KELLER'S

INDUSTRIAL SAFETY REPORT

MARCH 1994 VOLUME 4 NUMBER 3

FEATURED THIS MONTH

FORKLIFT REGULATIONS COVER MORE THAN JUST DRIVERS – training forklift drivers is the focus of many compliance programs, but there are numerous other forklift-related regulations a company needs to review. **Page 1.**

WHAT IS CONSIDERED A SPILL UNDER HAZWOPER? – The Industrial Safety report lets you in on OSHA's own spill compliance directive for inspectors enforcing HAZWOPER spill regulations. **Page 7.**

TOXICS IN PACKAGING REGULATIONS – In the past you had to be concerned with the toxics you packaged and transported. Now, you also need to be aware of the toxics in your packaging materials. **Page 12.**.

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OSHA Activity

OSHA Forklift Requirements Are Not Just Driver-Related

Complying with forklift training required by OSHA makes sense for your total safety program. Proper training of forklift drivers not only helps ensure your compliance with government regulations, it can prevent injuries, reduce employee downtime, and prevent hazardous spills and product damage.

What does OSHA require? The primary OSHA requirements for forklift operators can be found in 29 CFR 1910.176 and .178.

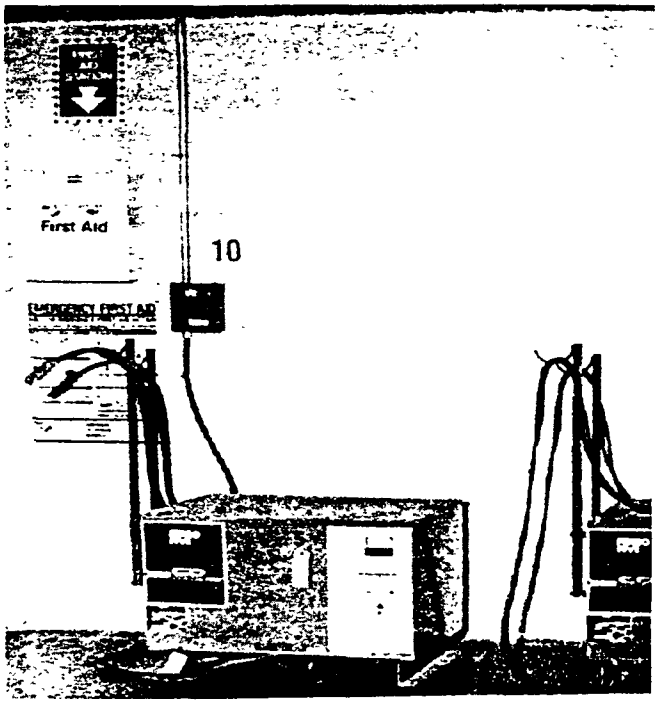
These requirements not only spell out forklift operating procedures, but also company requirements in such areas as forklift policies and facility management methods. Some of the basic requirements are:

- Methods must be devised to train all forklift operators;

- Untrained employees may not operate forklifts;
- Drivers must be provided with operator's manuals;
- Battery charging area should be designated;
- Drivers need specific training for travel on rough or uneven surfaces;
- Drivers need specific training for unevenly weighted loads; and
- Required lighting for work areas or forklifts.

An often neglected part of forklift training are non-employee related requirements for the company itself. Even though the forklift operators may have been properly trained by the company, the company may not be in compliance with other aspects of forklift-related rules.

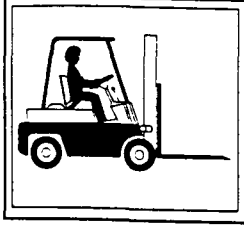
For instance, use of the proper forklift for certain areas is mandated. The type of forklift power is important when reviewing operating areas. It makes a difference if a forklift is fueled by compressed gas, diesel fuel, gasoline, or electricity. OSHA tries to prevent explosions by regulating which type of forklift can operate in areas of flammable gases or combustible dust.



Battery charging area rules are part of non-driver related regulations associated with forklifts.

OSHA requires that forklift traffic lanes be established and kept clear of obstacles. These passageways must also be marked appropriately. Such markings may include a speed limit, stop, or yield sign. Other markings might refer to safe clearance or employee traffic areas.

Forklifts should be provided with a load backrest extension for higher than normal loads. This would be the responsibility of the company, not the driver, to properly outfit the forklift for safety.



Reminder!

If forklifts are used around the clock, they must be pre-inspected before each shift, not just once a day!

The employer must also make sure there is proper clearance height under such structures as overhead installations, elevated crosswalks, lights, pipes, and sprinkler systems.

Other mandatory requirements include pre-inspections of the forklift before use, including before each shift if it is used around the clock; control of forklift fumes; and forklift maintenance provisions.

A forklift that is not being used must be shut off, load engaging must be fully lowered, controls neutralized, power shut off, and brakes set. Wheels must be blocked if the truck is parked on an incline.

OSHA considers a forklift unattended when the operator is off the forklift and more than 25 feet away from the forklift, or when it is out of his view.

The requirements noted here are just a sampling of the overall regulations addressing forklift operations. There are many more regulated details associated with forklift operations ranging from overhead guards to movement over dockboards to forklift modifications. For a more detailed breakdown of the requirements, see the actual regulations in 29 CFR 1910 under Subpart N, Materials Handling and Storage.

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What Is OSHSPA?

OSHSPA. What is that? It's an organization whose members represent the 22 states and two territories that operate their own OSHA-approved job safety and health state programs and who are deeply committed to providing safety and health protection for their states' workers. It's called the Occupational Safety and Health State Plan Association (OSHSPA).

These states conducted 74.791 inspections in FY 1992, compared to OSHA's 42.431. The national OSHA program is not just Federal OSHA, but the combined effort of Federal OSHA and the states. The state programs cover about 40 percent of the nation's workers.

OSHA funds up to 50 percent of the cost of operating these state programs, and closely monitors them to make sure they are at least as effective as the federal program.

OSHSPA had its beginnings in the mid-1970's, after most of the 22 states and two territories had received initial approval from OSHA for their plans. It meets three times a year in different member states' locations and invites Federal OSHA to participate. There are no dues, and no full-time staff. But attendance is high, averaging 23 states per meeting.

A seven-member Board of Directors meets three times a year between full OSHSPA meetings in Washington, D.C. The Board discusses current OSHSPA concerns with OSHA's assistant secretary and deputy assistant secretaries.

What Does OSHSPA Do?

OSHSPA serves as an important communications link among its member states as well as with Federal OSHA in Washington. As former OSHSPA chairperson Nancy Burkheimer (MD) points out, "OSHSPA is the only vehicle for officials of the 22 state and two territorial occupational safety and health programs to meet and discuss their common problems of interest. They don't have to reinvent the wheel when they can trade information and learn of new approaches."

Members regularly report at meetings on significant matters occurring in their individual state programs, including issues of concern to them, new policies and programs, and creative approaches.

For example, some states have experimented with innovative uses of workers' compensation data. They have linked a company's workers' compensation insurance rate with its injury-illness record, or used actual workers compensation injury reports as the basis for inspection scheduling.

Other states have experimented with special programs to combat high fatality rates in the construction industry. One state is considering requiring construction employers to conduct weekly self-inspections, including a checklist signed and dated by a foreman and employee walkaround representative. It may also begin weekend and evening construction inspections.

A member state may also ask other states what their experience has been with a particular issue. The state might ask, "How have you handled the issue of inspectors being subpoenaed to testify in private lawsuits?" Or it might ask, "Has anybody here had to deal with standards for sanitation workers? Or for mental hospital workers? Or for police officers or firefighters?

In addition, OSHSPA serves as a communications link between its member states and the Congress and executive branch agencies. OSHA, of course, is the primary agency with which OSHSPA communicates.

OSHSPA is a forum for the individual states to react to and discuss proposed national policies as well as to discuss their respective concerns with current OSHA policies or procedures. Members trade information about how federal policies, such as state plan monitoring, are being implemented in each state.

OSHA has also been attempting to find more effective ways for the states to participate in the early stages of developing federal standards and setting policy in areas such as OSHA's compliance approach towards ergonomics problems in the red meat industry, and changes to OSHA's state plan monitoring procedures.

OSHSPA also makes it easier for OSHA to learn of new approaches and successful state-initiated programs that may be useful for

nationwide application. For example, an early prototype of OSHA's successful Voluntary Protection Programs began in California under CAL/OSHA in the 1970's.

OSHSPA Members

Member states or territories are Alaska, Arizona, California, Connecticut, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, New York, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Virgin Islands, Washington, and Wyoming. All these states except Connecticut and New York cover both private sector and public sector (State and local government) employees.

Connecticut and New York cover only the public sector. Federal OSHA doesn't cover State and local government workers and therefore doesn't adopt standards in this area for the states to replicate. North Carolina, a former state-plan state, is currently waiting for reauthorization.

OSHA Issues Tuberculosis Enforcement Guidance

The U.S. Labor Department, in the face of increased hazards posed by tuberculosis, including drug-resistant strains of the disease, has issued enforcement guidance to protect workers against exposures to the bacteria.

The department's Occupational Safety and Health Administration (OSHA) issued mandatory guidelines that establish an agency-wide enforcement policy for protecting exposed workers against tuberculosis in both the private and federal sectors, including the agency's own inspectors.

Employers found in violation of the guidelines can be fined. The instructions cover the application of OSHA standards for TB inspections as well as the OSH Act's general duty clause that obligates employers to provide safe and healthful workplaces.

Guidance is based principally on guidelines for preventing the transmission of tuberculosis in health care settings issued by the Centers for Disease Control and Prevention (CDC) in 1990. OSHA's guidelines are effective immediately except for respirator requirements which become effective in 90 days.

They are to remain in effect until an OSHA compliance directive is issued. The more formal compliance directive will be based on the CDC revision of its 1990 guidelines which is expected in the coming year.

OSHA is relying on these guidelines as reflecting a widely recognized and accepted standard of protection that we expect to be followed by employers in carrying out their responsibilities under the OSH Act," former Acting Assistant Secretary of Labor David Zeigler said.

Ziegler also noted that, "At the same time, OSHA is developing a major educational program to inform affected employers and employees as well as local health care institutions and hospital associations."

OSHA will conduct inspections for occupational exposure to TB only in response to employee complaints or as part of industrial hygiene compliance inspections of health care settings (hospitals and clinics) and correctional institutions, homeless shelters, long-term care facilities for the elderly and drug treatment centers.

All of these facilities have been identified by the CDC as worksites where workers have been found to have a greater incidence of TB than the general population and an increased risk of exposure to TB.

OSHA's guidelines also say, however, that employers must implement the CDC and OSHA policy of requiring a hierarchy of controls and good industrial hygiene practice which dictate that engineering and work practice controls be used wherever possible to eliminate or reduce the hazard at its source.

When it is not possible to prevent employee exposure to the hazard through engineering controls, administrative and/or work practice controls must be employed. Lastly, personal protective equipment must be used to protect the employee.

Those states which run their own job safety and health programs are being provided a copy of the guidelines and must advise federal

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OSHA on what the state intends to do on enforcement against TB within 30 days of the receipt of the guidelines.

Since 1985 the incidence of TB in the general U.S. population has increased 18 percent, reversing a 30-year downward trend. Some 25,500 cases were reported in the United States in 1990.

In New York City, where 3,700 cases were reported in 1991, a recent study showed 33% of the city's cases were resistant to one drug and 19% resistant to the two most effective drugs for treating the disease and that the cure rate for those infected with the latter bacteria decreased from 100% to 60%.

So far OSHA has inspected 30 workplaces, mainly in the New York area, and "these inspections reveal that employers have not fully implemented the CDC guidelines," the memorandum said.

OSHA To Issue Inspectors New Process Safety Directive

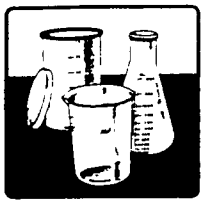
OSHA will soon issue an update to its compliance directive for its process safety standard for management of highly hazardous chemicals. Compliance directives provide guidance to OSHA field inspectors on enforcement of particular standards.

The update to the original process safety directive (CPL 2-2.45A) will contain a considerable amount of new interpretations and other additions, mostly technical in nature.

How the process safety standard relates to contractors will account for a substantial amount of the new directive.

The directive will reflect clarifications and interpretations related to the April 5, 1993 settlement between the United Steelworkers, the Oil, Chemical, and Atomic Workers Union, and the Building and Construction Trades Department of the AFL-CIO (see the July 1993 issue of the Industrial Safety Report).

Other parts of the directive will address explosives manufacture and related training and inspection scheduling.



Safety Matters

How To Store Chemicals Safely

Storage of chemicals is an often-neglected area of facility management, especially for companies that deal with only limited amounts of chemicals. However, good storage practices are just as essential for smaller facilities and the potential for employee injury or environmental damage can be just as great.

Releases of hazardous materials can occur unexpectedly due to spills, fires, and explosions. Properly designed or managed facilities and safe practices can minimize the potential for dangerous releases of chemicals.

The following general guidelines can be expanded or pared down to the size of your chemical storage needs. No two facilities are going to have the exact same layout or use the same amounts of chemicals. The basic principles, however, are good practice for any facility that stores chemicals.

Handling Of Materials

Maintain safe stacking heights and weights that are compatible with containers contents and structure. Manufacturers' storage recommendations usually accompany containers and should be closely observed in all cases. This data may also be obtained by calling the manufacturer of a container.

Stacking several salvage drums may save storage space, but the bottom drum could collapse or rupture from the weight stacked on top of it. Even if a container doesn't collapse, its lid or seal may be damaged to the point where fumes may escape or leakage could easily occur if it were tipped over.

Storage areas should be dry, clean, and well lit so employees can easily see to work around containers. Plus, stored chemicals should only be accessible to authorized employees.

Chemical Storage Plans

OSHA requires employers to have a written hazard communication program (29 CFR 1910.1200). Any written chemical storage plan should include the employer's communication of health hazards to the employee. The plan should inform workers of potential hazards of the materials and train them on release prevention measures.

Written hazard communication programs must be made available to employees, their designated representatives, and any representatives of OSHA and/or National Institute for Occupational Safety and Health (NIOSH).

At a minimum, the written program for chemical storage should address general information about the program, including:

- Container labeling;
- Location and use of material safety data sheets;
- Employee training and information;
- A listing of regulated hazardous chemicals in the facility;
- Hazardous non-routine tasks; and
- Procedures for informing outside workers of hazards.

A polyethlyene drum liner such as this can allow you to store a metal corrosive chemical in a metal drum.

Container Checks

You should regularly inspect containers for damage or leakage. Locate and properly stack containers so that inspections are easily accomplished. Some products are sensitive to excessive heat or cold. Certain chemicals are incompatible with metal or polyethylene storage drums. Automatic monitoring may be used to check conditions such as temperature, moisture, or vapor control that might cause a leak or spill.

Spill Prevention/Containment Program

Releases of toxic and hazardous substances require a quick response with trained personnel using the proper equipment. Consider a number of different procedures for a spill response program.

A written plan for specific facility spill prevention and control is essential for pre-planning spill response. This program may pose projected spill scenarios and list spill containment systems available for response. In fact, these type of plans are required by regulations under such programs as SARA, SPCC, and EPA's proposed risk management.

An employee training program is useful for ensuring employees aren't caught off-guard by a spill. A basic training program could prevent employees from rushing to a spill and using spill cleanup products without protective gloves or goggles. This training is also required under OSHA's HAWOPER regulation.

Soil and surface or groundwater characteristics of the surrounding site can be determined to review the potential for spill contamination.

Oversize salvage drums or containers to repack damaged or leaking product containers can be provided.

Emergency spill control equipment such as absorbents, spill control pillows, pads, and dikes, and leak repair kits can be made available and kept in an easy-to-access area, one that a spill would not block off. Diking materials that may prevent drainage into storm drains, for instance, should be stored near those types of outlets.

The containment of toxic spills, including potentially contaminated water flows from sprinklers or manual firefighting activities, must be considered. If appropriate, runoff control measures such as catch basins or concrete curbing can be installed. Depressed truck loading areas should be considered for runoff containment.

Firefighting water can be minimized by use of an automatic sprinkler protection system. Other firefighting control agents such as foams, dry chemical, halon, CO2, etc., may be used where appropriate to minimize water use.

MSDSs

Material safety data sheets (MSDSs) should be available to emergency response personnel. This is required by SARA's Community Right To Know regulations. Providing the MSDS to emergency responders can help them in determining the proper fire control and spill containment methods.

From an MSDS, responders can determine hazardous ingredients, physical properties (boiling point, vapor pressure, evaporation rate), fire and explosion hazards, firefighting procedures, reactivity, and spill or leak procedures.

Floor Plans/Drainage

Floor plans can be maintained to show storage area locations, what products should not be stored near each other, and what compatible products can be stored together. These plans can also show the location of emergency response equipment, floor drain and underground drain pipe locations and their discharge points.

The discharge point for all drains should be known and clearly marked on site drawings and emergency plans. Consider spill control devices that can prevent spills from reaching the environment through the drains.

Site and floor plans developed specifically for spill response can show control points for containing spills. Nearby drainage systems and water bodies can be indicated. Potential areas where incompatible chemicals could mix can be identified.

What Is Considered A Spill Under HAZWOPER?

When OSHA published the Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations, the agency never expected as many inquiries as it's received on what kind of spills are covered under HAZWOPER. (The regulations became effective March 6, 1990 and are found at 40 CFR 1910.120.)

