

Make green change happen, but keep Chicken Little at bay

You have accepted Ross Fields' challenge last month: Your business will make good on its 2011 "Green Resolution." As Ross points out, most green business practices are neither complicated nor revolutionary. They are mostly based on strategic approaches to resource use and business functions, with one key fundamental; they need to be implemented! The Green Business Certification Program (GBCP) Checklist from the Carlsbad Chamber of Commerce Sustainability Committee is thus a unique way to begin or enhance your sustainable business practices.

Get Started on Your Green Business Checklist

Some items or categories identified by the Checklist are more complex than others, but don't hesitate to take the initial steps. Many of the tips and practices are likely activities your business already conducts. So don't be put off by the multitude of details. That said, the effort needed to attain Platinum Certification may appear a little daunting. But whether your business aspires for the Platinum level or not, the Checklist can serve two basic functions for your business:

1 Springboard for implementing green practices that actually save business resources while promoting environmental efficiency (hopefully leading to greater profits); and

2 Internal metric to evaluate your current business practices.

As a lawyer, I am interested in the latter function most. I am not Chicken Little (the sky appears to be intact at the moment). But one way I add value is by spotting risk or legal compliance issues early in business projects or initiatives. Identifying these potential concerns up front can usually result in



back-end savings if issues emerge that need to be resolved.

With my modified Chicken Little perspective, I will very briefly identify some potential issues that may arise when you assess your business under one specific category of the GBCP Checklist: Chemical Use and Pollution Prevention.

Chicken Little's View of Chemical Use

The Chemical Use and Pollution Prevention portion of the Checklist identifies many functional ideas that are straightforward and sound. For many businesses, especially those in the service sector, this category is not particularly problematic. Facility maintenance, office housekeeping and waste reduction/recycling usually do not pose complicated regulatory or compliance issues at this point in time.

However, if your business includes manufacturing, or distribution/sales of consumer products, the Chemical Use portion of a green assessment is far more intriguing (i.e., risky). California is (in)famous for its maze of environmental protection laws. These laws apply to manufacturers using, storing and disposing of hazardous materials, as well as businesses selling any manner of products to the public. And both types of businesses face workplace chemical exposure and training issues.



The Checklist by itself does not expand or otherwise change pre-existing legal requirements for businesses using hazardous materials or selling/handling products which cause environmental/chemical exposures. But the self-assessment process for a business may implicate facts or "potential factual scenarios" that a business owner or manager may not have otherwise discovered. Similar to an internal audit, a business may gain knowledge of conditions or situations that were not expected. Knowledge of such situations can create or trigger certain duties that may move far beyond the purposes of a green certification. The environmental and regulatory issues that may be implicated include:

- Hazardous waste control laws;
- Hazardous materials permit conditions;
- Cal-OSHA requirements;
- Consumer protection laws, such as the Toxic Substances Control Act or the notorious Proposition 65 warning requirements; and Green building requirements (e.g., LEED, GreenGuard, UL Environment).

Many such environmental requirements can be confusing, opaque or previously

not known to a business owner. Unfortunately, compliance with these environmental requirements can become more costly if they are not addressed promptly or strategically.

Keeping the Sky Where It Is (i.e., Not Falling)

The Checklist provides businesses with handy tool to measure sustainability. Achieving sustainability objectives can have the added benefit of helping a business identify and address other environmental compliance issues. As a lawyer, my caveat to business owners on sustainability is to keep things relatively simple, while maintaining cost-effectiveness and control over the internal business information gathered. Peripheral issues that arise must be carefully assessed. The Chamber's Sustainability Committee is a great resource for Carlsbad businesses in this respect, and ongoing education and outreach efforts will help all of us reach important environmental goals – without the lawyer having to worry that the proverbial sky is falling.

Cordon Baesel can be reached at <http://www.luce.com/cordonbaesel/>.

Celebrate Carlsbad Day

A Giant Pep Rally for Education



LEGOLAND® California • Saturday, May 14, 2011 • 1 p.m. - 9 p.m.



Carlsbad Educational Foundation
Where Kids Are Worth a Million™

LEGOLAND® Park Admission \$20

A \$49 savings off the \$69 ticket price!

- Student performances 3-6 p.m.
- Fireworks at 8 p.m.
- Park hours extended to 9 p.m.

Tickets can be purchased in advance only at the Carlsbad Chamber of Commerce, Carlsbad Visitors and Convention Bureau, Lola's 7 Up Market & Deli, US Bank at 2520 El Camino Real, and the Carlsbad Educational Foundation.

For more info, visit www.CarlsbadEd.org or call (760) 929-1555

LEGO, the LEGO logo, and LEGOLAND are trademarks of the LEGO Group. The LEGO and LEGOLAND trademark are property of the LEGO Group, and are used here with special permission. ©2011 LEGOLAND AND SEALIFE ARE A PART OF THE MERLIN ENTERTAINMENTS GROUP

A portion of ticket proceeds benefits the Carlsbad Educational Foundation to help fund district-wide music and science enrichment at all Carlsbad Unified School District Schools.

GET CERTIFIED FOR BEING ECO-FRIENDLY



greenbusiness
ADVOCATE

The Sustainability Committee is hosting events each month to educate Carlsbad Chamber members about the basics of green certification and sustainable practices. Attend one or all of these events to learn simple, eco-friendly practices that can be easily implemented into your business:

Future Meeting Dates:

Tuesday, April 12

Environmental Legislation & it's Effect on your Business

Tuesday, May 10

Spring Clean & Green your Business Plan

Unless otherwise noted, the events are from 7:15-8:30 a.m. at the Carlsbad Chamber of Commerce, 5934 Priestly Drive, Carlsbad, 92008.

For more information contact Bev Jorgensen at **760.931.8400** or bjorgensen@carlsbad.org.