Who Needs DOT Training?

Often we get the question, who needs DOT training? Not only are there nuances between the various agencies of DOT and the international transportation organizations DOT defers to, but often in companies there could be a number of people involved in the process, knowingly or unknowingly.

Basically, anyone involved in the process of sending hazardous materials will need to be trained. This would include anyone who:

* Purchases the packaging and/or determines it’s the correct packaging for your materials;
* Prepares the package for sending (boxes, labels, determines which box to use, etc.);
* Fills out the paperwork, choosing labels or choosing placards
* Signs off on manifests or paperwork (including sending hazardous waste);
* Loads, unloads, and handles hazmat;
* Sells, tests, reconditions, repairs or modifies packaging for use in shipping hazmat;
* Screens baggage, cargo, or mail;
* Transports hazmat or operates a vehicle transporting hazmat;
* Is a freight forwarder who accepts/transfers/handles/unloads cargo; and,
* **Anyone who supervises or trains any of the above personnel**.

Take a look at your process. Who’s involved? Do they need to be involved? Have they been trained?

Even if you have a third-party do the packaging for you, your company is still the shipper of record. That means anyone involved in the process from your end, even if it’s just one person signing paperwork, will need training. By signing paperwork, that employee certifies the hazmat is properly packaged and ready for transport. This would apply to companies you use for hazardous waste transports, crate building, or freight forwarding.

If your packages are going by ground, that is, truck or train, you’ll need DOT training with refreshers every three years. If packages are going by plane, such as overnight service, you’ll need IATA training with refreshers every two years. (Please note that unless you specify your hazmat as “ground only”, there’s a possibility it could be put onto an airplane.) If packages are going on a ship, you’ll need IMDG training with refreshers every three years. This not only includes overseas shipments, but shipments to the U.S. states such as Hawaii and Alaska.

If you need help sorting out who should be trained, or if you have employees you know need training or refreshers, contact us and we’d be happy to help! Check out our current hazmat shipping training schedule.

If your company uses or stores large quantities of oil, you may be subject to EPA’s Spill Prevention, Control and Countermeasures, or SPCC regulation and be required to have a plan to prevent discharges of that oil into navigable waters.

**Who Needs to Comply with SPCC?**

SPCC regulations cover all types of oils, including petroleum, fuel oil, sludge, vegetable oils, mineral oils and synthetic oils. If your facility has the capacity aboveground of 1,320 gallons or more or underground capacity of 42,000 gallons or more, you quality for this regulation.

To count capacity, you add together everything that can store 55 gallons or more of petroleum. This includes drums, totes, tanks, or any other storage vessel. Also included in the total is the capacity from equipment such as hydraulic systems, lubricating systems, gear boxes, coolant systems, heat transfer and transformers, circuit breakers and electrical switches.

Thus, all types of industries are included within this regulation, including, but not limited to:

* Industrial and Commercial Facilities Using or Storing Oil
* Oil Exploration and Production,
* Refining and Storage
* Airports
* Marinas
* Power Transmission, Generation and Distribution
* Construction
* Waste Treatment

**What’s the Purpose of SPCC?**

SPCC planning is the practices, procedures, structures, and equipment used at the facility to prevent spills from reaching and contaminating navigable waters. Most facilities will discharge to navigable waters because this often includes ditches, storm sewers, and other drainage systems that can lead to streams, creeks and other bodies of water.

SPCC planning includes three basic functions: 1) practices devoted to the prevention of spills, 2) planning for containments should a spill occur, and 3) removal, cleanup, and disposal of spilled materials. These basic functions are incorporated into the SPCC Plan.

**What’s Included in an SPCC Plan?**

A SPCC Plan has several required elements, including:

* Petroleum-related chemical quantities and locations;
* Release prevention structures;
* Release prevention procedures;
* Procedures in place to respond to a spill, should it occur;
* Equipment used to prevent or respond to a spill;
* Key personnel;
* Training programs;
* Spill history; and,
* Certification.

In most cases, the certification of the SPCC Plan needs to be completed by a professional engineer.

**Compliance Deadlines**

If you make changes to your facility, such as adding containers, secondary containment structures, or installation of piping, you must update your SPCC Plan within six months of the change.

You must also review your SPCC Plan every 5 years and make changes accordingly.

**Where Do You Send the SPCC Plan?**

Unless you’re asked for it, your plan stays onsite and is not required to be submitted to EPA or your state office. Some states do have SPCC requirements in addition to the EPA requirements. EPA says that if the facility the SPCC Plan covers is staffed at least 4 hours per day, the Plan needs to be maintained there. If the facility is not staffed 4 hours per day, then it can be maintained at the nearest field office.

