Kapoor, Mendoza and Deffebach in Westlaw Today: A Company's Environmental, Health and Safety Team Could Play A Significant Role in ESG Performance

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Haynes Boone Partners Mini Kapoor, Mary Mendoza and Matthew Deffebach authored an article for *Westlaw Today* discussing how a company's Environmental, Health & Safety (EHS) team could play a significant role in assessing, monitoring and achieving the company's Environmental Social Governance goals.

Read an excerpt below.

Environmental Social Governance (ESG) may be used to assess a company's sustainability and brand. A company's ESG performance may influence the company's relationship with all stakeholders, including investors, lenders, shareholders, managers and other employees, consumers, and the community. Thus, acceptable performance in ESG-covered areas is desirable.

This article discusses how a company's Environmental, Health & Safety (EHS) team could play a significant role in assessing, monitoring and achieving the company's ESG goals.

An EHS team is traditionally charged with compliance with federal and state environmental, health and safety laws and regulations — ensuring that the company meets its legal obligations in these areas. A company's ESG goals may include ensuring not mere continued legal compliance but implementing a work culture that goes above and beyond the legal requirements.

Given the EHS team's experience and expertise in the environmental and health & safety areas, it is rightly positioned in implementing policies and procedures to attain such goals. In other words, a company's EHS team may be a valuable resource for assisting the company in effective ESG performance.

EHS and the "environmental" prong of ESG.
Environmental compliance is generally a major part of the scope of work for a company's EHS team. This includes ensuring the company's compliance with environmental laws and regulations, such as the Clean Air Act (CAA) regulating air emissions, Resource Conservation and Recovery Act (RCRA) governing the generation, treatment, storage, and disposal of hazardous waste, and the Toxic Substances Control Act (TSCA) requiring reporting, record-keeping and testing, and restrictions relating to certain chemicals.

Among many other tasks, the EHS team is responsible for tracking and handling incidents potentially impacting the environment, such as chemical spills or releases, monitoring and reducing emissions to the environment, tracking and disposal of hazardous waste, and environmental compliance training for employees.

Additionally, the EHS team may take the lead on the applicable environmental permitting, and emissions recording, reporting and ensuring compliance with disclosure requirements. In instances

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involving governmental enforcement actions due to alleged violations of state and/or federal environmental laws, an EHS team may play a crucial role in responding to these actions and addressing the alleged non-compliance, which in turn may impact the potential for administrative, civil and criminal penalties.

To read the full article in *Westlaw Today*, click here.

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