



Cover your own assets (CYOA): There is an environmental metamorphosis occurring

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If there was ever a message to share, as a 20-year national environmental subject matter expert, it would be, "cover your own assets (CYOA)!" Environmental regulations, our government and our legal system are metamorphosing and unfortunately I am not seeing a beautiful butterfly evolving from the cocoon.

New environmental bills are being presented weekly and many are passing into law. New Jersey's mold bill was passed by the Environmental Subcommittee and seems to be moving forward. Philadelphia just passed a new lead-based paint rental law and Washington, D.C. is about to begin enforcement of their new lead paint law. This May, New Jersey Licensed Site Remediation Professional (LSRP) will be required to ensure that contaminated sites are remediated in accordance with the Technical Requirements for Site Remediation (NJAC 7:26E) and related DEP guidance.

Government budget cuts and downsizing has certainly slowed enforcement efforts but just last month my office was audited by the EPA (glad to say we passed). While being audited it was suggested to us that we should expect to see an uptick in Region2 EPA audits and enforcement.

In addition to new laws, our own legal system provides another example of the importance of CYOA. Last month, there was an unprecedented ruling in a New York City court. A New York appellate court overturned a lower court ruling, allowing a toxic mold lawsuit to go forward. For the first time, a toxic mold case was ruled in favor of the plaintiff. This court ruling is a potential mold game changer and certainly should stimulate conversation if you want to properly CYOA.

So the underlying message of the environmental metamorphosis that is occurring is protect what you have by not letting anyone catch you off guard. This includes our government, your occupants, your employees, etc.

By performing internal audits coupled with a general environmental compliance audit you can quickly and relatively inexpensively CYOA, instead of losing them.

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