

## OSHA Proposes to Revise Consultation Programs

**C**harles 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 employe 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 access to one-year exemptions from general inspections, provided they correct all identified hazards and develop a health and safety plan within

### FEDERAL REVISIONS

a prescribed time period.

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

### OSHA'S NORTH CAROLINA VOLUNTARY PROGRAM

or investigation of false statements.

The North Carolina Department of Labor's Division of Occupational Safety and Health helps employers to comply with North Carolina (OSHNC) Standards through the Bureau of Consultative Services. The NC Consultative Services Bureau offers voluntary safety and health surveys, technical

assistance and example programs. The employer must agree to correct hazards and violations identified by the consultant and to submit verifications of these corrections before any OSHNC consultative services are conducted.

Currently, OSHNC's consultation process involves either full or limited service surveys. A full survey consists of an initial meeting with the employer to review written health and safety compliance plans to evaluate their effectiveness, a full service audit, an interview of employees, and recommendations to management on program improvements or suggestions. A limited service survey covers only specific aspects which the employer has requested, such as a review of the written safety program or a hazard assessment of a certain piece of equipment. The OSHNC consultant writes up any violations or hazards observed during the visit in a confidential report to the employer. The employer is usually given 7 days (for short term problems) to 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.

Recent conversations with several regional consulting officials revealed that the OSHNC consultation process is confidential and separate from enforcement inspections that can lead to citations and penalties. Currently, hazard reports written by OSHNC consultants are confidential to the employer and do not have to be posted.

*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*

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## NC State Dry Cleaning Program Implementation News

The Dry Cleaning Solvent Act of 1997 was enacted to provide funds for the assessment and remediation of dry cleaning sites contaminated with perchloroethylene (PCE) and petroleum solvents. The authority to enter into site assessment and remediation agreements and certify sites for reimbursements was initially to become effective on January 1, 1999.

According to the Dry Cleaning Solvent Cleanup Act Annual Report, dated October 1, 1998, revenues collected during the first fiscal year had only reached approximately 40 percent of the revenues projected when the act was presented to the legislature. Funding in 1998 was not sufficient for the establishment of a full time staff position to develop guidelines and draft rules required to administer the program.

The North Carolina Department of Environment and Natural Resources, Division of Waste Management (DWM) finally obtained funding to create and fill two positions in January 1999, after which the development of guidelines and procedures commenced. According to DWM personnel in July, site certification and disbursement of funds were anticipated to begin as early as September 1999.

Inconsistencies within the original act and input from a "stakeholder" group formed by DENR resulted in the development by the legislature of amendments to address the concerns identified with the act. Of particular concern was the requirement for facilities to demonstrate financial responsibility in order to be certified under the program. Options for establishing and maintaining financial responsibility could be achieved by one of two options: obtaining pollution prevention and remediation legal liability insurance for the facility with coverage limits not less than \$1,000,000; or providing securities or a third-party bond in an amount not less than \$1,000,000.

These requirements proved unmanageable by many facilities; however, certification was a requirement under the act. As a result of this and other difficulties identified in the act, legislators proposed amendments to the Dry Cleaning Solvent Act of 1997 to address these and other concerns regarding the original act. House Bill 1326, sponsored by Rep. Pryor A. Gibson, III (D-Anson, Montgomery, Stanly), was passed by the House on July 12, 1999. The corresponding Senate Bill 1163 was proposed by Sen. Daniel Clodfelter (D-Mecklenburg); however, no action was taken prior to adjournment of the legislature on July 21, 1999.

The legislation also addressed additional funding since actual collections have fallen short of projected funding levels.

The General Assembly reconvenes on May 8, 2000; therefore, enactment of the program and certification of sites may not be expected until late summer or early fall of next year. However, DWM personnel have indicated that work is progressing on the development of guidelines and rules in anticipation of passage of the amendment next year.

For more information please contact EI's Environmental Services Dept. or Eric Kutz at 1-800-717-3472 ext.230.

## NC Water and Air Quality Bills Signed By Governor Hunt

On July 21, Governor Hunt signed the Clean Water and Clean Air Acts of 1999. The signing occurred at a state government Tech Fair where Governor Hunt promoted the ~~North Carolina Project Green and encouraged state workers to~~ integrate environmental responsibility with their jobs.

### CLEAN AIR ACT: VOLUNTARY PROGRAMS FOR NC INDUSTRY EMISSION REDUCTIONS

The Clean Air Act, Senate Bill 953, proposes to reduce smog by lowering production of smog-causing chemicals like nitrogen oxides, the major ozone-forming pollutant in North Carolina. Though the Act mainly concentrates on vehicle emissions and gasoline regulations, it encourages the Environmental Management Commission (EMC) to create incentive programs for voluntary air pollution reduction. Industry emissions are currently regulated by the EMC and the Division of Air Quality (DAQ), and though the Act does not impose new involuntary regulations or compliance, several power plants are implementing programs now to reduce pollutants in anticipation of future proposed regulations.

Governor Hunt also asked industry in April to reduce emissions of smog-producing chemicals when he announced his Clean Air Plan at the Governors' Summit on Mountain Air Quality. Hunt's Clean Air Plan and the Clean Air Act are designed to bring North Carolina into compliance with the new ozone standard adopted by the EMC in April. The EMC ozone standards will stand in place of the EPA's until the state has had time to conduct ozone studies. EPA's order for states to adopt new rules for controlling smog-forming pollution by September 1999 was blocked by the Court of Appeals in April. This ruling will not affect the implementation and enforcement of the Clean Air Act.

### CLEAN WATER ACT EXPANDS MORATORIUM ON HOG FARMS AND RAISES PENALTY FEES FOR VIOLATIONS

The Clean Water Act, also known as House Bill 1160, expands the moratorium on new hog farms and increases maximum penalty fees for violations of state water pollution laws. Fees have increased from \$10,000 to \$25,000 if the party has been a repeat violator within a two year period, though starting in 2001, repeat violations will include the past five years. Penalties up to \$25,000 per day can be charged for ongoing violations. Other new requirements established under the Clean Water Act include contacting the press and publishing a notice for every release of 1,000 gallons or more of untreated sewage from municipal or industrial treatment plants. Even if the spill is accidental, notices must be published in newspapers that circulate in affected areas downstream from the site within 48 hours of a spillage of 15,000 gallons or more. The Act also provides for the EMC to create temporary laws to prevent water pollution on the Cape Fear, Catawba and Tar-Pamlico River basins. The Bill becomes effective October 1, 1999.

## OSHA's Ergonomic Proposal Update

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.

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 the release of 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. The bill has not passed House approval and could still be vetoed by the President.

*Many individual states, such as California and North Carolina are presently in the process of adopting their own ergonomic standard. If you have questions about North Carolina's ergonomic standards, how to implement ergonomic programs for your business or just want more information on general ergonomic guidelines, training and workplace assessment programs, please contact EI's Occupational Health Department at (800) 717-3472.*

*For more information on Charles Jeffress' speech, visit the OSHA website at "<http://www.osha.gov/>"*

## EPA Announces View of Gasoline Additive

On July 26, EPA Administrator Carol M. Browner issued a statement on the EPA's Blue Ribbon MTBE Panel Findings which were released the next day. Browner stated that the EPA's goal was to ensure Americans have cleaner water and air, but not one at the expense of the other. The Panel has been commissioned since November 30, 1998, to study MTBE's risk on water supplies, and released their findings on July 27. The Panel's findings supported Reformulated Gas (RFG) for its improvements to air quality, but recommended reducing usage of MTBE or other additives that would affect water supplies. Specific recommendations included:

- Improvements to the nation's water protection programs by enhancing Underground Storage Tank, Safe Drinking Water and private well protection programs.
- Federal and state rules established by Congress to reduce and possibly phase out use of MTBE.
- Removal of the Clean Air Act requirement that 2% of RFG, by weight, consist of oxygen (so fuel supplies can be blended in a cost-effective manner).
- Mechanisms to ensure current air quality benefits are not lost.

