



# EI ALERT

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## OSHA Proposes to Revise Consultation Programs

Charles Jeffress, the Head of OSHA, has proposed new revisions for state and federal labor department consultation programs offered to outside companies. The new proposed revisions are designed to encourage greater employee involvement in consultation visits and improve the transfer of information from these visits to workers.

OSHA presently provides funding to state agencies that offer free on-site consultation programs such as identifying workplace hazards, offering OSHA compliance advice and establishing safety and health programs. Employers who presently use these consultants have a one-year exemption from general inspections, provided they correct all identified hazards and develop a health and safety plan within a prescribed time period.

### FEDERAL REVISIONS

Proposed federal revisions to the rules governing these consultation programs include the following:

- Authorized employees have the right to accompany the OSHA consultant during the physical inspection of the workplace. The OSHA consultant is to speak with a reasonable number of employees about workplace safety.
- The employer has to post a list of hazards identified by the OSHA consultant, the corrective action proposed, and the dates for completion of the corrective action. The document must be placed in a prominent place for three days or until the hazards are corrected.
- OSHA retains the right to use the OSHA consultant's report for enforcement purposes. Such enforcement cases may include concealed hazards, refusal to correct hazards or investigation of false statements.

### OSHA'S VIRGINIA VOLUNTARY PROGRAM

The Office of Consultation Services in Virginia helps employers to comply with Virginia Occupational Safety and Health (VOSH) Standards by offering voluntary surveys, walkthroughs or audits of their facilities. The employer must agree to correct hazards and violations, and to submit verifications of these corrections, before any services are conducted. Recent conversations with several regional consulting officials revealed

that the consultation process is confidential and separate from enforcement inspections that can lead to citations and penalties. OSHA enforcement inspectors do not know which employers requested services from the Office of Consultation, and do not have access to compliance audit reports generated when a voluntary inspection is requested.

Virginia's voluntary OSHA consulting services involve an initial meeting with the employer to review written health and safety compliance plans and to recommend any improvements or suggestions. The OSHA consultant, along with the employer and any authorized employee, will conduct a walking tour of the facility to observe any hazards. A closing conference is used to review any concerns or problems. The employer then receives a confidential written report from the OSHA consultant. The employer is usually given 30 days to correct health and safety compliance violations identified during OSHA's voluntary inspection. Deficiencies may be corrected by the employer "in house" or through contracting a third party consultant.

*EI's team of Safety Professional and Industrial Hygienists are capable of conducting third party OSHA compliance audits and can assist your organizations in implementing improvements and correcting compliance violations revealed during a voluntary OSHA inspection. Please call EI's Safety Department at (800) 717-3472. Note: the proposed revisions are not finalized. OSHA is requesting comments by September 30, 1999, via [(202) 693-1948.] More information about OSHA's proposed consultation program revisions are available from the 7/2/99 issue of the Federal Register.*

### ALSO IN THIS ISSUE...


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#### ENVIRONMENTAL

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- EPA Announces Strategy to Reduce Air Toxics

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## Safety and Health Codes Board of Virginia Adopts New Federal OSHA Standards

**O**SHA standards regarding confined space requirements, dipping and coating operations, and powered industrial truck training have been amended by OSHA. These standards will take effect on August 15, 1999.

The Virginia Safety and Health Codes Board adopted these new amendments on May 17, 1999. The amendments provide for improved employee participation in training programs and for better employee protection.

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### CONFINED SPACE

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This amendment provides for enhanced employee participation in permitted space programs. Authorized confined space entrants will have the opportunity to observe any testing or monitoring of these spaces. Employers will also know what criteria they must satisfy when selecting an emergency team or service to rescue incapacitated confined space entrants. The new rules are intended to ensure both employer and worker involvement in confined permit space program development and implementation.

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### DIPPING AND COATING PROCEDURES

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The revised dipping and coating standards include paint dipping, electroplating, degreasing, stripping and other similar operations except for those that only use molten material. The revisions provide for updated ventilation and personal protective equipment used around dipping tanks.

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### FORKLIFT TRAINING

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The new forklift regulations intend to reduce the high rate of injuries resulting from inadequate industrial truck training. OSHA rules now list specific topics that must be included in formal training and offered by a qualified instructor. The new standard specifies fourteen different truck-related topics and nine different workplace-related issues for training inclusion. Refresher training is also required if the operator is assigned a different type of truck, if any workplace changes affect truck operation, and if the driver has been involved in accidents or near-miss incidents.

