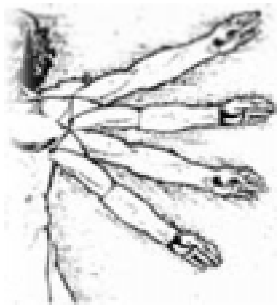


OSHA issues Ergonomics Standard



The Occupational Safety and Health Administration (OSHA) has issued its long-awaited ergonomics standard, which addresses disorders such as back strains and chronic hand/wrist pain in workplaces. The standard will take effect Jan. 16, 2001.

This federal standard is designed to address nationwide nearly 600,000 musculoskeletal disorders each year, to help save workers from long work

absences, and to protect businesses from soaring workers' compensation costs.

OSHA issued the standard after receiving more than 8,000 written public comments and listening to more than 700 witnesses testify at public hearings.

HUD's new lead-based paint rule now in effect

The U.S. Department of Housing and Urban Development (HUD) has made provisions to its new lead-based paint (LBP) regulation (24 CFR Part 35) that applies to housing activities supported by funding administered by its Office of Community Planning and Development (CPD). Grantees, subrecipients, and HUD field staff are responsible for implementing the requirements. All provisions of the rule went into effect Sept. 15, 2000. LBP requirements established by the new regulation fall into the following five major categories:

Notification. Grantees must meet four notification requirements.

- Lead hazard information pamphlet. Occupants, owners, and purchasers must receive the EPA/HUD/Consumer Product Safety Commission (CPSC) lead hazard information pamphlet, or an EPA-approved equivalent.

"Lead-based paint rule" continued on page 3.

According to OSHA, the rules would cost businesses some \$4.5 billion to implement but would help save businesses \$9 billion a year in medical expenses and workers' compensation.

Changes from the 1999 proposed standard include cutting back on workers' restriction protection (WRP) for injured workers, modifications to the action trigger now covering all general industry instead of focusing on manufacturing and manual handling jobs, and the "softening" of the "grandfather" clause in response to industry complaints that not a single company would have met the stringent criteria of the proposed rule.

For more information about the ergonomics standard, visit www.osha.gov.

EI's occupational health and safety departments provide consultation and training services regarding ergonomics and federal and state rulings. For further information, contact EI at (800) 717-3472.

OSHA Noise Exposure Standard requirements include recordkeeping

OSHA's Noise Exposure Standard (29 CFR 1910.95) requires a number of specific activities to be carried out on an ongoing basis — including worker noise exposure, measurements, control of noise levels through engineering and/or administrative controls, worker audiometric tests, professional review of worker audiograms, proper hearing protector usage, and motivational training in hearing loss prevention procedures. Additionally, the standard requires that records be maintained to document the ongoing effectiveness of the program.

To learn more about the Noise Exposure Standard and innovative technologies that make recordkeeping more manageable, please see the one-page insert to this newsletter, or *Alert* volume 10, number 3.

Environmental Briefs



New legislation passed regarding MTBE

The 2000 General Assembly passed legislation that requires public water supply operators to regularly test public water supplies for the presence of methyltertiarybutylether (MTBE), a highly water soluble gasoline additive that came into limited use in the 1980s as an octane booster. Because of concern that gasoline spills containing MTBE may be impacting public drinking water, public water supply operators will be required to test for MTBE on a quarterly basis.

The legislation requires public water supply operators to maintain a record of the testing and if any test results indicate the presence of MTBE in excess of 15 parts per billion, the operator must immediately notify both the Va. Department of Health (DH) and the Va. Department of Environmental Quality (DEQ). DH will use the information to work with the operator to address the contamination in the drinking water. DEQ will attempt to identify the source of contamination and may require corrective action.

Thousands of gasoline stations and other petroleum storage facilities are located throughout Virginia. Since 1988, more than 15,000 Virginia locations have reported to DEQ leaking petroleum storage tanks. These leaking tanks range from the 250 gallon home heating oil tank, to the family-owned convenience store with a couple of 5,000 gallon underground storage tanks, to the major distributing facility with more than a million gallons of underground and above ground storage tank capacity. Leaking petroleum storage tanks have caused contamination in about 450 drinking water wells.