HAZWOPER calls for specialized training of hazardous emergency response teams.internal work groups who respond to hazardous substance emergencies outside their own work area. As this task can include actions up to full-blown "moonsuit" level (though sorbent pads are more often what's needed), training can be extensive.and expensive. Industry understandably seeks clear direction on what level of facility risk there has to be before they need to go to the expense of training and equipping a HAZWOPER-qualified crew.

In response to such questions from its own inspectors, OSHA has now issued a compliance directive to help better enforce the regulation. Following is a clarification, based on this directive, of what amounts and kinds of spills would require HAZWOPER response, and thus HAZWOPER training of response personnel.

Potential releases of hazardous substances in the workplace can be categorized into three groups:

1. Releases that are clearly incidental i.e. minor in nature regardless of circumstances.
2. Releases that may be incidental or may require an emergency response depending on circumstances.
3. Releases that clearly require an emergency response, regardless of circumstances.

Releases that are clearly incidental

An incidental release is one which does not pose a significant safety or health hazard to employees in the immediate vicinity or to those cleaning it up. It's also not likely to escalate into an emergency within a short time

frame. If hazardous substances are always stored in very small quantities, as in a laboratory, and pose no significant safety and health threat at that volume, then risk of a release that escalates into an emergency are minimal.

In this setting. incidental releases will generally be the norm and employees only need to be trained to protect themselves to the minimal requirements of the Hazard Communication Standard (29 CFR 1910.1200)...not the more extensive requirements of HAZWOPER.

Releases that may be incidental or require an emergency response, depending on the circumstances

This swing definition turns on, first, the properties and amounts of the materials involved; second, what equipment is available to handle a release; and third, how familiar workers are with handling the material in their everyday tasks.

Properties such as toxicity, volatility, flammability, explosiveness, or corrosiveness impact on what employees can handle safely and what procedures need to be followed. Other factors to consider are the quantity of the release, confined space considerations, and ventilation. Obviously, the more material involved, and the more dangerous the space, the greater the need for trained responders.

Circumstances which may reduce the hazard level include the knowledge of the employee in the immediate work area; response and personal protective equipment (PPE) at hand; and whether there are pre-established response procedures. Some engineering control measures can also help reduce the release.

The fact that there are so many considerations makes for answers that often are facility-specific.

For example: A spill of the solvent toluene in a facility that makes toluene may not require an emergency response because of the advanced knowledge of the personnel, and the equipment available to clean up the spill. However, the same spill in a furniture refinishing shop, where personnel have only basic hazard communication training on toluene, may require an emergency response by more highly trained personnel.

The refinishing shop's emergency response plan would call for evacuation for all but the most minor spills, while evacuation and emergency response would only be needed for much larger spills in the plan adopted by the manufacturing facility.

Releases that require an emergency response regardless of circumstances

Some releases pose a significant enough threat by their very nature, that they require an emergency response regardless of circumstances or mitigating factors. HAZWOPER calls for employers to determine in advance the potential for a reasonably predictable worst-case scenario, and plan response procedures accordingly.

Here are some of the factors that define an "emergency response":

1. The response needs to come from outside the immediate area (not including routine cleanups by maintenance personnel. See below.);
2. The release requires evacuation of employees in the area;
3. The release poses, or potentially poses conditions immediately dangerous to life and health (IDLH);
4. The release poses serious threat of fire or explosion (e.g., conditions exceed or potentially exceed the lower tolerance levels of the substances involved for flammability or explosiveness);
5. The release poses an imminent danger to life and health;
6. The release may cause high levels of exposure to toxic substances;
7. There is uncertainty that employees in the work area can handle the hazard with the PPE and equipment provided and the exposure limit could easily be exceeded; and

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8. The situation is unclear, or data is lacking on important factors.

If there's reasonable expectation any of these could happen at your facility, you're likely to need to train under HAZWOPER.

Exempted Outside Responders

Although OSHA generally requires HAZWOPER training for any workers who'd be brought into a spill area for cleanup work, there can be an important, though perhaps obvious, exception janitorial personnel.

For example: Paint thinner is spilled in an art studio and the janitor is called from outside the immediate area to mop it up. The janitor does not have to respond in accordance with 29 CFR 1910.120.

The janitor, would, however, be expected to be trained in and understand the hazards associated with paint thinner through Hazard Communication training.

EPA Activity

Three Steps Toward CFC Phaseout

With limited exceptions, beginning January 1, 1996, chlorofluorocarbons (CFCs) will no longer be produced in the United States. This significant step to protect the ozone layer has major implications for owners and managers of commercial refrigeration and air-conditioning equipment.

Rising costs and shortages of domestic and imported CFC refrigerants can be expected. Manufacturers and service technicians warn of difficulties in delivery of new equipment and retrofits if owners postpone decision making. EPA urges equipment owners to act now and prepare for the phaseout of CFCs.

Getting Started: Three Steps Forward

Although there is no single best approach to the transition from CFC refrigerants to substitutes, it is clear that the worst action in refrigerant management is no action. There are three steps that owners and managers can take immediately.

1. Designate a Facility Refrigerant Manager

Every equipment owner should put someone in charge of writing and carrying out a plan to manage refrigerant. The refrigerant manager will need clear authority and the necessary budget to effect change.

The candidate should be knowledgeable about the facility's HVAC/R (heating, ventilation, air conditioning/refrigeration) operations, industry standards, and relevant federal, state, and local regulations. The manager must also be able to successfully coordinate and communicate with other facility departments.

2. Conduct an Inventory of Equipment and Refrigerants

Detailed records of equipment stocks and refrigerant are essential for making informed decisions about the transition to new refrigerants. Priority should be given to equipment with the largest charge. Inventory sheets should individually list chillers and pieces of commercial refrigeration equipment.

Information is needed on the manufacturer, model, serial number, year installed, capacity in tons, charge size, leak rates (based on records of recharging or "topping off"), refrigerant type (CFCs, HCFCs, and HFCs), and location.