The employee must also participate in practical operating exercises and demonstrate an ability to safely operate a truck. A document certifying completion of required training must record the date and identity of the evaluator and be retained for future reference. Additionally, operator performance must be evaluated every three years following initial instruction.

*For more information refer to EI Alert Vol. 9, No. 3 "Update: New Industrial Truck Training Requirements." These topics can also be found in the 12/1/98, 1/4/99, 3/23/99, and 4/27/99 issues of the Federal Register.*

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## Virginia Chemical Releases Declined 8.6% in 1997

The Annual Toxic Release Inventory (TRI) Report for Virginia indicates that manufacturing companies in the Commonwealth reduced their chemical releases from 1996 to 1997. The reduction is in spite of the addition of chemicals to the SARA Section 313 List. The Virginia TRI Report, as with other states, is issued by EPA from the compilation of data provided by industry. Facilities that meet the following descriptions are subject to SARA Title III, Section 313, and must report to the Toxic Chemical Release Inventory:

- Companies with 10 or more full-time employees that transfer reportable chemicals off-site.
- Companies in Standard Industrial Classification (SIC) codes 2039.
- Companies that manufacture or process 25,000 pounds or more of reportable chemicals.
- Companies that use 10,000 pounds or more of any reportable chemical during the calendar year.

*The 1997 Toxic Release Inventory is available on the DEQ website, "http://www.deq.state.va.us." The EPA also maintains a list of reportable chemicals for the TRI. If you have any questions about SARA compliance 302, 304, 311, or 313 please contact EI Environmental Compliance Department at (800) 717-3472 ext. 245.*

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## EPA Awards \$14.5 Million to Virginia to Improve and Protect Water Supplies

**T**he U.S. Environmental Protection Agency has awarded \$14.5 million to the Commonwealth of Virginia for improvements to drinking water supply systems. (Virginia has supplemented EPA's grant with an additional \$2.9 million). The grant has arrived in time for the 25th anniversary of the Safe Drinking Water Act. W. Michael McCabe, the EPA Region III Administrator, said that the distribution of this grant money underscores the important relationship between drinking water and the defense in protecting public health.

The federal money will be used in three ways. First, \$13.6 million goes to the Virginia Department of Health for local community loans to improve drinking water systems. The Health Department's revolving loan program selects projects based on public health, environmental and technical benefit. For information on the proposed projects, contact Tom Gray at 804-786-1768.

Second, the Coalfield Water Development Fund will receive \$2 million in loans to finance drinking water facilities in southwestern Virginia.

Third, the remaining federal funds are assigned to provide technical assistance to small water systems, loans for scholarships to train plant operators and to protect drinking water sources.

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considered, the cost to US businesses for failing to take appropriate action is estimated at \$65 billion.

When passed, OSHA's new ergonomic rule will require companies to perform a number of additional functions. First, management leadership must initiate employee participation by creating a reporting procedure. Second, job hazard analysis and control requires that employers undertake studies to identify possible WMSD hazards in manufacturing operations and provide information relating to high-risk tasks. Third, manufacturers must analyze jobs and eliminate or control WMSD hazards. Finally, OSHA will require companies to establish employee training programs, medical management initiatives, and mechanisms for program evaluation. Training must continue to be offered every three years. If companies can demonstrate that present policies satisfy all of the above requirements, then they will be allowed to use existing programs.

*Comments? Questions? For more information on Ergonomic, Training and Workplace Assessment Programs please contact EI's Occupational Health Department at (800) 717-3472 ext. 224.*



## OSHA Holds Hearing on PPE Proposal and ERG Survey

OSHA's proposal to revise its Personal Protection Equipment (PPE) standards is designed to clarify who is required to pay for necessary PPE and under what circumstances. According to the proposal, employers will be required to provide all OSHA regulated PPE at no cost to employees except for safety-toe protective footwear and prescription safety eyewear if the following conditions exist:

- If the PPE is allowed to be worn off-site.
- If the PPE is NOT used in a manner that makes it unsafe to wear off-site.
- If the PPE is NOT designed for special job use.

The Eastern Research Group (ERG) completed the Final Report of its PPE Cost Survey for OSHA's new proposal on June 23, 1999. ERG received completed surveys from 3,722 respondents regarding (1) if the PPE was used at the establishment, (2) how many employees used the PPE, and (3) who pays for the PPE. The survey found that over 90 percent of all employers fully pay the cost of the eight included PPE categories, except for foot protection.

Meetings open to the public regarding this survey and OSHA's proposal on PPE are scheduled to begin on August 10 in Washington, D.C.

*If you have questions regarding PPE compliance, including respiratory fit testing and PPE training (including confined space) please contact EI's Industrial Hygiene department at 800-717-3472.*

## NIOSH Study Finds Elevated Dust Levels Generated During Drywall Sanding

A recent NIOSH Health Hazard Evaluation (HHE) found that drywall sanders were exposed to as much as 10 times the permissible exposure limit (PEL) for total dust set by the OSHA standards. The PEL for respirable dust, the very small particles that can go deep in the lungs, was also exceeded.

Workers who sand drywall joint compound are often exposed to high concentrations of dusts that may include silica. Drywall joint compounds are made from many ingredients like silica, gypsum, talc, calcite, and mica. Material Safety Data Sheets (MSDSs) from drywall joint compound manufacturers warn to avoid creating dust, and encourage the use of respiratory protection, wet sanding and ventilation.

NIOSH has reviewed several methods to reduce the risk of breathing fine dust. In a NIOSH study at the International Brotherhood of Painters and Allied Trades in Seattle, Washington, engineers found that vacuum sanding systems reduced dust exposures by 80% to 97%. These systems capture and remove dust before workers breathe it into their lungs.

Over time, inhalation of dust particles cause persistent eye, nose and throat irritation, coughing and breathing difficulties similar to asthma. These conditions will cause a worker to be less productive on the job, be absent more often and require frequent breaks for fresh air.

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### SILICA EXPOSURE IN CONSTRUCTION

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Overexposure to crystalline silica in its respirable form (tiny dust particles) can lead to the condition of silicosis. Silicosis is a debilitating lung disease that has no cure and can be fatal. Over one million workers in the U.S. are exposed to silica and more than 250 people die from silicosis every year. Smokers or workers with sinus or respiratory conditions may risk even worse health problems from this dust than the average person. Exposure to silica and other fine dust particles can occur in the following situations:

- Chipping, hammering and drilling in rock, concrete or brick
- Crushing, loading, hauling, and dumping of rock and concrete
- Abrasive blasting using silica sand or from the materials being blasted (concrete)
- Sawing, hammering, drilling, grinding and/or chipping on masonry or concrete
- Demolition of brick, concrete or masonry
- Dry sweeping concrete, sand or rock dust
- Trenching and excavation
- Tile and grout work

Workers exposed to elevated levels of silica and dust **MUST** be provided with respiratory protection and be part of a respiratory protection program which involves respirator fit testing, medical evaluations and proper training in the care and use of respirators.

*For further information regarding methods to avoid silica dust and other airborne contaminants please contact EI's Industrial Hygiene Department at (800) 717-3472.*

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## EPA Adds 83 Bodies of Water to Virginia's "Dirty Waters List."

Chesapeake Bay and portions of the James River, along with 83 other bodies of water, have now made the list of Virginia's "dirty waters." The total number of "polluted" waters in Virginia has risen to 809.

EPA has acted according to Section 303(d) of the Clean Water Act, which requires that states must respond biannually with a list of bodies of water that do not meet water quality standards. Using water quality data, the assimilative capacity of the waterbody, and computer models, the State determines the Total Maximum Daily Loads (TMDLs) for various pollutants for each waterbody. The TMDL is used to determine discharge limits and manage water quality given the specific characteristics of the drainage basin.

Richmond and Roanoke held public hearings recently to receive opinions, speeches, and written comments dealing with the list. EPA and state officials have agreed to a schedule for addressing the State of VA's list of polluted waters.

*EPA's summary report can be found on the EPA website at <http://www.epa.gov/reg3/wapdl/tmdl/>. For additional comments or questions, please contact Ms. Lenka Berlin, TMDL Management and Support Unit, Water Protection Division, U.S. EPA Region 3, 1650 Arch St., Philadelphia, PA 19103-2029. Phone: (215) 814-5259, Fax: (215) 814-2301. Email: [berlin.lenka@epamail.epa.gov](mailto:berlin.lenka@epamail.epa.gov).*



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## Good Ergonomics Touted As Good Economics

OSHA Administrator, Charles Jeffress, continued to build support for implementation of OSHA proposed ergonomic initiatives by informing the National Association of Manufacturers (NAM) in a July conference that ergonomic programs reduce employees' pain and suffering, improve employees' productivity and positively affect the bottom line.

The proposed ergonomic standard will be tough and far-reaching in its effects on companies. However, Jeffress assured NAM members that the OSHA regulations could be a win-win situation, benefiting both business and worker, because productivity and profits go up as injuries go down. Jeffress urged the NAM to play a productive, not a destructive role, in the ergonomics standard-setting process.

OSHA's push for ergonomics programs and regulations in business has been reinvigorated by the recent decision of the Congressional Committee on Education and the Workforce. In a June 23 meeting, the committee voted to require OSHA to delay publication of its ergonomics standard. The delay was requested in order that the results of the second National Academy of Sciences literature review can be included in the publication's study. The literature review is not expected to be completed until 2001, potentially delaying an ergonomic standard for another two years. Secretary of Labor, Alexis M. Herman, estimated that more than one million additional workers will suffer painful, preventable injuries and illnesses, and the U.S. economy will lose more than \$100 billion in productivity. Many individual states, such as California and North Carolina are presently in the process of adopting their own ergonomic standard.

Nearly 650,000 workers every year suffer serious injuries and illnesses caused by overexertion, repetition or other physical stress. It is estimated that work-related musculoskeletal disorders or WMSDs result in more than one-third of all lost workday injuries and illnesses. When other indirect factors related to ergonomics are

### Fluorescent Lamps Containing Mercury Now Labeled Universal Waste By EPA

On June 28, the EPA announced changes regarding mercury-containing fluorescent lamp hazardous waste rules. Fluorescent bulbs can now be labelled as a universal waste instead of as a hazardous waste. According to the new EPA ruling, businesses and consumers can now recycle mercury-containing bulbs at approved collection facilities, so fewer will end up in landfills or incinerators.

In the *Alert* Issue Vol.8 No.2, EI reviewed proper disposal techniques for fluorescent lights in facilities. EI had reported that federal EPA and state agencies encouraged recycling the re-usable components that did not contain mercury, PCBs, or DEHP. Under the old regulations, *all generators* of lighting waste could incur Superfund liability for improperly disposing of the unusable components. The problem was that many municipal solid waste facilities were not designed to handle mercury, PCB, or DEHP, and did not accept these wastes.

The EPA's decision to reclassify discarded fluorescent lighting as universal waste supports and encourages recycling of these bulbs by making this process easier and more cost-efficient. The universal waste label, which also includes such items as batteries, thermostats, and obsolete pesticides, reduces regulatory burden on the business due to less stringent standards.

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## OSHA Reminds Employers of Heat Stress to Employees: Tips to Minimize Heat Stress

Summer months mean dangerous increases in temperatures and humidity. The U.S. Labor Department's Occupational Safety and Health Administration (OSHA) has reminded employers and their workers to review the information regarding extreme heat during the warm-weather season.

OSHA news releases suggest the following tips for employers and workers to prevent heat-related disorders which can mostly be avoided. Two important rules are to drink plenty of water and wear light, loose-fitting clothing to reduce the risk of heat stress. Heat stress does not have to occur under the sun, but can also happen indoors without proper air conditioning or ventilation.

### OSHA's Suggestions to Stay Cool in Hot Workplaces

- *Encourage workers to drink plenty of water (without salt), about one cup of cool water every 15-20 minutes, even if they are not thirsty. Avoid alcohol, coffee, tea, and caffeinated soft drinks which contribute to dehydration.*
- *Help workers adjust to the heat by assigning a lighter workload and longer rest periods for the first five to seven days of intense heat. The process needs to start over again when a worker returns from vacation or exposure to a non-heat stress environment.*
- *Use general ventilation and spot cooling at points of high heat production. Good air flow increases evaporation and cooling of the skin. Stagnant atmospheric conditions and poor air quality can induce heat-related illnesses.*
- *Learn to spot the signs of heat stroke: severe headache, mental confusion/loss of consciousness, flushed face, and hot, dry skin. Heat Stroke can be fatal. If someone has stopped sweating, seek medical attention immediately. Other heat-induced illnesses: heat exhaustion, cramps, skin rashes, swelling and loss of mental/physical work performance.*
- *Train first-aid workers to recognize and treat the signs of heat stress. Be sure that all workers know who is trained to render first aid. Supervisors also should be able to detect early signs of heat-related illness and permit workers to interrupt their work if they become extremely uncomfortable.*
- *Provide alternative work and rest periods (in cool area). Shorter, more frequent, work-rest cycles are best. Schedule heavy work for cooler parts of the day and use appropriate protective clothing.*
- *Certain medical conditions, such as heart conditions, or treatments like low-sodium diets and some medications, increase the risk from heat exposure.*

## EPA Announces Strategy To Reduce Air Toxics

On July 7, the Environmental Protection Agency announced their strategy to reduce toxic air emissions across the country to improve public and environmental health. The EPA's reduction strategy is the next step of their national air toxics program to protect millions of people living in urban areas where air pollutant concentrations are excessive. The national air toxics program identifies pollutants that are known or suspected to cause cancer or other serious health problems.

