Source Reduction**. Source reduction does not entail any form of waste management (e.g., recycling and treatment). Source reduction includes equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training or inventory control and is any practice that:

(1) Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, and disposal; and

(2) Reduces the hazards to public health and the environment associated with the release of hazardous substances, pollutants, or contaminants.

h. **Waste Minimization**. The practice of source reduction or recycling. Waste minimization does not include waste treatment or transfer of waste constituents from one environmental medium to another.

i. **Waste Prevention.** Any change in the design, manufacturing, purchase, or use of materials or products, including packaging, to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials.