

AWMA 2026 Midwest Environmental Technical Conference Inspection Best Practices

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Inspections – Are those a thing?!

YES.

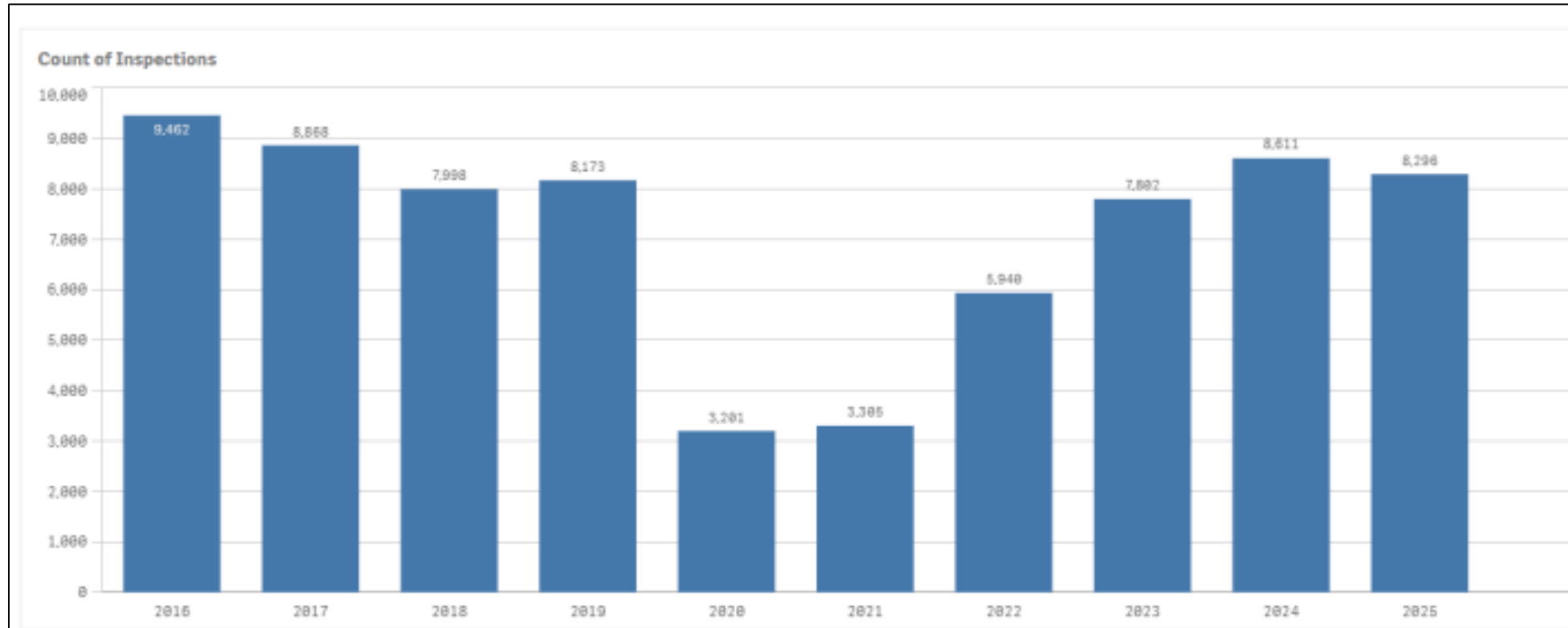
- Federal/state agencies have inspection authority
- Companies are required to allow inspections, but can limit time, scope, require warrant/subpoena, etc.

AGENCY INSPECTION SUMMARY

- EPA FY 2025: 8,300 EPA INSPECTIONS IN FY 2025
 - EPA's FY 2025 compliance included lead exposure, pesticides, and clean drinking water.
 - EPA Region 7 closed 192 cases in FY 2025 (compare to 56 cases closed in FY 2024)
- Missouri DNR's website lists 112 enforcement actions in 2025

Federal Inspections Conducted by EPA

FY 2016 – FY 2026

**Footnotes:**

1. An inspection is performed on-site at a regulated facility or activity.

Data Source: Integrated Compliance Information System (ICIS), RCRAInfo (for RCRA HW), manual (for SDWA UIC)

Data as of: December 16, 2025

EPA's Compliance and Enforcement Initiatives (2024-2027)

- Multi-Media Border Security
- Increasing Compliance with Drinking Water Standards
- Chemical Accident Risk Reduction
- Creating Cleaner Air for Communities
- Addressing Exposure to PFAS
- Protecting Communities from Coal Ash Contamination

Inspections – Can you do that?!

EXAMPLES OF INSPECTION AUTHORITY

- Air - Broad authority to audit and inspect
 - CAA 112r (RMP) and 113 (Federal Enforcement)
 - 114 Information Requests
 - RSMo 643.060 (4) – Director to enforce, investigate complaints, issue orders, and take all actions necessary to implement
- Waste: RCRA section 3007; RSMo 260.377 (Haz Waste); RSMo 260.225 (Solid Waste)
- TSCA: 15 U.S.C. 2610 (e.g., Lead-Based Paint Inspections)
- FIFRA: 7 U.S.C. §136f; 7 U.S.C. §136g
- Water: EPA - 33 U.S.C. 1318; States can also develop CWA inspection and monitoring programs, which are approved by EPA

Inspections – Can you do that?!