Small appliances—such as household refrigerators and window air conditioners, package units, vending machines, water coolers, and ice machines—should also be inventoried and can be recorded as groups.

Refrigerant stock will become an increasingly valuable asset as the price rises and supplies decrease each year. The quantity purchased, consumed, disposed of, or reclaimed should be monitored and analyzed.

Refrigerant inventories should be kept by type and should include the volume contained in each piece of existing equipment, as well as amounts that are currently stored. These inventories should be updated regularly. Local codes for storage limits should be consulted.

3. Develop a Refrigerant Management Plan

A sound refrigerant management plan is the road map for making the transition to refrigerants that do not destroy the ozone layer. A good plan is based on accurate equipment and refrigerant inventories and takes account of the unique business environment.

The plan will help to minimize capital outlays and operating costs while achieving these goals: compliance with applicable laws and regulations, continued supplies and service, reduced emissions, and increased recycling. The plan should combine these actions:

- *Maintaining Existing Equipment.* Conserving CFCs through leak detection, equipment repairs, refrigerant recovery, and installation of high-efficiency purges (in CFC-11 machines) is critically important. Reliance on recycled or reclaimed refrigerants to maintain existing equipment, however, is most viable with large equipment inventories where units can be gradually retired to keep others going.

  Equipment owners should consider the fact that avoiding capital costs for new equipment now may be offset by increased operating costs later. Purchasing or renting on-site recovery and recycling equipment may keep costs down. Equipment owners and managers should become familiar with EPA regulations governing recovery, recycling, and reclaiming refrigerants.

- *Retrofitting Equipment to Alternative Refrigerants.* The best solution for equipment with a long anticipated lifetime is likely to be its conversion for use with substitute refrigerants. Scheduling retrofits at the time of servicing or major equipment overhauls will keep costs down.

  Most equipment manufacturers can be consulted for data on special design requirements (such as compatibility of materials and lubrication) and may be able to analyze the energy and capacity trade-offs of retrofitting.

- *Replacing Old or Inefficient Equipment.* Replacing aging equipment is an opportunity to improve energy efficiency and performance while lessening the impact on the ozone layer. This option requires the greatest initial outlay of capital, but in the long run may yield savings in energy, maintenance, and refrigerant costs. Only equipment that does not use CFCs should be purchased.

Assessment Factors

When assessing whether to maintain, retrofit or replace pieces of equipment, consider:

(1) Age and remaining life of existing equipment;
(2) Hours of usage;
(3) Maintenance and repair history;
(4) Refrigerant and equipment supply and possible alternatives;
(5) Energy and capacity trade-offs;
(6) Equipment upgrades;
(7) Building modernization schedule;
(8) Energy efficiency rebates or other incentives from utility companies.

EPA Targets Illegal Hazardous Waste Operators Nationwide

U.S. Environmental Protection Agency (EPA), state inspections, and tips from private citizens have resulted in 32 civil and 11 criminal cases involving illegal handling of hazardous waste nationwide, with penalties projected at more that $10 million, according to EPA and the six states involved.

Individuals, companies, municipalities, and state and federal facilities were cited for evading significant notification requirements of the Resource Conservation and Recovery Act (RCRA), the nation's "cradle-to-grave" hazardous waste law.

Cases filed by the states of New Jersey, Ohio, Illinois, Indiana, Utah, and Kansas supplement EPA's 17 administrative and nine criminal cases, and emphasize the close federal/state partnership in enforcing environmental laws.

EPA's announcement highlights further enforcement efforts to stop illegal hazardous waste operations. The "illegal operator" enforcement initiative was first publicized in February 1992.

An "illegal operator" is any hazardous waste treatment, storage, or disposal facility, or hazardous waste generator or transporter, that fails to notify EPA or an authorized state agency of hazardous waste activities requiring RCRA permits.

The RCRA requirements, which rely on complete and accurate data provided to EPA or the state by waste operations, were developed to ensure the safe treatment, storage, and disposal of hazardous wastes and to prevent the potential for releases of these chemicals into the environment.

"These actions demonstrate the Clinton Administration's commitment to vigorously enforcing our environmental laws," said Carol M. Browner, EPA Administrator. "We are protecting human health and our valuable natural resources by taking action against any illegal hazardous waste threat — whether the violators are individuals, corporations, municipalities, states, or federal facilities."

Steven A. Herman, EPA's Assistant Administrator for Enforcement, said, "This is yet another round of our crackdown on potentially dangerous waste management practices. EPA's nationwide enforcement initiatives are designed to send the strongest message possible to the regulated community — any facility not complying with EPA regulations, at any time, is subject to civil and/or criminal EPA enforcement actions."

"By assessing stiff penalties for violators, we intend to eliminate any economic benefit companies may gain by violating environmental laws," said Richard J. Guimond, Acting Assistant Administrator for Solid Waste and Emergency Response. "This serves to level the playing field for those who responsibly manage their wastes."

The RCRA illegal operator enforcement initiative covers a broad spectrum of private companies, with corporate penalty assessments exceeding $3.7 million.

Affected operations range from those owned by large corporations like General Electric's Switchgear Operations located in West Burlington, Iowa, and Lafarge Corporation's cement manufacturing plant in Buffalo, Iowa, to small companies like B&B Wood Treating in Catano, Puerto Rico, and Transcisco Rail Services, a railcar repair and repainting facility outside Alliance, Nebraska.

Total penalties assessed against all municipalities exceeds $3 million, and include an alleged violation against the City of Athens, Ohio, where at least two of the city's drinking water wells became contaminated by the illegal handling of hazardous wastes.

In addition, EPA is charging several federal facilities with a combined total penalty of over $2 million for RCRA violations.