The Integrated Urban Air Toxics Strategy specifically targets thirty-three toxic air pollutants, including polychlorinated biphenyls (PCBs), benzene, and mercury, and lists area sources responsible for a substantial portion of the emissions of these air toxics. Thirteen new area source categories have been added to the original sixteen that are currently under subject to EPA standards. Some of the new categories include municipal landfills, Stage I gasoline distribution centers, paint stripping operations, and industrial organic chemical manufacturers.

The new strategy presents a framework for addressing these air toxics in urban areas. Individually, pollution sources may not emit large amounts of air toxics, though combining all of these sources in a concentrated area with high numbers of people poses health risks. The EPA remains concerned about air toxic contaminants in areas that affect low-income or minority communities, which are often located near industrial and commercial centers.

The Integrated Urban Air Toxics Strategy is designed to supplement the EPA's existing air toxics program. The strategy has four components including:

- Regulations addressing sources of air toxics at national and local levels.
- Initiatives at national and local levels to reduce specific pollutants and to identify and address community risks.
- Identify areas of concern by air toxic assessments, monitoring and modeling.
- Education and outreach efforts to inform the public about the strategy and to solicit input for the design programs to implement it.

The EPA strategy goals aim to reduce the risk of cancer from air toxics by 75 percent and substantially reduce noncancer risks such as birth defects.

EPA has been regulating sources of certain toxic air pollutants since the introduction of the Clean Air Act Amendments of 1990. Their standards affect over 70 categories of major industries such as oil refineries, steel mills, aerospace manufacturers and chemical plants.

EPA plans to work with state and local governments to assess the risks from air toxics and develop communicative materials to inform the public of their findings.

For a copy of any EI Alert, please call 1-800-717-3472. EI Alerts may also be accessed on the Web at [www.ei1.com](http://www.ei1.com)

## EI Training Calendar

These training courses indicated below are going to be held at the Richmond, Virginia location.

### August

August 4	OSHA Recordkeeping and Confidentially
August 4-5	Advanced Occupational Safety and Health
August 6	Bloodborne Pathogens - Train the Trainer
August 6	Bloodborne Pathogens - First Responder
August 9	Respiratory Protection and Fit Fitting
August 11	Office Ergonomics

### September

September 3	Confined Space permit-Required
September 10	Electrical Safety (Qualified Person) and Lockout/Tagout
September 24	Safety Committees and Meetings: How to Make Them Work
September 24	Stress Management for Professionals

### October

October 1	Contractor Safety Overview
October 5	Process Safety Management of Highly Hazardous Chemicals
October 14-15	Spirometry and Pulmonary Function Testing

If you would like more information regarding training courses, please call EI at 1-800-717-3472.

## HUD Launches Administrative Action in Richmond and Other Cities To Protect Children From Lead Paint

The U.S. Department of Housing and Urban Development (HUD) is campaigning against lead poisoning in children from lead-based paint. HUD is targeting Richmond and 19 other cities in a national effort to enforce lead paint laws, specifically the Residential Lead-Based Paint Hazard Reduction Act from 1992. According to this law, sellers and landlords of most housing built before 1978 have to disclose information about the location of lead-based paint and its hazards, before they sell or lease a home.

HUD supported its action in Richmond and other cities from reports of failure to comply with the 1992 lead paint law. HUD's department sent "pre-penalty" letters to property-owners in the targeted cities, seeking civil penalties for alleged violations of the law.

Recently, the Richmond Department of Public Health has been promoting testing and education about lead paint for Lead Poison Control Week (July 12-16). The Lead-Safe Richmond Programs and the Department of Social Services held several events for city residents including door-to-door canvassing.

The Virginia State Government has joined the Environmental Protection Agency and the Department of Justice in a combined Clinton administration effort for the HUD campaign.

*EI is a full service consulting and training firm providing environmental, safety, industrial hygiene, occupational health and engineering services to industrial, business and governmental organizations. EI's staff of professionals includes geologists, environmental scientists, engineers, chemists, biologists, industrial hygienists, safety and occupational health specialists, allowing EI to provide a variety of cost-effective services to our clients. Feel free to contact any of our professionals regarding issues in the EI Alert or any other technical or regulatory questions you may have.*



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