Online Tier II reporting under development

Virginia facilities will soon be able to report Tier II information electronically. The Va. Emergency Response Commission and the Va. Department of Environmental Quality SARA Title III Office in cooperation with the Va. Department of Emergency Services are receiving assistance from the U.S. EPA Region III Office to bring Virginia facilities on-line Tier II reporting capability. Along with the on-line reporting, Virginia facilities will be offered the options to make the traditional paper submittal or electronic diskette submittals using Virginia's own Tier II electronic diskette submittal program. The projected date for completion is January 2001.

The new reporting form, beginning for the year 2000 will require slightly more information in addition to the federal Tier II form. The additional information requested will serve to clarify the existing Tier II reporting information and will not be intrusive or burdensome. Facilities interested in the on-line or electronic diskette submittal option, should visit <http://www.deq.state.va.us/sara3> for updates on information system technology requirements.



EPA proposes rule for cooling water intake structures at new facilities

EPA has proposed a new rule intended to protect fish and other aquatic organisms from being killed or injured by cooling water intake structures used by industries. It will establish new requirements to protect the most biologically sensitive areas, including tidal rivers and estuaries and will establish minimum

standards for cooling water intake structures at new facilities. Section 316(b) of the Clean Water Act (CWA) directs EPA to ensure that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. The proposed rule would apply to new facilities that use large amounts of cooling water, such as: steam electric power generation, pulp and paper making, chemical manufacturing, petroleum refining, and primary metals manufacturing (including iron and steel making and aluminum manufacturing).

In 1976, EPA published a final regulation implementing CWA section 316(b). However, industry groups challenged the regulation, and the U.S. Court of Appeals for the Fourth Circuit Court returned it for procedural errors in 1977. In 1995, EPA entered into a consent decree with the Riverkeeper and a coalition of other individuals and environmental groups and committed to complete a section 316(b) rule by August 2001. The Court Order, now in effect, required EPA to propose this regulation for new facilities by July 20, 2000, and to propose a regulation for existing facilities by July 20, 2001.

EPA believes this proposal would affect nearly 98 facilities during the next 20 years and would have an annual compliance cost of \$12 million. The proposal would set requirements to help preserve ecosystems near cooling water intake structures at new facilities. Expected benefits include a significant decrease in death or injury to aquatic organisms that would otherwise be drawn into cooling water systems or pinned against structure components at the entrance of cooling water intake.



EPA makes new metal sludge RCRA final rule

By encouraging metals recovery from hazardous wastewater treatment sludge, a new Resource Conservation and Recovery Act (RCRA) final rule will help the metal finishing industry meet voluntary waste-reduction goals as part of EPA's National Metal Finishing Strategic Goals Program (SGP). SGP grew out of EPA's Common Sense Initiative (CSI).

The new rule allows large quantity generators to accumulate hazardous waste code F006 sludge onsite for 180 days (or 270 days, as applicable) if the waste is going for recycling to recover the metals. This rule addresses a barrier to metals recovery and recycling identified by CSI. The longer accumulation time enables generators to send larger shipments of waste off-site for metals recovery less often, making it a more attractive waste management option. The rule was published in the March 8, 2000, Federal Register (60 FR 12378). For more information about the rule, visit: www.epa.gov/epaoswer/hazwaste/gener/f006accum.htm or call the RCRA/Superfund Hotline at (800) 424-9346 or (703) 412-9810.



Va. DEQ to open new regional office

The Va. Department of Environmental Quality (DEQ) will soon open a new regional office in Lynchburg that will be a full-service operation. DEQ currently has a satellite office in the Lynchburg area that provides primarily air permitting, compliance, and enforcement activities. This new office will be DEQ's seventh regional office.

- Disclosure. Check that property owners have provided purchasers and lessees with available information or knowledge regarding the presence of LBP and LBP hazards prior to selling or leasing a residence.
- Notice of lead hazard evaluation or presumption. Occupants, owners, and purchasers must be notified of the results of any lead hazard evaluation work or the presumption of LBP or lead hazards.
- Notice of lead hazard reduction activity. Occupants, owners, and purchasers must be notified of the results of any lead hazard reduction work.

Lead Hazard Evaluation. The evaluation activity required depends on the nature of the activity funded and the amount of federal funding and may include either a visual assessment, paint testing, or risk assessment, or a combination of those items.