MTBE has been added to fuel since 1979 as an octane booster so gasoline could resist engine knock. When the 1990 Clean Air Act Amendments required oxygenating additives to gas for areas of high pollution in the US, the oil industry used MTBE. MTBE adds oxygen to gasoline which boosts octane concentration in gasoline, thereby reducing carbon monoxide emissions. Since MTBE concentrations in gas increased in the early 1990's (as much as 15% in some areas), air quality has shown significant improvements. However, MTBE is readily soluble in water, moves quickly through underground water aquifers and soil, and proves difficult to treat with microbial decomposition.

Increasing amounts of MTBE in ground and surface waters has caused concern over the possible health effects MTBE could cause.

## 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 labeled 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,

Extensive studies on MTBE health effects have been conducted by the EPA, the National Science and Technology Council and the Health Effects Institute. EPA released a drinking water advisory for MTBE in 1997, mainly to avert odor and taste effects to contaminated water. Though the advisory is not subject to primary drinking water regulation, the EPA has listed MTBE as a possible carcinogen.

Efforts are now focused on cleaning up sites with MTBE pollution. EPA's Blue Ribbon Panel found that the major source of MTBE groundwater contamination were releases from underground storage tanks (USTs). Upgrades to USTs will help prevent petroleum releases, although 20% of gasoline storage systems have not been upgraded to meet new UST standards.

According to data from the NC Department of Environment and Natural Resources, 3,156 active groundwater contamination sites exist in North Carolina. Most of these sites are predicted to contain MTBE.

*EI's Department of Environmental Services provides regulatory and compliance monitoring for soil and groundwater remediation. Please call (800)-717-3472 ext.230.*



## 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.

### SILICA EXPOSURE IN CONSTRUCTION

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.

## 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,*

## 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.ei.com](http://www.ei.com)

## EI Training Calendar

**These training courses indicated below are going to be held at the Durham, North Carolina location.**

### September

- 8 Hearing Conservation - Refresher Course
- 8-10 Hearing Conservation & Audiometric Testing
- 14-17 Construction Safety - "Competent Person" Training
- 16-17 Cumulative Trauma Disorders - Prevention, Management and Cost Containment
- 17 Safety Committees and Meetings: How to Make Them Work
- 28 Asbestos Abatement Projects Supervision - 8-Hour Refresher
- 29 Asbestos Containing Material Inspection - Refresher

### October

- 1 Stress Management for Professionals
- 8 Office Ergonomics & Ergonomics 101
- 11-15 Complying With OSHA & Asbestos Abatement Projects Supervision
- 22 Fundamentals of Occupational Safety & Health
- 26-28 Asbestos Containing Material Inspection

### November

- 3 OSHA Recordkeeping & Confidentiality
- 11 Hazard Communication
- 12 HAZWOPER - First Responder Awareness Level, & HAZWOPER - 8-Hour Refresher, & Wellness Prescription: "The Company's In Better Shape When You Are"

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

## OSHA Proposes Changes to Fall Protection

OSHA has requested comments and any information on fall protection in an advance notice of proposed rule making (ANPRM). "Standards for Fall Protection in the Construction Industry," originally published August 4, 1994, requires that employees exposed to a fall hazard of greater than six feet have to be protected by equipment to prevent or stop the fall. OSHA will review discussion on ten issues that employers have expressed concern over. Some of these issues include standards for fall protection in residential, precast concrete and post-frame construction, criteria for restraint systems, body belt usage with full body harnesses and rescue requirements.

Comments and claims must be supported by data and provide information on the costs of alternative approaches and the reduction in injuries that will be experienced. Comments must be received in duplicate by October 22, 1999.

*Please mail comments to the OSHA Docket Office, Docket S206C, Room N2625, U.S. Dept. of Labor, 200 Constitution Ave. NW, Washington, D.C. 20210. For more information on proposed regulations visit OSHA's website at "<http://www.osha.gov>" For more information regarding OSHA's regulations for fall protection in construction, please contact (800) 717-3472.*