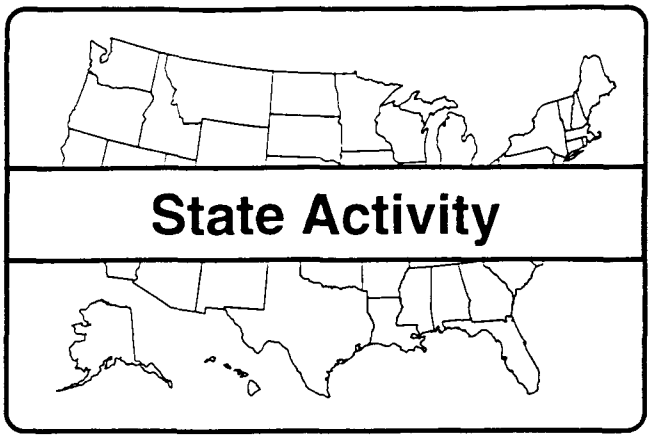
Included in this initiative are two Department of Defense bases, Camp Stanley and Lackland Air Force Base, both located near San Antonio, Texas. These bases are charged with posing a considerable threat to the city's only source of drinking water.

Finally, the Agency successfully pursued the criminal conviction of the owner of a laboratory brokerage service who, among other RCRA violations, ordered employees to dump corrosive hazardous waste in three separate areas around Atlanta, Georgia.

The EPA has also prosecuted an Arizona pesticide applicator whose the illegal storage of hazardous waste resulted in injury to two zoning officials conducting a routine inspection, and convicted an Oregon man who stored hazardous materials in deteriorating containers on a parcel of otherwise untouched land.

EPA regional offices have made a special effort to inspect waste generators and treatment, storage, and disposal facilities that they had reason to suspect were illegal operators.

Other cases were brought to the EPA's attention through tips received from the general public or employees at the facilities.



Sixteen States Have Toxics In Packaging Regulations

Think you have mastered all the ins and outs of regulations for shipping a product, ingredient, or waste? Think again. Now many states are regulating the packaging you use as a potential toxic substance.

Toxics in packaging regulations are springing up across the United States. At last count, and the number keeps changing, sixteen states had passed regulations addressing toxics in packaging that is manufactured, offered for sale, or distributed for promotional purposes. Similar legislation is pending in three states — Pennsylvania, Michigan, and Massachusetts.

The states currently with legislation are Connecticut, Florida, Georgia, Illinois, Iowa, Maine, Maryland, Minnesota, Mississippi, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Washington, and Wisconsin.

What's next, federal regulations in addition to those of the states? Legislation was introduced into Congress in May by Senator Frank Lautenberg (D-NJ) called the Reduction of Heavy Metals in Packaging Act (see Legislative Update article).

According to a Lautenberg legislative aide contacted by the Industrial Safety Report staff, the legislation is now before the Subcommittee on Superfund, Recycling, and Solid Waste Management. Although no co-sponsors were requested for this bill, the aide said similar legislation introduced during the last Congress had approximately 15 co-sponsors.

But for now, you only need deal with the growing number of state regulations in this area. Following are some examples of state programs which regulate or will regulate toxics in packaging or products.

Iowa

Iowa has passed Chapter 13, Packaging - Heavy Metal Content, and added it to the Iowa Administrative Code. Chapter 13 sets requirements designed to reduce toxicity of packaging waste by eliminating the addition of heavy metals such as lead, cadmium, mercury, and hexavalent chromium in packaging and packaging components.

The rule, effective August 25 of this year, applies to manufacturers and distributors of packaging and packaging materials offered for sale or for promotional purposes in the state.

A concentration level phaseout schedule has been instituted culminating on July 1, 1994, which will allow only 100 parts per million (ppm) by weight or 0.01% of package weight to be the regulated substances.

Minnesota

One of the more comprehensive state programs is in Minnesota. Effective August 1 of this year, the Minnesota Waste Management Act placed limits on packaging concentrations of lead, cadmium, mercury, and hexavalent chromium.

Any packaging that is offered for sale, distributed for promotional purposes, or manufactured in Minnesota cannot intentionally introduce these substances into packaging above allowable limits.

Packaging is defined as materials that provide the transport, marketing, protecting, or handling of a product. This may include containers such as crates, boxes, and cans. But it may also include pallets, strapping, coatings, and weatherproofing. Steel strapping is exempt until August 15, 1995.

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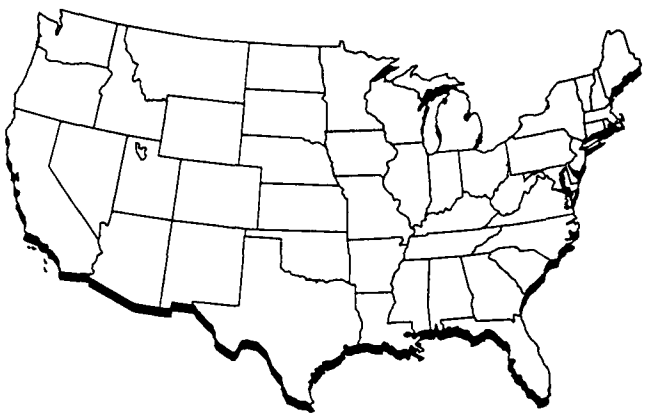
Many of the regulated chemicals are found in packaging additives such as inks, dyes, pigments, stabilizers, and adhesives.

Minnesota has a certification process that requires each packaging manufacturer and distributor sign a certificate which states that the material is in compliance or exempt from regulations.

The state's concentration level phaseout schedule allows 250 ppm of the substances in packaging until August 1, 1994, and culminates on August 1, 1995, with levels of only 100 ppm of package weight allowed to be the regulated substances.

Minnesota also passed a toxics in products prohibition, effective July 1, 1994, that prohibits the deliberate use of lead, cadmium, mercury, and hexavalent chromium in inks, dyes, pigments, paints, and fungicides.



16 states (shaded states) have toxics in packaging regulations.

New Hamsphire

New Hampshire's Reduction of Toxics in Packaging legislation addresses heavy metals contained either as an additive or as incidental amounts in packages or packaging components sold or distributed in New Hampshire.

If a person affected by the statute cannot fully comply, a procedure for an exemption request is available. Groups affected will be manufacturers, distributors, and purchasers of packages or packaging components sold, offered for sale, or otherwise distributed in New Hampshire.