##

Do you need an SPCC Plan? If you have one, when was the last time it was reviewed? iSi has worked with hundreds of plans and we’d like to help. Contact us today!

**What You Can Learn from the Starbucks EPCRA Violations**

In the EPA news releases recently there was a story about how EPA had settled fines with Starbucks for EPCRA 312 violations.  EPCRA violations??

The Emergency Planning and Community Right to Know Act (EPCRA) requires facilities to report emergency and hazardous chemical information each year to their state and local emergency response officials and local fire departments. For reporting, EPCRA has the Tier I, the Tier II , and the Toxic Release Inventory aka Form R.   Tier II can be found in Section 312 of EPCRA, and that's the one that Starbucks violated.

**Starbucks's Violations**

EPA found 2 Starbucks stores had not filed EPCRA Tier II forms when they should have for the years 2017 and 2018.  The stores were storing hazardous chemicals, including sulfuric acid.

The Starbucks case shows that even companies who you don't typically associate hazardous chemicals with can still be required to report.  There are 800,000 chemicals on the list of hazardous chemicals and extremely hazardous substances that could apply, so many different types of companies can be affected.

Starbucks negotiated a reduced fine of $100,000, so the error of not knowing can also be very costly.

**Does EPCRA 312 Apply to Your Facility?**

First, all chemicals you’re required to keep a Safety Data Sheet (SDS) for per [OSHA](https://www.osha.gov/) requirements are subject to reporting. Next, determine if the quantities on-site at any one time last year met the thresholds for reporting.

For Extremely Hazardous Substances listed in 40 CFR part 355 Appendix A and Appendix B, the reporting quantity is 500 pounds or the amount of the Threshold Planning Quantity (TPQ), (whichever is lower).  For all other hazardous chemicals, the threshold is 10,000 pounds. (Gasoline and diesel fuel at retail gas stations have their own individual requirements.)

There are a few exclusions per EPCRA for food, food additives, drugs, cosmetics, substances for general/household purposes for use by the general public, fertilizer sold to farmers, and substances used by research labs and hospitals.

**Information to Collect**

Each state has its own requirements, but the information reported is very similar. Some examples of information you’ll need to gather include:

* SDS for Each Chemical
* Facility Information
* Emergency Contacts and Contacts Knowledgeable of Tier II Information
* Physical and Health Hazards
* Chemical Descriptions
* Maximum Amount Present on any Single Day During Reporting Period
* Average Daily Amounts (Weights)
* Number of Days Onsite
* Storage Types, Conditions and Locations

**Reporting**

Each state varies on how the information is reported and then given to emergency officials. Some states require electronic reporting, others may require you to send it directly to your state emergency response commission, your local emergency response commission and the fire department with jurisdiction over your facility. [Check out your state requirements here.](https://www.epa.gov/epcra/state-tier-ii-reporting-requirements-and-procedures) Reporting is due March 1, but now is a good time to determine if this applies to you and to develop a system to track quantities so that you'll know what your final numbers will be at the end of the year.

**What the Haz?**

***A Deeper Dive Into the “Haz” Words in OSHA, EPA and DOT and Where They Can Crossover***

Every once in a while, we will get a call from someone looking for “Hazmat” training. To you, the word hazmat may mean one thing, but we guarantee to someone else it probably means something completely different.

iSi’s mission is to help companies navigate compliance with EPA, OSHA and DOT regulations. Once you start familiarizing yourself with those regulations, you will find that the definition of hazmat can be different for different agencies and different situations. You will also see that there are a number of words that include “haz” that can creep into the picture and be used interchangeably. An even deeper dive will show that each agency will either make up their own definition or borrow from one another.

**Each Agency Has Its Own Focus**

Regulations and their definitions are typically written in the perspective of the focus of the agency. Each agency has its own role to play in the workplace and how they use their haz words will often be reflective of that.

* OSHA – OSHA’s focus is safe and healthful working conditions for workers
* EPA – EPA’s focus is on human health and the condition of the environment
* DOT – DOT’s focus is on the safe, efficient, sustainable and equitable movement of people and goods

Once you know the perspective for each, that will help you be able to better understand regulations when they crossover or refer to one another.

***Haz*mat**

Hazmat is a shortened version of “hazardous materials.” Each agency refers to hazardous materials a little differently.

In OSHA, the term hazmat can refer to hazardous materials or hazmat teams. OSHA says a hazardous material is something that can be a health hazard or a physical hazard. However, a hazmat team is an organized group of employees who perform work to handle and control spills or leaks of hazardous substances. Individually trained members of the hazmat team are called hazardous materials technicians. Later we’ll look at the OSHA HAZWOPER standard where many of these definitions are found.

