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# PURPOSE

To establish minimum internal procedures for notification, investigation, classification and processing of Agency inspections and any Agency findings or self-reported noncompliance related to environmental, safety, and health (ESH) or facility systems located on all Texas Instruments Incorporated (TI) sites.

# SCOPE

The provisions of this standard apply to all ESH-related inspections by Agencies and any Agency findings resulting in an NOV. This standard also applies to any subsequent negotiation or payment of fines or penalties or corrective actions. This includes fire, cafeteria and backflow prevention inspections; but does not include building, elevator or other facility inspections unless the findings result in a non-compliance to an ESH Requirement.

This standard does not apply to noncompliance, findings, or areas of concern that are discovered as a result of internal TI assessments, audits, investigations, or other internal actions or external audits conducted by customers, insurance agencies or standards verification entities. However, if an internal assessment or inspection indicates a noncompliance finding that is required to be reported to an Agency and a NOV results from the reported occurrence, then the process outlined in this document shall be followed.

# reference documentS

TI Standard Policy and Procedure (SP&P) 04-04-01: "Environmental, Health and Safety”

# [Definitions](https://sps01.itg.ti.com/sites/wwf/esh/standards/Knowledge_Bank/00.01.xlsx)

###

# REQUIREMENTS

## Notification of Inspections and Findings

## Notification of Inspection

## Upon notice of an upcoming Agency inspection, a Site Managing Director, Facilities Manager, or designee shall complete the *Appendix A: Notification Forms - Inspection Notification Information* and send by email to the WWESH Director and reports via broadcast email ID: *regulatory\_inspection@list.ti.com*.

## If no advance notice is given, send the *Inspection Notification Information* along with the *Appendix A: Notification Forms - Post-Inspection Update* referenced in Section 5.1.1.3 below.

## The Site Managing Director, Facilities Manager, or designee shall complete the *Appendix A: Notification Forms - Post-Inspection Update* by the end of the next business day of the inspection and send by email to broadcast email ID: *regulatory\_inspection@list.ti.com*.

## Notification of NOVs.

## Upon receipt of a NOV, the Site Managing Director, Facilities Manager, or designee shall, within 24 hours, complete the *Appendix A: Notification Forms - Notice of NOV* and the next Section *Fine Assessment Information* (if applicable) and send by email to broadcast email ID: *regulatory\_inspection@list.ti.com.*

## The WWESH Director or designee will provide notification of all new NOVs to senior management and relevant TI Legal counsel.

## Notification of Potential NOVs that do not result from inspections

## If a potential violation is either self-reported or results from a means other than an inspection, the Site Managing Director, Facilities Manager or designee shall notify the WWESH Director within 24 hours by completing the *Appendix A: Notification Forms - Notice of NOV* and the next Section *Fine Assessment Information* (if applicable) and send by email to broadcast email ID: *regulatory\_inspection@list.ti.com.*

## NOV Investigation and Response

## For NOVs that include prescribed corrective actions or other required actions, the Site Managing Director, Facilities Manager or designee shall complete the actions as soon as possible and within the timeframe prescribed in the NOV.

## For NOVs that do not include prescribed corrective actions or other required actions, the Site Managing Director, Facilities Manager or designee shall conduct a preliminary inquiry into the facts and circumstances relevant to the NOV and develop corrective actions, if necessary.

## The Site Managing Director, Facilities Manager or designee shall contact relevant TI Legal counsel to discuss any allegations or facts in the NOV that appear to be inaccurate or exaggerated and then contact the Agency to discuss. If TI has developed corrective actions in response to the NOV, determine that the corrective actions are acceptable to the Agency.

## If necessary, and in consultation with the WW ESH Director or Regional ESH Director and relevant TI Legal counsel, the Site Managing Director, Facilities Manager or designee may request additional time from the Agency to complete the corrective actions.

## After completion of all corrective actions and prior to any deadline provided in a NOV, the Site Managing Director, Facilities Manager or designee, with input from relevant TI Legal counsel, shall:

## If appropriate, contact the Agency to verbally discuss corrective actions taken.

## Respond to the Agency in writing and indicate that all corrective actions have been completed and request written concurrence that the NOV is resolved and no further actions are required.

## If no written concurrence is provided, seek to obtain at least verbal concurrence from the Agency that the NOV is resolved and that no further actions are required and document the conversation in a memo or note to file, including: date, time, name and title of person contacted with evidence of the follow-up communication.

## Where the Agency acknowledges, verbally or in writing, that no further action is required the Site Managing Director, Facilities Manager or designee shall complete the *Appendix A: Notification Forms - Resolution Information* form and send by email to broadcast email ID: *regulatory\_inspection@list.ti.com*. Additional coordination with the Agency is not necessary.

