



# PRACTICAL SOLUTIONS

Environmental Advantage, Inc. & Hazard Evaluations, Inc.  
Quarterly Newsletter

Winter 2020

## OSHA Modified Inspection Procedures

### Important Compliance Dates & Deadlines for 2020:

Quarter 4  
TP - 550 HW  
Assessment  
& Fees  
**January 20**

Annual  
Stormwater  
Compliance  
Report  
**January 28**

Annual & Semi-  
Annual Air  
Compliance  
Report  
**January 30**

EPCRA 312  
(Tier II)  
**March 1**

Annual  
Hazardous  
Waste Report  
**March 1**

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(716) 667-3130

**OSHA**<sup>®</sup> OSHA recently modified their Field Operations Manual (FOM) and part of this modification includes changes in OSHA's inspection procedures. This article cannot outline everything that could take place during an OSHA inspection, but here are a few things that a company can do to prepare for one:

- **Hazard Assessment:** OSHA regulations mandate that the employer conduct personal protective equipment (PPE) Hazard Assessments of the workplace to determine what PPE is required. According to the FOM, the Compliance Safety and Health Officer (CSHO) is required to ask for this assessment at the start of the inspection. If the facility has not conducted a PPE Hazard Assessment, typically a citation and penalty will follow.
- **Recordkeeping:** The OSHA FOM requires the CSHO to review the last 3-4 years of injury and illness records. If the facility's records are not available or are not accurate, it will usually lead to an in-depth inspection of the records and possibly result in citations and penalties. It should be noted that per the recordkeeping regulations, once a request is made, an employer must provide copies of the required records within four business hours.
- **Hazard Communication:** According to the FOM, every inspection will include a review of the facility's Hazard Communication Program. This includes a review of the written Hazard Communication Program as well as a list of chemicals that are on-site. If either is deficient, it will usually result in citations and penalties. It should also be noted that during this review, the CSHO is required to note if there are any Highly Hazardous Chemicals (HHCs) on-site in quantities that would qualify the facility under OSHA's Process Safety Management (PSM) regulation. If so, OSHA could also begin a PSM inspection.

Preparation in these areas can help demonstrate a positive safety and health program and establish the facility's credibility, which is always important during an OSHA inspection.

## Proposal to Add PFAS Substances to TRI List

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are substances historically used in textile coatings, paper products, cookware, food packaging, and firefighting foams. PFAS have the potential to be bioaccumulative, persistent in the environment, and have been found to cause major human health problems, such as cancer and other long-term detrimental effects. For these reasons, on November 25, 2019, the United States Environmental Protection Agency (USEPA) submitted an Advanced Notice of Proposed Rulemaking to add the PFAS category (or its individual constituents) to the list of Toxic Release Inventory (TRI) reportable chemicals. Due to their persistence in the environment, USEPA is also proposing a lower reporting threshold for these chemicals, if they are to be added to the list. USEPA is seeking public comment on the proposed rulemaking to add PFAS to the TRI chemical list with goals of determining which are active in commerce and have sufficient toxicity information available. The public comment period for this stage of the rulemaking process ends February 3, 2020.



# USDOT Hazmat Employee Training Reminder




The hazardous materials regulations (HMR) define a hazardous material (“hazmat”) as “a substance or material that the Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce.” This definition includes hazardous wastes.

The HMR defines a hazmat employee as a person who is employed by a hazmat employer and who directly affects hazmat transportation safety including a person who: loads, unloads, or handles hazmat; tests or otherwise represents packaging as qualified for use in the transportation of hazmat; prepares hazmat for transportation; or operates a vehicle used to transport hazmat. The HMR requires that all hazmat employees are trained.

USDOT hazmat employee training must be completed within 90 days of the first day of employment or the first day of a new job function. Training must be repeated once every three (3) years and can be conducted by either the hazmat employer or an independent training provider. Specific records of training are required to be maintained. Each hazmat employee must be tested at the completion of training to ensure employees have proper knowledge, skills, and abilities to perform their job functions safely.

## Dust Hazard Analyses Now Required by OSHA

 The hazards of combustible dusts have been present in industry for many years and OSHA has addressed these hazards since the early 1990s. Although OSHA does not have a standard for combustible dust, the agency does enforce combustible dust standards published by the National Fire Protection Association (NFPA) under OSHA’s General Duty Clause. Recently, the NFPA modified their combustible dust standards to require that facilities determine whether the dusts that are being handled are combustible or explosible. If any dusts are determined to be combustible or explosible and the dusts are present in an enclosure, a Dust Hazard Analysis (DHA) is required. A DHA is a systematic review to identify, evaluate, and recommend safeguards for potential fire, flash fire, or explosion hazards associated with the presence of combustible dusts. According to the latest NFPA Standards for combustible dust, a DHA is required to be completed by September, 2020. If you are not sure whether the dusts that your facility handles are combustible, or whether a DHA is required, HEI can assist you.

## Miscellaneous TSCA Considerations



The Toxic Substances Control Act (TSCA) is a vast and confusing set of laws and regulations that requires manufacturers, importers, and sometimes processors of regulated chemical substances to complete various reports, keep records, and submit certain information to the United States Environmental Protection Agency (USEPA). The TSCA inventory includes a vast range of chemical substances, compounds, and chemical categories. Below is a summary of some of the more widely applicable TSCA requirements, that may go overlooked.

- **Import & Export Certifications:** Must prepare a positive or negative certification stating that the chemical substance is in compliance with TSCA or that it is not regulated.
- **Chemical Data Reporting (CDR):** Requires that manufacturers and importers of regulated chemical substances over a certain amount report to USEPA every four years on their production information. The next reporting cycle is in 2020.
- **Pre-Manufacture Notice (PMN):** Required when a person intends to manufacture, including import, a new chemical substance (i.e, one that is not on the USEPA TSCA inventories).
- **Chemical-Specific Management:** USEPA has detailed management standards for specific chemicals and associated activities.

### Important Compliance Dates & Deadlines for 2020 Continued:

Solid Waste Reports for Material Recovery / Handling Facilities  
**March 1**

Annual Water Withdrawal Report  
**March 31**

Air Title V Emission Statement  
**April 15**

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