To DOT, hazmat means “a substance or material capable of posing an unreasonable risk to health, safety, and property when *transported* in commerce...” It also can include hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials listed in the Hazardous Materials Table, and materials meeting their criteria for hazard classes and divisions. The term Hazmat employee in the regulations are those persons who package or prepare, physically transport, load, unload, design or makes packages for, fills out paperwork for or ensures the safe transportation of hazardous materials.

To EPA, a hazardous material is any item or chemical which can cause harm to people, plants, or animals when released by spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment.

From the definitions, you can see that OSHA was focused on people, DOT was focused on transportation and EPA was focused on the environment.

***Haz*Com**

Another shortened haz word is HazCom. This is short for the OSHA Hazard Communication Standard. This standard is all about hazardous chemicals, that is, any chemicals that are a physical or health hazard. The HazCom Standard deals with Safety Data Sheets (SDS), labeling, markings, training and more.

EPA’s Emergency Planning and Community Right to Know Act, or EPCRA, regulations refer to OSHA’s hazardous chemicals when it comes to which chemicals apply to the EPCRA regulation. Those which fall under the HazCom standard and have SDSs associated with them are included in EPCRA reporting requirements. Some companies also refer to HazCom training by the term Employee Right to Know training.

***Haz*ardous Waste**

Another haz is hazardous waste. The term hazardous waste comes from EPA’s Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. There’s a lengthy determination process one must go through to even determine if something can be defined to be a hazardous waste. You’ll see all of those criteria and the roadmap in the definition of hazardous waste at [40 CFR 261.2](https://www.govinfo.gov/content/pkg/CFR-2012-title40-vol27/xml/CFR-2012-title40-vol27-part261.xml#seqnum261.3).

EPA’s website says, “Simply defined, a hazardous waste is a waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment. Hazardous waste is generated from many sources, ranging from industrial manufacturing process wastes to batteries and may come in many forms, including liquids, solids gases, and sludges.”

Hazardous waste must be discarded and must be a solid waste. To be a solid waste, it must be a material that has been abandoned, recycled, is inherently waste-like or is a military munition.

Once you determine that it’s discarded and a solid waste, there are another set of questions to ask to make the determination if a waste is hazardous or not. This process is quite important and is required to be completed and documented for each of your wastes.

OSHA mentions hazardous waste in their HAZWOPER standard, calling hazardous waste anything that’s found to be a hazardous waste by the EPA definition or anything that DOT calls a hazardous waste in their definition.

In DOT regulations, DOT says hazardous waste is defined under EPA’s definition and that to ship hazardous waste a hazardous waste manifest is required. Hazardous waste is a hazardous material that is regulated for transportation. So when a vendor comes to pick up your hazardous waste, your company is the one technically shipping it and are therefore subject to all of the DOT hazmat regulations the same as if you were shipping any other hazardous material.

***Haz*ardous Substances**

All 3 agencies use the term hazardous substance.

In EPA, a hazardous substance is “Any substance, other than oil, which, when discharged in any quantities into waters of the U.S., presents an imminent and substantial danger to the public health or welfare, including but not limited to fish, shellfish, wildlife, shorelines and beaches (Section 311 of the Clean Water Act); identified by EPA as the pollutants listed under 40 CFR Part 116.” Hazardous substances are referred to in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, aka Superfund), the Clean Water Act (CWA), the Clean Air Act (CAA), the RCRA hazardous waste regulations, and the Toxic Substances Control Act (TSCA).

OSHA makes it easy. They say a hazardous substance is whatever EPA CERCLA says it is, whatever DOT says are hazardous materials, whatever EPA says a hazardous waste is, or any other biological or disease-causing agent that could lead to things like death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions or physical deformations in such persons or their offspring.

DOT says a hazardous substance is a hazardous material when that material is listed in their Appendix A and when its single package exceeds the reportable quantity listed in the Appendix. They also have other considerations if it’s a mixture or solution or a radionuclide.

***HAZ*WOPER**

And finally, there’s HAZWOPER. Although it’s one of our more popularly discussed haz words, we left this for the end because this regulation actually uses all of the haz words in one place and seems to be one standard that incorporates so many different requirements from all 3 agencies within it.

HAZWOPER stands for Hazardous Waste Operations and Emergency Response. HAZWOPER is found in the 1910 General Industry Standards under Subpart H, Hazardous Materials. An identical copy can be found under a different subpart in the 1926 Construction Standards.

