

PUBLICATION

EPA Releases Interim Guidance on Site Field Work Under Superfund, RCRA, and Other Programs

April 16, 2020

On April 10, 2020, the U.S. Environmental Protection Agency (EPA) issued a Memorandum regarding "Interim Guidance on Site Field Work Decisions Due to Impacts of COVID-19." The EPA acknowledged that response field activities are underway at sites across the country under a number of EPA programs, in particular the Superfund program, RCRA corrective action, TSCA, the Oil Pollution Act, and the Underground Storage Tank program. The purpose of the interim guidance is for response actions related to cleanup and emergency response sites where EPA is the lead agency or has direct oversight of responsibility for the work. This interim guidance is necessitated by the challenges posed by the COVID-19 situation and is intended to ensure that continuing on-site activities are consistent with protection of public health and safety, and maintaining EPA's ability to respond as needed to environmental emergencies.

The EPA Regions are directed to consider whether the response activities should be delayed or postponed to ensure that the health and safety of response personnel and the public are protected with respect to COVID-19, especially with regard to travel restrictions, health and safety regulations, and access to personal protective equipment and lodging. The Memorandum provides specific detailed factors to consider when making site field work decisions. These include:

- whether failure to continue response actions will likely impose an imminent and substantial endangerment to human health or the environment;
- whether it is practical to continue such actions;
- whether maintaining any response actions would lead to a reduction in human health risk/exposure over the next several months; and
- whether work that would not provide near-term reduction in human health risk could be more strongly considered for delay, suspension, or rescheduling.

The Memorandum also provides that if a decision is made to temporarily reduce or suspend response actions, the Regions should monitor site conditions and plan logistics for resuming field work when appropriate. To learn more go to the [EPA's website](#).

Baker Donelson is working hard to assist clients in these unprecedented times. Our team of attorneys and advisors continue to monitor and advise on new issues as they develop. For more information and general guidance on how to address other legal issues related to COVID-19, please visit the [Coronavirus \(COVID-19\): What You Need to Know information page](#) on our website.