Lead Hazard Reduction. The reduction activity required depends on the nature of the activity funded and the amount of federal funding and may include the use of interim controls or abatement of identified hazards.

Ongoing Maintenance. Ongoing maintenance depends on the grantee’s relationship with the federal government.

Response to Children with Environmental Intervention Blood Lead. When a poisoned child with an environmental intervention blood lead level is identified in some types of properties, the new regulation prescribes certain activities.

El’s Industrial Hygiene Department provides consultation and training services regarding lead-based paint testing and removal. For further information, contact El at (800) 717-3472.

Occupational Health and Safety Briefs



OSHA finalizes self-audit policy

Government safety inspectors will not routinely request that employers who voluntarily evaluate work sites for potential safety and health problems provide the findings to the government during safety and health inspections, the Occupational Safety and Health Administration (OSHA) announced.

In formalizing the policy first announced this past October, OSHA said that a voluntary evaluation — or “self-audit” — will not be used to justify a citation, if the hazard has been corrected and the employer has taken steps to prevent its recurrence. OSHA also said that a voluntary self-audit, when coupled with a “good faith” attempt to correct an existing hazard, will eliminate a potential “willful” violation of the Occupational Safety and Health Act of 1970 and will result in penalty reductions.

“We’re formalizing this policy because we want employers to find and fix hazards and not fear that we’ll use this information against them,” OSHA Administrator Charles N. Jeffress said. Jeffress stated that only in rare cases, such as when an employer blatantly ignores or refuses to correct hazards likely to result in serious injury or death, could self-audits be used as the basis for issuing a willful citation.

Although not required, OSHA took public comment on last year’s draft. The policy, effective immediately, appeared in the July 28 *Federal Register*. Suggestions that OSHA included in this final policy are:

- Expanding the definition of “self-audit” to include **evaluations conducted by a third party**
- Broadening the types of people who may conduct self-audits to include competent employees and

management officials;

- Ensuring that OSHA personnel are fully trained in this policy so that it will be consistently applied
- Allowing employers to provide self-audits report as evidence of “good faith” attempts to fix hazards

El’s Occupational Health and Safety Departments provides self-audit consulting services, among many other services. For further information, contact El at (800) 717-3472.



Needlestick law amends Bloodborne Pathogen Rule

President Clinton is signed an amendment Nov. 6 that directs an amendment to OSHA’s bloodborne pathogen standard to ensure more widespread use of safer medical devices to prevent dangerous needlesticks.

Each year one in seven medical professionals experiences a needlestick while caring for sick or injured patients. Safer and newer equipment that is readily available could prevent many of these injuries. Our nation’s health care providers deserve effective protection against deadly and debilitating bloodborne diseases such as AIDS and hepatitis B. This legislation gives it to them by clarifying that OSHA’s regulation requires employers to identify and provide safer equipment for their staffs to use.

For more information regarding the bloodborne pathogen standard, refer to *Alert* volume 10, number 1.

El’s Occupational Health Services Department provides consultation and training services regarding bloodborne pathogens. For further information, contact El at (800) 717-3472.

El Training C O U R S E S

DECEMBER 2000

DATE	COURSE
4	Laboratory Safety and Compliance Standard
4-6	Fundamentals of Industrial Hygiene
4-6	Hearing Conservation and Audiometric Testing
4-8	Asbestos Abatement Projects Supervision
5-8	Construction Safety - "Competent Person" Training
8	Confined Space, Permit Required
11	Hearing Conservation - Refresher Course
11	Electrical Safety (Qualified Person) and Lockout/Tagout
11	Industrial Hygiene Calculations
13	New OSHA Ergonomic Standard In-Depth Review
18	Contractor Safety Overview
18	"Competent Person" Excavation and Trenching Safety
18-19	Cumulative Trauma Disorders - Prevention, Management, and Cost Containment

El offers courses in health & safety, OSHA compliance, safety / health program management, and industrial hygiene.

Most of El's courses can be taught onsite at your facility. To schedule a course or to learn more about course offerings call El at 800.717.3472.

The El Training and Compliance Center's **2001 Training Catalog** will soon be available. To receive a complimentary copy, please call 800.717.3472, ext. 236.

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