There are 3 main pieces or goals to HAZWOPER:

1. Rules for conducting cleanup operations at sites determined to be EPA RCRA hazardous waste cleanup sites, cleanup operations at sites contaminated by hazardous substances on uncontrolled hazardous waste sites that EPA or another government agency have required to be cleaned up, or conducting voluntary cleanups at those same types of uncontrolled waste sites;
2. Operations at treatment, storage and disposal facilities (TSD) regulated by EPA RCRA; and,
3. Emergency response to releases of hazardous substances at any facility, any location.

Being an OSHA regulation, HAZWOPER is all about protecting the worker and the public during the cleanup, so all the guidance centers around preparing for and safely cleaning up hazardous substances.

The regulation mentions the term Hazmat teams in relation to those responding to the emergency responses found in part 3 of the standard.

HAZWOPER says any materials cleaned up and containerized into drums must meet appropriate regulatory requirements for DOT transportation, RCRA hazardous waste and OSHA safety regulations. Waste must be transported per DOT regulations while self-contained breathing apparatuses used by workers to protect themselves during work are to comply with DOT standards.

The DOT’s Emergency Response Guidebook is mentioned and often consulted for emergency response information and guidance.

If a company has prepared a contingency plan per EPA requirements and that plan includes emergency response information, the company can use that contingency plan as part of its emergency response plan so that efforts are not duplicated.

On the EPA side, because OSHA regulations don’t apply to local and state governments, EPA has adopted the HAZWOPER standard into 40 CFR 311 to apply to those local and state governments and any of those not covered by a state OSHA-approved plan.

Also in EPA, emergency spills trigger a whole host of reporting requirements as well as emergency response plans and training to protect the environment from hazardous waste spills, oil spills, pipeline leaks and chemical releases to water, air or land.

**Conclusion**

This is not an exhaustive list of haz references or examples where all 3 agencies cross over, but hopefully it gave you an idea of how these terms and the rules related to them can be so different in some cases, but so intertwined in others. The haz words used can differ depending on the situation.

So, if you call us asking for hazmat training, you’re likely to get a lot of questions from us about your end goal.

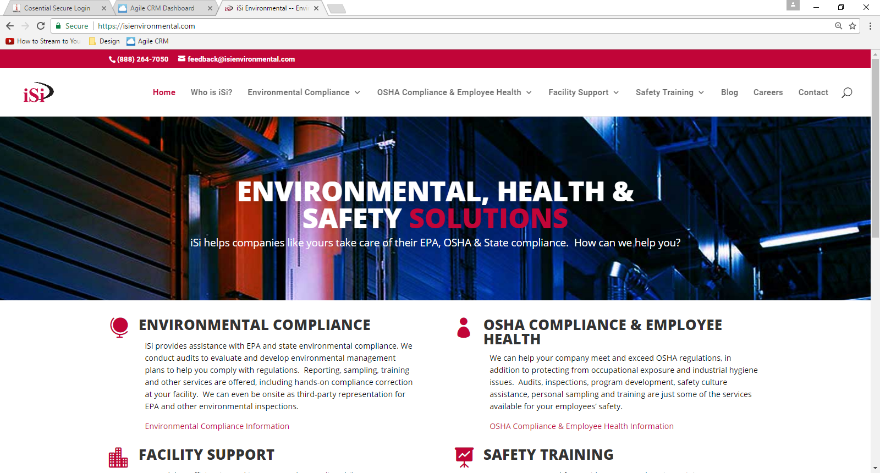
What haz words have you come across? What examples did we miss? Comment below or find the related post about this on one of our social media channels and comment there. We’d love to hear from you!

**iSi’s New Website is Now Online**

iSi’s redesigned website is now online.  The site has been reorganized and is now completely mobile-friendly.  Since the launch, the number of mobile visitors to our site has increased 1400% from the previous version.   We’ll be working to further optimize the site for mobile browsing and make it easier for customers to interact with us.

Terminology on the site may be a little different than what we use internally, and that’s for a good reason.  Wording on the new website is structured to take advantage of how customers search for iSi’s services.  This has positively impacted our search rankings and increased visits to our site. Overall, site traffic is up 25% from previous periods.

The site will continue to be a work in progress, with additional pages and tweaks of features.   We’ll also be adding more content through our blogs and newsletters.  Be on the lookout and add us on Facebook, LinkedIn, Twitter and Google+!