And if regulations are addressing the toxics in the packaging, will state or federal agencies taker a closer look at how the packaging is disposed of to prevent any potential pollution? Stay tuned to the *Industrial Safety Report* for news relevant to new packaging or waste disposal concerns.

The Coalition of Northeastern Governors (CONEG) has available a comparative analysis of the state toxics in packaging regulations. For pricing and details call CONEG at (202) 624-8450.

CALIFORNIA

California Expands Coverage Of Hazardous Waste Reduction Act

In 1989 the California legislature enacted the Hazardous Waste Source Reduction and Management Review Act. The Act addressed industries who annually generate more than 12,000 kilograms (13 tons) of hazardous waste or more than 12 kilograms (26 pounds) of extremely hazardous waste.

These industries were required to complete a Source Reduction Evaluation Review and Plan and Plan Summary, and a Hazardous Waste Management Performance Report and Report Summary.

Recently the California legislature enacted SB 1726 modifying the requirements of the act and creating a new group of generators covered by the Act. SB 1726 lowers the reporting threshold to 5000 kilograms per year for specified categories of hazardous wastes.

The specified categories of hazardous waste are:

1) Any RCRA hazardous waste for which a treatment standard has not been adopted or the U.S. EPA has granted a delay in the treatment standard effective date.

2) Any non-RCRA hazardous waste subject to the treatment standards based on incineration, solvent extraction, or biological treatment.

3) Any non-RCRA hazardous waste subject to the treatment standard adopted pursuant to paragraph (3) of subdivision (a) of Section 66268.106 of Title 26 of the California Code of Regulations.

The Department of Toxic Substances Control (DTSC) has developed a compliance checklist the smaller generators can use for complying with recordkeeping requirements of the Act. The DTSC has also developed a progress report form for use by generators in meeting a March 1, 1994, deadline for its submittal.

Affected generators should have already received and completed their compliance checklist from the DTSC. If your business is affected by SB 1726 and you have not received your forms, call the DTSC at 916-324-9933.

MICHIGAN

Michigan's Right To Know Program

It's been estimated that there may be as many as 500,000 different chemicals in the American workplace, with new chemicals being introduced every day. Because many chemicals are potentially hazardous and workers may need protection against them, Michigan has now enacted Right To Know provisions as part of the Michigan Occupational Safety and Health Act (MIOSHA).

Since Michigan is a "state-plan" state, these provisions parallel the requirements of federal OSHA's Hazard Communication Standard. However, Michigan does have some requirements that are more stringent than the federal. These will be discussed later in this article.

Following is a Q & A that summarizes the basic Right To Know provisions each Michigan employer should be aware of.

What are the major components of Right To Know?

A. Six areas are covered under Right to Know:

- Evaluation of hazardous chemicals
- Written Hazard Communication Program
- Labeling of hazardous chemicals
- Material Safety Data Sheets (MSDSs)
- Posting MSDS information (Michigan regulation)
- Training of employees

Who enforces Right To Know provisions?

Both the Michigan Departments of Public Health and Labor administer these important provisions of MIOSHA. Enforcement activity is similar to other MIOSHA rules and standards.

Who is responsible for conducting a hazardous chemical evaluation?

Chemical manufacturers and importers are required to evaluate chemicals they produce or import. Other employers are not required to evaluate chemicals unless they choose not to rely on the evaluation performed by the manufacturer or importer. Employers are required to perform a hazard determination if they mix chemicals and produce a new hazardous chemical.

What is an MSDS?

A Material Safety Data Sheet (MSDS) is a document prepared by the chemical manufacturer or importer after the chemical evaluation has been conducted. The sheet contains data on the chemical's physical and health hazards, routes of bodily entry, exposure limits, known and suspected cancer-causing ingredients (carcinogens), control measures, precautions for safe handling and use, and emergency and first-aid procedures.

Employers must have an MSDS for each hazardous chemical in the workplace and make the sheets available to employees.

Are there specific requirements for container labels?

Container labels must contain the following:

- Identity of the hazardous chemical (the name on the label must be the same as on the MSDS)
- Appropriate hazard warnings
- Name and address of the chemical manufacturer, importer or other responsible party. This is required only for items entering your facility that remain in the original packaging.

Portable containers filled from a labeled container by one employee for use by only that employee in one workshift do not need a label.

What is covered by the written hazard communication program?

A written hazard communication program must describe how the requirements for container labeling, MSDS sheets, and employee information and training will be met.

The program must also contain a list of the hazardous chemicals present in the workplace and describe methods the employer will use to inform employees of the hazards of non-routine tasks (such as cleaning a tank or pit.)

What must be covered to meet employee training requirements?

Required training must include the purpose and requirements of the Michigan Right To Know provisions; an overview of the company's written hazard communication program; a list of the hazardous chemicals used in the workplace; and the locations where MSDS's can be found for these chemicals.

Employer training must also help employees understand the information on the MSDS and on container labels. The goal is to increase the employee's understanding of how the chemicals can hurt them and correct usage to minimize the hazards. Company procedures and the use of proper equipment when handling hazardous chemicals must be included in the training.

Such training must be provided at the time of initial assignment; whenever a new hazard is introduced in the employee's work area; and when the employee is transferred to a new job with hazards.

Employers may receive training assistance, free of charge, by contacting the Michigan Departments of Public Health and/or Labor.

Which Michigan requirements are more stringent than those of federal OSHA?

Michigan's defintion of who is covered under hazard communication is broader than the federal. For example, temporary workers (contract employees) must receive training. Under federal OSHA, they do not.

The employer must also have a warning system for pipes and piping that contain hazardous chemicals. For piping systems, vats, mixing tanks, and other stationary process containers, an employer may use signs, placards, process sheets, operating instructions or other written material in place of labels.

In Michigan, temporary employees (contract workers) must receive Employee Right To Know (Hazard Communication) training. Federal OSHA does not require this training.