MORE EXAMPLES OF INSPECTION AUTHORITY

- OSHA: 29 CFR 1903.3
 - ~1,800 inspectors
 - Number of inspections consistent 2024-2025 (~35,000)
- CSB:
 - Investigates industrial chemical accidents under the Accidental Release Reporting Rule
 - 497 ARR events in 60 months (~8/month)
 - Information Requests (and follow-ups, follow-ups, follow-ups...)
 - Publishes quarterly incident summaries

Inspections – But why?!

VARIOUS TYPES OF INSPECTIONS:

- Routine annual or semi-annual
- Incident-related (sometimes, this brings multiple agencies)
- Post-complaint
- Compliance review-related
- Enforcement or initiative-driven
- Rulemaking development (more likely a Section 308 Request)
- Desk audit
- Drop-in inspections because an inspector drove by the site/facility (common with LBP inspections)

So ... what can we do?!

PLANNING FOR AN INSPECTION – ALWAYS BE PREPARED

- Identify compliance gaps
- Identify a responsible official for the company who will be contacted when an inspection commences
- Train all personnel who will encounter inspectors (and re-train routinely)
- Consider approach to inspections (cooperation, subpoena, send everyone home, etc.)
- Have necessary materials on-site

How do I train for an inspection?!

MIRROR INSPECTOR TRAINING

- Thorough understanding of sector-specific guidance
- Familiar with applicable industry standard (OSHA, NFPA, ANSI)
- Knowledgeable regarding plant operations and processes
- Sufficient history regarding any releases, emergency response/mitigation

What does that get me?!

- Build credibility for the company
- Avoid exacerbating the matter prompting the inspection
- Company will have proper documents in an auditable and easily accessible format
- Reduce likelihood of misunderstandings
- Reduce risk of follow-up actions
- Build a record for response to inspection reports and enforcement

Best Practices for Civil/Administrative Inspections

When the Inspectors Arrive

SUMMON RESPONSIBLE OFFICIAL AND FACILITY MANAGER

- No other discussions with the inspector should occur until the responsible official arrives
- Place inspector in an area out of the way (conference room with door closed, as example)

RESPONSIBLE OFFICIAL SHOULD:

- Inform other needed parties (i.e., legal counsel, corporate safety and health, regulatory affairs; HR)
- Summon Trained Inspection Team – 2 people minimum

When the Inspectors Arrives

PRE-INSPECTION MEETING

- Request credentials and copy or take a photo
- Request information regarding basis for and scope of inspection
- Ask whether sampling will be performed
- Discuss any time/space parameters
- Agree to produce document but ask that all document requests be in writing
- Discuss training and PPE
- Consider needed permitting/access issues

Company Rights

- Keep inspection limited to statutory scope
- Protect Confidential Business Information
- Splits of all samples (have sample bottles ready)
- Copies of sample analyses
- Review inspection report

During the Inspection

- Responsible official should lead inspector around facility to specifically requested areas
 - At least one additional employee should attend the walk-around if possible
 - Take direct route to areas of interest
 - As always, follow all health and safety rules
- Take notes, recordings, photographs, video consistent with inspector
 - Keep a record of documents reviewed but not taken by the inspectors
 - Record sampling methods used
- If inspectors identify potential issues, make note and fix or have corrected if possible

During the Inspection

- Responsible official should attempt to keep inspection as narrow as possible, and within the original scope described by the inspector
- Try to minimize discussions during walk-around (informal interview); do not make any admissions
- Maintain composure; don't be argumentative, and don't speculate; be courteous but firm
- Write down statements by inspectors
- Be aware of confidential business information, including in documents and areas being photographed, and notify the inspectors accordingly

Employee Interviews

- Inspector may ask to interview employees; immediately notify HR and relevant employees
- **Employees** may but are not required to agree to agency interview

EMPLOYEES HAVE THE RIGHT	EMPLOYEES SHOULD
To speak to inspector or not, and to end the interview when ready	Tell the truth
To have a representative	Not speculate about things you don't know
Ask the inspector to repeat or rephrase the question if they don't understand (or ask for clarification)	Be careful about leading questions
To request that they not be tape-recorded and/or to decline to sign a statement	If signing a statement, review it for accuracy and request a copy

- **Supervisor-level** employees should not speak to agency without counsel

Exit Meeting/Closing Conference

- Consider having additional company representatives attend closing
- Ask if inspection is complete; if not, inquire about next steps
 - If documents were requested, ask if they will send them in writing or whether they would prefer to write them out now; agree to deadline
 - Claim confidentiality, if needed (expect Sunshine, KORA, FOIA requests...)
- Ask if any concerns were identified (and provide updates if these items have been corrected)
- Try to get the inspector talking and take diligent notes
- Establish contact persons moving forward (give at least two contacts)

After the Inspection

- Schedule a debrief with broader group (including legal counsel)
 - Download and preserve photographs and videos
 - Consider contemporaneous Memorandum of Inspection
- Correct noncompliance ASAP and inform agency
- Process samples
- Set a plan for document collection and production, if needed
- Consider requesting follow-up meeting with agency; follow-up communication

Confidential Business Information

40 CFR 2.208

- Exemption 4 – Freedom of Information Act
 - Trade Secrets or
 - Commercial or Financial and obtained from a person and privileged or confidential

10 CSR 10-6.210

- Can request to designate as confidential under RSMo Ch. 643
 - Reasonable measures to protect
 - Not obtainable
 - No statute requires disclosure

Takeaways

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- Prepare for agency actions *before* an inspection (and routinely re-train and ensure you are prepared)
- Know the difference between a criminal investigation and a civil/administrative inspection
- Have a communication plan to initiate immediately upon notification of an inspection or investigation
- Understand agency authority and intention of the inspection
- Take inspection seriously
- Document everything
- Follow up on documented items



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