**EHS Consulting in the Age of COVID:**

**iSi Finds Success With Virtual EHS and ISO Compliance Audits**

The COVID-19 pandemic really threw a curveball at all businesses, forcing them to think differently about how to provide services and products to their customers. Although the pandemic has been a major disruption, something good has come out of it for iSi. We’ve been forced to think outside of the box to develop alternatives to business as usual. In some cases it’s made us more efficient and has worked out nicely for our clients too. One such success story at iSi has been virtual audits.

**Traditional Audit Tactics Out the Window**

Business disruptions unfortunately don’t disrupt environmental, health and safety (EHS) compliance obligations. Businesses still need to ensure they’re complying with EPA and OSHA regulations correctly, and for those companies who are requirements to achieve ISO Certification, those requirements still go forth.

iSi conducts several different types of audits, from records reviews, to facility walkthroughs, to a combination of the two, to ISO standards-based audits. Traditional EHS and ISO audits often have involved travel to facilities to spend one or more days onsite. With COVID, travel to and from different locations has been reduced, discouraged, and even forbidden in certain locations without quarantine. Many of our client sites have been closed to outside visitors either completely, front doors are locked, and in some instances entry has been limited to a contractor approval process. Interviewees are working on limited schedules, or working from home, making traditional methods that much more difficult.

**Records Reviews**

With travel affected, we needed to find an alternative to being onsite. Records reviews were the first and best items in our process to start with virtually. Clients can scan and upload records for reviews. Over the past year, iSi has implemented a new Enterprise Resource Planning (ERP) System, allowing us to improve multiple processes throughout the company including project management, document storage, web conferencing, online training, digital file transfer, electronic billing, and more, and so we’re set up to do a lot of different things electronically. iSi and its clients can upload and review documents back and forth electronically with a lot of ease.

**Walkthroughs and Interviews**

Although walkthroughs are a very valuable piece to our audits, we find that we can use alternatives here too. Clients can record videos of certain areas of their facilities, conduct live streaming videos, or take photos for our auditors to inspect. We can also provide guidance for how the areas are supposed to be and then get verified photographic evidence back from the clients that these conditions exist.

The pandemic has forced us all to get more familiar with video conferencing software. Interviews and discussions can be done remotely through video conferencing. This has allowed us to still get to know our clients and has given us the chance to discuss important topics or answer questions, just as if we were sitting there side by side.

We’ve also been able to give clients guidance on how to use certain pieces of equipment by giving visual demonstrations on camera and providing step-by-step instructions.

**ISO Audits**

Virtual audits have been most seamless for our ISO projects. For example, iSi recently conducted a third-party ISO internal audit for a worldwide aircraft components manufacturer to identify existing EHS Management System conformance to the ISO 14001:2015 and ISO 45001:2018 standards.

iSi reviewed the corporate EHS management system and the corporate office’s EHS management system. These systems were compared against the ISO standard, legal/regulatory standards, internal policies and procedures, and customer needs.

The audit was completed virtually through Microsoft® Teams, a communication and collaboration platform. Employee interviews were done through video meetings, and documents were reviewed through screen sharing and e-mail. Management interviews were conducted virtually and over the phone with the corporate CEO, Investor Relations, and Senior Leadership such as the Executive Vice President and Human Resources, as well as various environmental and safety committees.

All the while, iSi’s auditor remained at our headquarters in Wichita, Kansas while conducting the audit at the client’s facility in Connecticut.

Following the audit, a report of findings and deficiencies was prepared and these reports were all delivered electronically.

iSi was able to conduct a very comprehensive ISO audit for this client, covering topics such as

* External and Internal Issues
* EHS Policies, Procedures, Objectives Compliance Obligations
* Current Processes
* Leadership Commitment, Culture and Management Roles
* Employee Participation and Worker Needs
* Available Resources
* Internal and External Communication Systems and Evaluation Processes
* Continual Improvement Efforts
* Organizational Roles and Responsibilities
* Reporting
* Conformance to Regulatory and ISO Standards
* and More

**The Future of Virtual Audits**

Although we don’t think we’ll be doing virtual audits exclusively from now on, we do see the benefits of this new alternative. It’s allowed us to become more organized and more in tune with the electronic resources we have at our disposal. It’s also saved our auditors a ton of time in not having to travel far distances, instead reinvesting that time into the project itself. This, in turn, also have been a cost savings and a time savings for our clients too.

In our business, there’s nothing like the interpersonal relationships that are built between our teams and our clients throughout a project. However, virtual audits has still allowed us to develop these and haven’t gotten in the way as much as one may think they would.

The efficiencies learned and gained are bound to help future projects going forward. Perhaps these experiences have shown us there will be less need in the future to be onsite for those visual audits or walkthroughs, while the other parts of the audit will be done remotely, saving time and efforts for both parties.