## If the Agency requires further action(s), the Site Managing Director, Facilities Manager or designee shall:

## Involve the local TI ESH team, WWESH Director and relevant TI Legal counsel to discuss next steps and complete the *Appendix A: Notification Forms - Regulatory Consultation* form and send by email to broadcast email ID: *regulatory\_inspection@list.ti.com*.

## Once any further actions have been completed and the Agency acknowledges, verbally or in writing, that no further action is required the Site Managing Director, Facilities Manager or designee shall complete the *Appendix A: Notification Forms - Resolution Information* form and send by email to broadcast email ID: *regulatory\_inspection@list.ti.com*.

## Assessment and Payment of NOV Fine or Penalty

## NOVs that impose a proposed or final fine or penalty require that the Site Managing Director, Facilities Manager or designee consult with the WW ESH Director or Regional ESH Director, TI ESH and relevant TI Legal counsel to determine next steps. If determined to be necessary during the consultation the Site Managing Director, Facilities Manager or designee shall collect relevant facts related to the NOV and any fine or penalty adjustments including related documents, statements, calculations, and photographs in order to: (a) prepare for negotiations with an Agency to adjust the fine or penalty, or (b) justify payment of the proposed or final fine or penalty.

## In cases where TI wishes to negotiate an adjustment to a proposed or final fine or penalty, the consultation described in Section 5.3.1 above may, at the relevant TI Legal counsel’s recommendation and direction, include retained legal counsel experienced in the jurisdiction or region in which the NOV was issued.

## Note: Negotiating an adjustment to a fine or penalty requires the approval of the WW ESH Director.

## Payment of any fine or penalty (whether negotiations occur or not) shall be executed in a timely manner consistent with the NOV and any applicable ESH Requirements. The Site Managing Director, Facilities Manager or designee shall coordinate payment with the appropriate accounts payable personnel and provide notice of payment by email to broadcast email ID: *regulatory\_inspection@list.ti.com* and to relevant TI Legal counsel.

## NOV Tracking and Compliance Review

## The Site Managing Director, Facilities Manager or designee shall track all open NOVs and will send a follow-up status message for all open NOVs on a monthly basis (by the 5th calendar day of each month)by email to broadcast email ID: *regulatory\_inspection@list.ti.com*. This should contain a status of pending actions.

## The WWESH Risk and Compliance Manager (or designee) shall:

## Review information in the inspection tracking system, identify trends across regions and notify the WWESH Director if any areas of concern warrant guidance or specific attention.

## Verify that all inspections and citations are properly categorized and reported in the inspection tracking system and that all information is accurate and current.

## Provide the WWESH Director with a summary of new and open NOVs within 15 days of the end of each month.

## The Worldwide ESH Compliance Data Owner(s) shall:

## Maintain the NOV tracking system (Agency Inspection SharePoint site) located at: https://wwf.web.ti.com/wwesh/ESH%20Program%20%20Agency%20Inspection%20and%20NOV/Forms/AllItems.aspx

## and assist users, as requested.

## Provide data reports to WWESH Director, as requested.

## The Worldwide ESH Director shall:

## Formulate policy, allocate resources and oversee ESH compliance tracking and reporting requirements throughout the company.

## Analyze TI ESH compliance performance, identify trends, formulate guidance and seek company-wide corrective solutions.

## Regional regulatory review coordinators shall review data in the NOV tracking system to ensure NOVs are properly documented and closed out and will review all open NOVs and follow-up on all corrective actions not yet complete.

## Where available, the regional regulatory review coordinators shall monitor compliance data posted on regulatory Agency websites, databases and tracking systems that contain TI compliance data at least twice a year. For example, the U.S. EPA’s Online Targeting Information System (OTIS) located at: www.epa.gov/idea/otis/index.html and the U.S. EPA’s Enforcement and Compliance History Online (ECHO) located at: www.epa.gov/echo.

## Verify that all information posted on the websites are accurate

## Report any errors to the appropriate ESH manager for follow-up with the Agency.

# Standard Approval

 This standard has been approved by David Thomas, TI Vice President.

# REVISION hISTORY

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Revision** | **Date** | **Comment** | **Editor** | **Approver** |
| New | 09/01/2015 | Original document  | P. Tompkins-Everidge | D. Thomas |
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1. Notification Forms

Inspection Notification Information

1. Reporting site and name of site contact:
2. Type of Inspection: Choose an item.
3. Date of inspection (or self-report) (mm/dd/yy): Click here to enter a date.
4. What program was/is going to be inspected?
5. Name of inspecting agency:
6. Statutory category/ regulation being inspected to:

Post - Inspection Update

1. List Potential Findings from inspection:
2. Have action items been assigned to address potential findings?
3. Date of completion planned for last action item (mm/dd/yy): Click here to enter a date.

