

CUNY AFTER THE DISCLOSURE AUDITS

Where are we, and where
do we go from here?

THE AUDITS

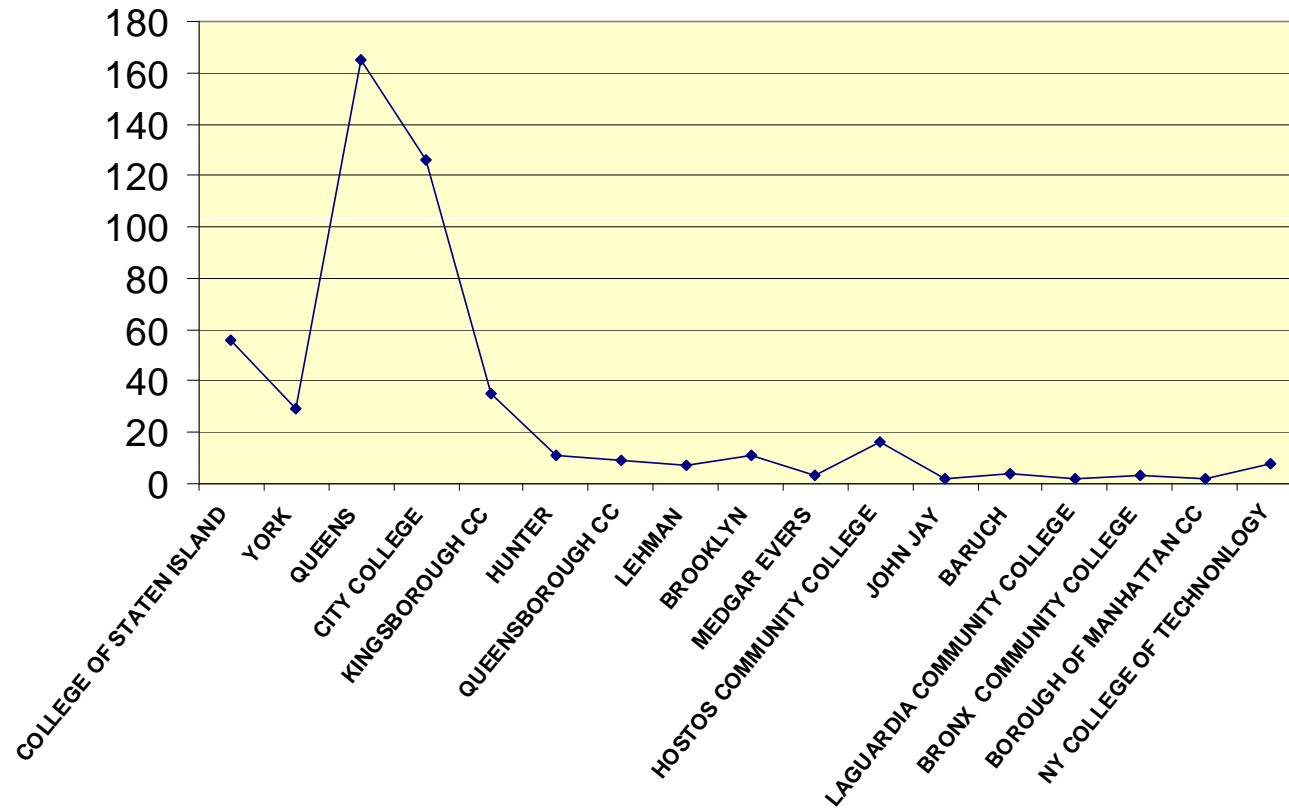
- 20 audits in a five year period (two per semester).
- The first audits took weeks to complete, the last audits took a few days.
- Over 100 findings in the first year. Less than 10 findings for the final colleges.



NUMBERS OF AUDIT FINDINGS

Number of EPA Reportable Findings

EPA FINDINGS



Environmental,
Health,
Safety and
Risk Management

A TALE OF TWO CONSULTANTS

- In 2005, the City of New York changed its accounting rules and audits were no longer fundable as capital projects.
- CUNY's community colleges are funded equally by both the City & State.
- Since the City would not cover its half of the audit cost, DASNY could not fund the audits.
- Due to a variety of circumstances, CUNY could not use O'Brien & Gere for further community college audits.

A TALE OF TWO CONSULTANTS

- CUNY Central EHSRM arranged for Woodard & Curran to perform the community college audits.
- Woodard & Curran picked up some issues that O'Brien & Gere did not, and did not include some issues O'Brien & Gere did.
- As with any procurement, competition helped lower costs.
- CUNY benefited both from the additional knowledge provided and costs avoided.

ISSUES WERE CORRECTED

- Correction of issues discovered during the audit were left to the Colleges with help provided by the central office when requested.
 - Funding of the corrections was the responsibility of the College, or Design and Construction.
- With 20 colleges involved, differences in management and funding levels impacted the speed and thoroughness of the corrections.

ISSUES WERE CORRECTED

- Virtually all of the issues that could be corrected by the campuses were corrected during & immediately after the audits.
 - The rest were corrected in 90 days.
- Most capital projects were started in a timely fashion.
- The accounting change for the City also precludes work on oil storage tanks from being considered capital, so tank work at our community colleges is challenging.