Time will tell what the future of audits will look like, but at iSi we are happy that we have found something positive to take away from this crazy time.

**OSHA Considering Changes and Updates to the PSM Standard**

OSHA has been accepting comments on several proposed changes to its Process Safety Management, or [PSM](https://isienvironmental.com/what-is-psm-blog/) standard.

PSM is an OSHA regulation that is concerned with processes at your facility that use highly hazardous chemicals.  PSM provides a compliance framework to evaluate each process with the end goal of no spills, fires, explosions, reactions, releases or other incidents arise from their use.  The official standard can be found at [29 CFR 1910.119](https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.119AppA).

PSM hasn’t been updated since its creation in 1992. OSHA has been reevaluating PSM, and EPA has been similarly been reevaluating their Risk Management Plan, or [RMP](https://isienvironmental.com/epa-general-duty-clause-blog/) standard since the 2013 West, Texas fertilizer storage facility explosion. Just like the difference between OSHA and EPA, PSM is meant to protect workers while RMP is meant to protect the environment.

Potential changes to PSM could include:

* Clarifying the exemption for atmospheric storage tanks;
* Strengthening employee participation and stop work authority;

* Requiring the development of written procedures for all elements specified in the standard, identification of records required by the standard, and a records retention policy (previously referred to as “Written PSM Management Systems”);
* Including oil-well and gas-well drilling and servicing as part of the standard and resuming enforcement for oil and gas production facilities;
* Expanding coverage and requirements for reactive chemical hazards;
* Updating and expanding the list of highly hazardous chemicals in Appendix A;
* Requiring continuous updating of collected information (paragraph (d));
* Requiring formal resolution of Process Hazard Analysis team recommendations that are not utilized;
* Better defining what critical equipment means, what equipment deficiencies are, and expanding paragraph (j) to cover the mechanical integrity of critical equipment;
* Clarifying the scope of the retail facilities exemption;
* Defining the limits of a PSM-covered process;
* Better defining recognized and generally accepted as good engineering practices (RAGAGEP) and requiring evaluations of any updates to them;
* Requiring safer technology and alternatives analysis;
* Requiring consideration of natural disasters and extreme temperatures;
* Amending paragraph (k) of the Explosives and Blasting Agents Standard to cover dismantling and disposal of explosives and pyrotechnics;
* Clarifying that paragraph (l) covers organizational changes;
* Amending paragraph (m) to require root cause analysis;
* Requiring coordination of emergency planning with local emergency-response authorities;
* Requiring third-party compliance audits; and,
* Including requirements for employers to develop a system for periodic review of and necessary revisions to their PSM management systems (previously referred to as “Evaluation and Corrective Action”).

This action is currently in the comments stage, and stakeholder meetings were held in October 2022 with comments accepted through mid-November 2022. We will keep you updated when anything final is published.

Do you need help with PSM? Does this apply to you? iSi can help! [Contact us today](https://isienvironmental.com/pricing/) for more information.

**Is an Updated OSHA Forklift Standard on the Horizon?**

[OSHA](https://www.osha.gov/) is soliciting information on powered industrial vehicles to determine the need for an updated standard. The current standard was written in 1971, based on industry data from 1969. OSHA realizes that national consensus standards have been updated several times and rule updates may be needed.

The term “powered industrial vehicle” refers to forklifts, fork and lift trucks, tractors, motorized hand trucks and other specialized industrial trucks that have an electrical or combustion engine.

OSHA is requesting information on:

* Types, Age and Usage of Powered Industrial Vehicles in the Workplace
* Maintenance and Retrofitting
* How to Regulate Older Trucks
* Types of Accidents and Injuries in Operating
* Costs and Benefit of Retrofitting With Safety Features

The agency is accepting comments electronically until June 10, 2019 at [regulations.gov](https://www.regulations.gov/) and from there, OSHA will be making a determination of what actions, if any, needs to be taken.

Powered industrial vehicle incidents are among OSHA’s Top 10 each year, and a number of OSHA regions currently have emphasis programs dedicated to them as well. Emphasis programs dictate that if an inspector sees a powered industrial vehicle while onsite for any other issue, the inspector can automatically include your powered industrial vehicles in the scope of the inspection.