Notice of NOV

1. Date on NOV letter received from agency (mm/dd/yy): Click here to enter a date.

*(The date on the letterhead)*

1. Date site received the letter (mm/dd/yy): Click here to enter a date.
2. Specific alleged or indicated noncompliance(s)
3. Was this a warning letter or a Notice of Violation?
4. Classification of the violation cited Choose an item.
5. AHJ Action Level: Choose an item.
6. Nature of response requested:
7. Date response is requested by: Click here to enter a date.
8. Root Cause Choose an item.

1. Have action items been assigned to address the alleged or indicated noncompliance?
2. Date of completion planned for last action item (mm/dd/yy): Click here to enter a date.
3. Was a fine assessed or requested? *(Yes or No)*

*(If ‘Yes’, please complete the Fine Assessment Information form and submit with this form)*

Fine Assessment Information

1. Total dollar amount of the fine assessed:
2. Has TI Legal counsel been consulted?
3. Has written investigative report been completed?
4. Has fine been paid?
5. Dollar amount of fines paid to regulatory agency:
6. Date fine was paid (mm/dd/yy): Click here to enter a date.
7. Method of payment

Resolution Information

1. If agency requested response, has site sent a request to agency requesting closure? (Yes/No)
2. Date of NOV resolution (mm/dd/yy). Click here to enter a date.

Regulatory Consultation Information

1. Has compliance plan been developed with agency?
2. Date it was agreed to? Click here to enter a date.
3. Deadline for completion of actions? Click here to enter a date.
4. Notification Forms

**Explanation of Terms used in Notification Forms**

**Classification of Notice of Violations:**

* **Class A - Administrative.** The NOV resulted from administrative errors such as failure to submit/update, complete in a timely manner, or properly prepare required permit applications, monitoring/compliance reports, and plans. This category also includes improper or incomplete documentation of waste storage and disposal and notifications required in advance of taking action.
* **Class B - Potential to Cause Release or Damage to the Environment / Potential of Injury or Harm to Persons**. This category includes NOVs resulting from inspections that note conditions with potential for release or damage to the environment such as improper storage/handling of waste or regulated substances (e.g., oil, hazardous materials); or the NOV resulted from potential to injury/harm to person(s).
* **Class C - Release to the Environment/Injury or Harm Persons.** The NOV resulted from spills, overflows, or other unauthorized discharges/releases. This category includes NOVs that resulted from wastewater or storm water discharges that exceeded effluent limits, air emissions that exceeded emission standards, or potable water samples that exceeded drinking water standards; or the NOV resulted from injury/harm to person(s).

**Agency Action Level:**

* **High =** Significant enforcement action or warning of significant enforcement action from Agency (significant fine (greater than $25K USD), interruption to operations, cease-and-desist order, negative press, prohibition notice).
* **Low =** not a high action level.

**Root Cause Classifications:**

* **Infrastructure:** Problems with facilities or equipment used for pollution control, conveyance, collection, or waste handling. Examples include: inadequate facilities and maintenance of facilities/equipment; or equipment failure.
* **Contract Management:** Actions pertaining to contracts or contractor activities (to include sampling and analysis contracts). Examples include: contract documents inadequate; contract documents adequate but contractor does not fulfill requirements and requirements are not enforced; and poor or no oversight of contractor work by the appropriate Government representative.
* **Operator/Personnel Errors:** Actions pertaining to operator or personnel activities. Examples include: procedures have been developed but are not effectively implemented; procedures have been developed but were not followed; personnel understood requirement, but simply forgot to act; known deficient item, facility, or equipment, not formally identified for funding (e.g., not acting on a known deficiency); insufficient skills to execute program procedures properly (e.g., individual(s) have received proper training but are not proficient).
* **Training:** Appropriate training not obtained.
* **Management Deficiencies:** Actions pertaining to management. Examples include: procedures have not been developed; procedures have been developed but are inadequate; higher priority requirement took precedence; time delay due to complex acquisition process; inadequate manpower; accountability not assigned; or training not properly documented.
* **Resources:** Inadequate funding for equipment, materials/supplies, or manpower received. Examples include: deficient item, or equipment properly identified, but not funded; or deficient manpower properly identified, but not funded. Provide the Capital Request # where the funding was requested.
* **External Factors:** Actions pertaining to external factors. Examples include: Terrorism, unforeseen accident, weather related events, or acts of vandalism.