Employers must also post notices to employees on where MSDSs are kept, whom to contact to review MSDSs, and to post notices when a new chemical hazard is introduced into the workplace.

What's the best way to get a handle on Michigan's more stringent Right to Know regulations?

Get a complete copy of the regulations from either the Michigan Department of Public Health or the Michigan Department of Labor.

MINNESOTA

Minnesota Expands Number Of Compani s Covered By TRI Reporting

The 1993 legislature has added a number of SIC codes to its base of companies required to report under the Toxic Release Inventory (TRI) program.

Previously, SIC codes 20-29 were required to report chemical releases.

The new SIC codes with operations that involve chemical releases must report if: they have 10 or more full-time employees; and manufacture, import, process, or use any of the toxic chemicals on the TRI list in excess of 10,000 pounds annually.

The new SIC codes affected are:

10	Metal Mining
40	Rail Transport
45	Air Transport
49	Utilities
516	Wholesale Chemical and Plastic Distributors (5161 Plastic Materials; 5162 Basic Shapes, and 5169 Chemicals and Allied Products)
806	Hospitals
807	Medical and Dental Laboratories
822	Colleges and Universities
7384	Photofinishing Laboratories
7389	Contract Solvent Recovery
8734	Testing Laboratories
9223	Correctional Institutions

If your company is in these SIC codes and has the required number of employees and chemical usage, then you must:

- Report your 1993 chemical releases to the Minnesota Emergency Response Commission on EPA's Form R by July 1, 1994; and
- Prepare a Pollution Prevention Plan by July 1, 1994. This plan is keep on site but progress reports must be submitted annually to the Minnesota Pollution Control Agency.

For more details contact the Emergency Response Commission at 612-282-5396.

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Highlight on Publications —

1910 OSHA Guide

Plant Safety Regulations Made More Accessible

Compliance Need

There has been a heavy burden placed on industry to comply with OSHA's safety and health requirements as dictated in 29 CFR, Part 1910, Subparts A-Z.

Product Information

Keller's 1910 OSHA guide features a complete topic index that is easy to follow. It also contains the most up-to-date regulations, including OSHA's Bloodborne Pathogens (1910.1039); Process Safety (1910.119), revisions to PELs - Air Contaminants Table (1910.1000), and the Confined Spaces Standard (1910.146). Tab divided by Subpart, this guide allows you to find specific answers more quickly, saving time.

An additional update service allows readers to stay current with regulation changes, keeping you up-to-date when regulations change, thus helping you avoid fines for non-compliance.

Specifications

- Provides the entire text of CFR 29, Part 1910, Subparts A-Z.
- Presented in large, easy-to-read type.
- Published in reference guide format.
- Loose-leaf, 3-ring binder with tabs and dividers.
- Approximately 950 pages.
- Update Service available separately.

OSHA Compliance Manual

A "How To Comply" Resource

Compliance Need

The development of specific compliance programs are required under 29 CFR 1904 and 1910.

Product Information

This publication is the ideal companion to Keller's 1910 OSHA Guide. This is the only manual that explains OSHA's toughest to understand regulations by providing step-by-step solutions for complying. It covers how to comply with problematic areas like recordkeeping, training, labels, signs and markings, confined spaces, lockout/tagout, and ergonomics.

This publication is *organized by topic* instead of regulation number for easier access. It also includes a "safeworks section" demonstrating how other employers have achieved compliance.

Specifications

- Sections include: What is OSHA? Recordkeeping Guidelines; Training Requirements; Hazards in the Workplace; Emergency Response, Labels, Signs and Markings; Inspections, Material Handling and Storage Requirements; Air Contaminants; PPE; State Information; Safeworks; Safety and Health Management Program; and Forms.
- Loose-leaf, 3-ring binder with tabs and dividers.
- Published in reference guide format.
- Approximately 320 pages.
- Update Service available separately

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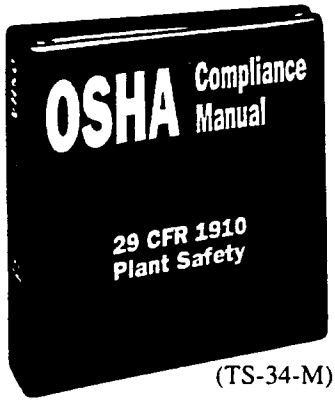

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Highlight on Training —

Workplace Safety Awareness Program

The Power of Posters & Newsletters Combined

Compliance Need

OSHA requires that workers must be informed and trained relative to the hazards that they may encounter in the workplace.

Product Information

The Workplace Safety Awareness Program is an ideal, low-cost way to promote workplace safety and to keep employees informed. This is the first safety awareness program to combine the visual power of posters with the informational impact of newsletters. The program includes two different, full-color posters and 50 copies of Keller's in-depth employee newsletter each month. Posters and newsletters complement one another in re-enforcing such OSHA topics as lifting, confined spaces, lockout/tagout, and eye protection.

Specifications

- 2 posters and 50 newsletters each month.
- Posters: 17" W x 22" L.
- Newsletters: 4 pages, illustrated.
- Additional posters and newsletters are available — call toll-free for special discount pricing.

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The Electrical Standard

A Video Training Kit

Compliance Need

Under 29 CFR 1910.332, employees are required to undergo a range of training depending on their level of involvement with electrical systems.

Product Information

Keller's new Electrical Standard: What You Need To Know training kit helps in complying with OSHA's Electrical Standard safety-related work practices, parts 1910.331 through 1910.335. The kit's step-by-step approach provides the guidelines needed to present an effective employee training program. Its combination of visual and written messages holds employee interest, plus reinforces key safety points. It comes in an attractive clamshell binder for convenient storage of components. Additional materials can be ordered separately.

Specifications

- 1 VHS, full-color 18-minute Video
- 1 Instructor's Guide (8 pages)
- 10 Employee Handbooks (20 pages each; pre- and post-training quizzes included)
- 1 Training Log
- 10 Wallet Cards

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