There are a number of common regulatory issues with powered industrial vehicles, mainly forklifts, that you need to be aware of to ensure compliance before your next inspection. Check out our previous blog article, [**Forklift Top 6: Common OSHA Compliance Pitfalls for Powered Industrial Trucks**](https://isienvironmental.com/index.php/powered-industrial-trucks-blog/)

**EPA Finalizes Aerosol Can Universal Waste Regulation**

As we [first reported here](https://isienvironmental.com/index.php/aerosol-can-blog/) in April 2018, and is now finalized, EPA is allowing generators to handle aerosol cans as a universal waste rather than a hazardous waste.  The rule becomes effective February 7, 2020.

The final rule looks a bit different than the proposed ruling, and has clarified some issues, especially in the puncturing and draining of cans.

The goal of classifying aerosol cans as universal waste is to reduce regulatory costs, ease regulatory burdens on retail stores and other businesses that discard aerosol cans, promote the collection and recycling of the cans, reduce the amount of cans going to landfills, and save over $5.3 million per year.

**Who’s Affected?**

The new rule applies to all persons that generate, transport, treat, recycle or dispose of aerosol cans. It does NOT apply to very small quantity generators or households.

**Aerosol Can Definition**

In terms of what can be included as an aerosol can, EPA decided to broaden its definition to be more in line with DOT regulations. Their definition:

*“…aerosol can is defined as a non-refillable receptacle containing a gas compressed, liquefied or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas.…Because compressed gas cylinders, unlike aerosol cans, require special procedures to safely depressurize, it would not be appropriate to include them in the final rule.”*

**Labeling**

Each aerosol can, or a container in which contains aerosol cans, must be labeled or marked with any of the following phrases: “Universal Waste—Aerosol Can(s),” “Waste Aerosol Can(s),” or “Used Aerosol Can(s).”

**Storage**

Handlers must ensure their management of universal waste aerosol cans do not create releases to the environment.

* Cans must be accumulated in containers that are structurally sound and compatible with the contents of the can, and show no evidence of leaks, spills, or damage that could cause leaks.
* Universal waste can be stored for up to one year.
* Handlers may sort aerosol cans by type and consolidate intact aerosol cans in larger containers.
* Handlers can remove actuators to reduce the risk of accidental release.
* Cans may be punctured and drained when the emptied cans are to be recycled.
* Leaking and damaged cans must be packaged in a separate closed container, overpacked with absorbents, or punctured and drained.

**Puncturing/Draining Written Procedures**

Puncturing and draining must be conducted by a device specifically designed for that purpose, and must effectively contain the residual contents and any resulting emissions. Commercially-manufactured and custom designed or retrofitted machines are acceptable, as long as they meet acceptable engineering and design standards are met and that specific procedures are followed.

To ensure the process and devices safely puncture cans, effectively contain residual contents, and control emissions, EPA is requiring handlers to develop and follow written procedures that take the necessary precautions to protect human health and environment. The procedures require:

* Operation and maintenance of the unit (e.g., including manufacturer’s and state guidances);
* Segregation of incompatible wastes;
* Proper waste management practices (e.g., ensuring that ignitable wastes are stored away from heat or open flames, wearing proper PPE, keeping containers closed, not overfilling containers, etc.);
* Maintain a copy of manufacturer’s instructions onsite; and,
* Ensure employees operating the machines are trained in proper procedures.

**Handling**

* It will be the handler’s responsibility to ensure wastes are compatible with each other for worker safety, environmental safety, and fire prevention purposes.
* Puncturing equipment must be placed on solid, flat surfaces in well-ventilated areas.
* The hander must *immediately* transfer contents from the can to a container or tank.
* The handler becomes the generator of the waste and should manage it in accordance with RCRA guidelines. As such, after transfer of contents to the container/tank, a hazardous waste determination should be made.

**Spill and Leak Prevention Written Procedures**

The rule requires written procedure be in place in the event of a spill or leak. In addition, a spill clean-up kit should be provided. All aerosol can spills or leaks should be cleaned up promptly.

**Land Disposal Restriction**

Aerosol cans, as other universal wastes, will be exempt from land disposal restriction requirements. Aerosol can universal waste will be added to the LDR requirements.

**State Requirements**

EPA considers this rule less stringent than current federal programs, and thus, states will not be required to adopt this rule. However, EPA says that many states already recognize aerosol cans as universal waste, and they are encouraging states to adopt this recognition. Check the regulations in your state before adopting these policies.

**Questions?**

If you have questions about the new regulation or about your company’s compliance with it, [contact us](https://isienvironmental.com/index.php/contact-us/) today! If you need to learn more about hazardous waste regulations in general, check out our [hazardous waste management and RCRA Refresher class schedule](https://isienvironmental.com/index.php/safety-training/rcra-hazardous-waste-management-training/) or [arrange for one at your facility](https://isienvironmental.com/index.php/pricing/)!