AFTER THE AUDITS: MORE AUDITS

- Starting in 2006, CUNY has been performing internal audits of our campuses.
- Initially, we stuck to the original audit schedule of two colleges per semester.
- Starting in 2007, an additional unannounced audit was added to each semester.
- For 2009, audits may be increased to four per semester (three scheduled and one unannounced).
 - BTW, “unannounced” is a euphemism for “surprise”.

CUNY INTERNAL AUDITS: PROCEDURES

- Internal audits initially reported on compliance with Federal, State, and City regulations.
- Compliance with CUNY's Environmental Management System will be included with this semester's audits.
- Audit teams consist of CUNY Central personnel and EHS staff from other CUNY campuses.

CUNY INTERNAL AUDITS: PROCEDURES

- Reports are generated for the campus and are reviewed at the University level.
- CUNY Central conducts follow-ups for completion of corrective actions.
- These audits are running smoothly, highlighting and solving problems.



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CUNY INTERNAL AUDITS: WHAT WE FIND

- RCRA Lab violations continue (at a lower rate than pre-audit), waste area and record keeping issues have decreased.
- SPCC issues have diminished to the occasional training lapse.
- NYC RTK issues continue.
- Record keeping for air issues is better, but there are still problems at some campuses
- State and local issues continue at a reduced, but still significant rate.

CUNY INTERNAL AUDITS: WHAT WE FIND

Violation	Trend of findings
RCRA Lab Violations	Persist at a lower rate than pre-audit
Waste Area Violations	Decreased
Record-keeping Violations	Decreased
SPCC Violations	Diminished to the occasional training lapse
NYC RTK Violations	Persist
Record keeping for Air Violations	Better, but persisting problems at some campuses
State and Local Violations	Persist at reduced, but still significant rate

WHY ARE THERE STILL ISSUES?

- Turnover on the academic front (especially research assistants who graduate and adjunct faculty) necessitates heavy training schedules.
- Facilities departments do not have succession plans for key recordkeeping personnel.
- Funding problems.

NYS DEC & TANKS

- The DEC has increased its scrutiny of CUNY campuses.
- Two campuses are under consent orders.
- In talking with the DEC, the excuses of “DASNY didn’t leave us the records or data” and “We can’t get funding” were vehemently classified as irrelevant.
- To quote the DEC “You are a state agency and as such are held to a higher standard for environmental compliance. How can we enforce these laws on the private sector if we don’t even follow them?”

NYC RIGHT – TO - KNOW

- NYC has its own, very strict RTK policy.
- The NYC Tier II report form requires more information than the federal form.
- Some chemicals have a zero pound reporting threshold.
- Some thresholds defy reason. Steel turnings, transmission fluid, and sarin all have the same 10 pound reporting threshold.
- Some chemicals (e.g., fuel oil) are on the NYC list, but not on the federal.
- Some EHS chemicals (e.g., sulfuric acid in storage batteries) have much lower planning thresholds.



Environmental,
Health,
Safety and
Risk Management

NYC RIGHT – TO - KNOW

- The federal RTK rule states that if your localities rules are more stringent than theirs, it is a federal violation not to follow them.
- New computer based reporting is helping.

NEXT STEPS

- Continue auditing and increase the scope of the audits.
- Have outside agencies conduct some audits as quality control.
- Gather campus information as specified in the EMS and reconcile the data both internally and with governmental agencies.
- Add Standard Operating Procedures (SOPs) to our EMS.
- Formalize the assignment of responsibilities for environmental issues.

QUALITY CONTROL

- Who watches the watchers?
- Our goal: have one (or more) of the 8 annual audits done by an outside group or consultant.
- The intent: re-focus the CUNY audit teams.
- CUNY will acquire new developments and priorities.
- External checks will lend gravitas to agencies reviewing our program.

THE TASK RESPONSIBILITY FORM

- Formalizes assignment of tasks.
- Specifies both back-up personnel and who is responsible for activating them.
- Indicates the middle and senior management ultimately responsible for the program.



WHAT IS WATCHED IS REMEMBERED

- Senior officers at the campuses must stay committed for environmental compliance to continue.
- The “big stick” of the disclosure audits is gone.
- EPA follow-up audits have happened, but they are not guaranteed.
 - They are an imperfect motivator.
- Our new stick is the internal audits and EMS.
 - *I will be by to evaluate campus compliance and report the same to the top university officers.*

WHAT IS WATCHED IS REMEMBERED

- CUNY's first follow up audit was at Hunter College's 68th Street Complex.
- The audit was limited to RCRA compliance.
- Records, storage areas, and laboratories were inspected.
 - No issues were reported at this time.



“I’M GOING TO MAKE HIM AN OFFER ...

- We would welcome outside EHS officers to observe or participate in our audits.
- If a campus hosts a spring meeting, it is possible to set up an audit for before or after the meeting.
 - *I would be glad to help.*





ANY QUESTIONS?

**THANK YOU FOR YOUR
ATTENTION**