



Environmental Issues for Food and Beverage Businesses



THE PRODUCTION AND SALE of wholesome food and beverage products can give rise to environmental liability. Here are ten common issues to keep in mind.

1. AIR EMISSIONS

Production operations, like the use of industrial heaters and boilers or solvents, will emit pollutants to the atmosphere, possibly triggering federal or state requirements to install and operate expensive emission control technologies.

2. SOLID WASTE AND WASTEWATER DISCHARGES

Wastes generated from processing and packaging operations may be regulated by federal or state management and disposal standards. In addition, waste streams generated by water used in the production process may trigger environmental control requirements to ensure that water sources are protected from pollutants.

3. REFRIGERANTS

Federal regulations, as well as those of several states, govern the acquisition, repair and disposal of refrigeration equipment. A recent federal enforcement initiative has resulted in millions of dollars in penalties, and tens of millions of dollars in injunctive relief, against food and beverage and retail businesses.

4. HAZARDOUS WASTE

Materials used to produce or test products, customer returns and even products themselves (e.g., non-saleable alcoholic beverages) must, depending on the material and the jurisdiction, be managed as hazardous waste.

5. PERMITTING

Environmental permitting obligations may apply to expansions or alterations of production facilities, and facilities should be on the lookout for permit terms that could restrict operations.

Please note that environmental laws, regulations and permits often require that companies retain compliance records. Not retaining those records can lead to heavy fines, even if the company's environmental record is otherwise spotless. Periodic auditing and self-disclosure of violations is considered to be a best practice and can lead to lower penalties.

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6. ODOR

Although odors associated with food and beverage production are generally not regulated by federal standards, states and localities may regulate such odors through odor management plans and nuisance laws.

7. PEST CONTROL

Stringent regulations apply to the labeling and use of pest control chemicals. Using pesticides incorrectly could lead to adulterated food, workplace injuries or environmental liability.

8. WORKPLACE AND CUSTOMER SAFETY

There are many workplace safety regulations and compliance guidelines that apply to everything from grain handling (to prevent explosions) to the use of personal protective equipment in certain situations.

9. FLEET REGULATIONS

Stringent tailpipe emission standards typically govern the transportation fleets used by food and beverage producers, creating environmental obligations extending well beyond such producers' facilities.

10. STORMWATER

Activities like construction, the washing or fueling of trucks and the transfer of commodities can release pollutants to stormwater and may require permits.