**EPA Watches TV Too**

EPA Fines Renovation and Reality Shows

As an EHS professional, have you ever found it hard to turn off the part of your brain that sees potential violations when you’re out and about, living your life away from the job? Our industrial hygienists talk about seeing mold in restaurants and our safety professionals find bad staircases, exposed wires and more. Have you ever been watching a TV show where you started wondering if they were following the rules like you have to every day?

Well EPA has been watching TV too, and has been handing out fines to some of your favorite reality shows.

**Clean Air Act Violation for Truck Show**

The Discovery Channel’s Diesel Brothers reality show was fined for violations of the Clean Air Act. The show takes diesel trucks and makes extreme modifications to them. They have touted their trucks as “rolling coal.”

The fine was related to trucks with non-existent or bypassed emissions systems.

The show was exposed when a group called the Utah Physicians for a Healthy Environment purchased one of the trucks and sent it for emissions testing. Testing found the truck was 36 times dirtier than a normal stock truck. The physicians group filed a citizen enforcement action under the Clean Air Act, and a court case ensued. The show was ordered to pay $761,451 to the federal government for the violation, $90,000 to the state of Utah, and the court costs for the Utah Physicians group, believed to be $1.2 million.

**Home Renovation Shows in Trouble**

Home renovation shows have been getting fines for violations of [Toxic Substances Control Act’s (TSCA) Lead Renovation, Repair and Painting Rule (RRP Rule)](https://www.epa.gov/lead/lead-renovation-repair-and-painting-program-rules).

The RRP Rule pertains to firms performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities and pre-schools built before 1978. These companies need to be certified by EPA (or an EPA-authorized state), use certified renovators who have been trained by EPA-approved training providers, and follow lead-safe work practices. This includes in-house maintenance staff and any outside contractors they use.

The companies responsible for producing the shows ***Fixer Upper***, ***Bargain Mansions***, ***Rehab Addict***, and ***Texas Flip N Move*** have all gotten fined for violating this RRP Rule.

**Home Renovation Show Violations**

Perhaps the most notable and highest fined of those listed is Chip and Joanna Gaines’ Magnolia Homes and the show ***Fixer Upper***. They were fined $40,000 and had to pay an additional $160,000 for lead abatement projects in high-risk homes in Waco, Texas. This is because they violated the RRP Rule for renovations of 33 properties in the Waco area. As another part of the settlement with EPA, they were required to implement an internal monitoring program. They also produced a video about renovating lead-contaminated homes that was shown on their website and social media channels. In Episode 16 of Season 5, they also featured testing an older home for lead and showed some precautions taken required by the rule.

***Rehab Addict*** and ***Bargain Mansions*** were using unlicensed and untrained workers who were not following lead-safe practices. These shows were fined a total of $59,000, and that includes several Kansas City-area subcontractors that Bargain Mansions used to help them. Consequently, the violations included everyone involved. The hosts of each show will be required to take steps to ensure compliance in the future. They are also to educate the public about lead-based paint hazards and appropriate renovation through videos, social media postings and public events.

The most recent was ***Texas Flip N Move***. In addition to a fine, they have to do the same tasks as ***Fixer Upper*** did, plus use a third-party entity to conduct lead abatement in low-income target-housing residences or child-occupied facilities within the Dallas-Fort Worth metroplex.

**Home Depot Fined for RRP Too**

On the topic of RRP, just in December (2020), Home Depot, often a major sponsor for renovation shows, negotiated a nationwide settlement with EPA on violations of the RRP Rule. Home Depot uses outside contractors to conduct home improvement work as an add-on service for its local stores. EPA found hundreds of cases where Home Depot was sending uncertified firms to conduct renovations that fell under the certified firms and trained workers requirements. Home Depot wasn’t keeping compliance documentation of certifications, training or use of lead-safe work practices. Contractors also weren’t passing out the required lead pamphlets to occupants.

The fine was $20.75 million, plus an additional $750,000 to Utah, $732,000 to Massachusetts and $50,000 to Rhode Island. Home Depot is required to implement a comprehensive, corporate-wide program to ensure its contractors are properly licensed, trained and certified to use lead-safe work practices. Where the most serious violations occurred, they’re offering those customers testing by a certified inspector and then additional specialized lead cleaning if something is found.

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What have you seen on TV that your environmental or safety eyes couldn’t NOT see? Choose one of the social media buttons to the left and share and comment on this story. Make sure you tag us! (@iSi\_ICT on Twitter, @isienvironmental on Facebook and @ isi-environmental-services on LinkedIn!)