EI ALERT

Vol. 9, No. 6 *A Publication of EI, Inc.*

South Carolina LLR to Focus on Voluntary Programs

Rita McKinney, Director of Labor, Licensing, and Regulation (LLR) presented the priorities of her agency at the Carolinas' Environmental, Health, and Safety Conference in Charlotte, North Carolina on September 8, 1999. The first point that Ms. McKinney stressed is that Governor Jim Hodges' administration is "pro-business" and that LLR believes that most South Carolina businesses try to comply with workplace safety rules as long as they are reasonable and fairly administered. As evidence that businesses are doing a good job with workplace safety, Ms. McKinney pointed to the 1998 injury/illness rate of 5.9 cases/100 employees in South Carolina. This is one of the lowest injury/illness rates in the Southeast and is the lowest in South Carolina since the agency started tracking these statistics in 1973. However, there were 110 work-related deaths in South Carolina in 1998 (mostly related to traffic accidents and violent acts) and the agency will focus on reducing the number of workplace deaths.

The main priority for LLR during Governor Hodges' administration will be their Office of OSHA Voluntary Programs (OVP). The OVP offers job safety training and both on-site and telephone consultation. Governor Hodges launched the state-wide campaign (called SafetyWorks!) to bring attention to the OVP on Labor Day by appearing at news conferences in Greenville and Columbia. In addition to training and consultation with general industry, the OVP has teamed with the Association of General Contractors (AGC) for seminars on trenching safety and plans to do seminars next year on fall protection.

Mr. Bill Lybrand, the South Carolina Administrator of OSHA, gave a presentation at the Carolinas' Environmental, Safety, and Health conference. He also pointed to the low injury/illness rate in South Carolina last year. However, like Ms. McKinney, Mr. Lybrand confirmed South Carolina OSHA's commitment to reduce work-related fatalities. He feels that businesses need to implement proactive facility safety programs which focus on reducing the number of severe injuries and illnesses. Last year, almost half of the injuries and illnesses in South Carolina caused employees to lose time from work.

Additional information regarding Federal OSHA and SC OSHA voluntary programs can be found on page 5.
Further details are available regarding South Carolina's federal respiratory protection standard on page 6 .

OSHA Targets High-Hazard Workplaces

OSHA Administrator Charles Jeffress has lately been discussing his agency's plan to crack down on industrial sites with high injury or illness rates. The new Site Specific Targeting (SST) Plan includes unannounced "inspections and stiff penalties" in an attempt to "get the attention" of sites whose injuries well exceed the national average.

The SST Plan, Directive Number 99-3, will initially focus on 2200 worksites with a lost workday injury and illness rate above 16 per 100 full-time employees. All workplaces on the targeted list are to be inspected by December 31, 1999. Jeffress concedes that "OSHA recognizes that an elevated lost workday injury and illness rate does not necessarily indicate a lack of interest in safety and health," but adds, "...whatever the cause, a high rate (of injury) is costly to your company in both personal and financial terms. Employers who lack expertise in workplace safety and health are urged to seek outside consultation to initiate a successful program."

The SST plan was launched in April when OSHA's efforts to implement its Cooperative Compliance Program (CCP) were blocked by a federal court decision. While voluntary compliance is preferred, Jeffress noted that compliance is unlikely, as 70% of manufacturers have no established health and safety program. Without a written plan to protect employees from workplace hazards, enforcement is the only option available to ensure compliance. Jeffress warns, "Workplaces with high injury and illness rates are on notice" (that OSHA will investigate their operation in the near future).

If you have any questions about OSHA's Cooperative Compliance Program or establishing/reviewing your health and safety plan please contact EI Health and Safety Compliance Department at (800) 717-3472 or (864) 239- 6767.

ALSO IN THIS ISSUE...

Proposed Safety and Health Program Rule

OSHA has published a draft of its Safety and Health Program Rule (29 CFR 1900.1). The proposed rule appears on OSHA's website at www.osha.gov and is summarized below. The purpose of the proposed Safety and Health Program Rule is to reduce the number of job-related fatalities, illnesses and injuries. If implemented in late 2000, the standard will require employers to establish a workplace safety and health program to ensure compliance with OSHA standards and the General Duty Clause of the Act (Section 5 (a) (1)).

Management Leadership and Employee Participation

- Management must regularly communicate with employees and provide current information regarding workplace safety and health.
- Identify and then delegate safety and health program responsibilities throughout the workplace.
- Establish a process for hazard reporting and assign at least one supervisor or employee to **investigate and record a near-miss accident, work-related injury, illness or death.** Preventative measures implemented as a result of the incident should also be documented.

Training Requirements

Employees must be advised as to the following:

- Task-related hazards and how to recognize other potential safety and health risks.
- Mechanisms designed to control hazards on the job.
- Protective measures each employee must follow to prevent or minimize exposure to task-related hazards.

Program Evaluation

The employer must evaluate the effectiveness of the safety and health program:

- As often as necessary to ensure effectiveness
- At least once within the 12 months following the final compliance date
- At least once every two years afterward to correct deficiencies identified by the program evaluation.

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 January 24, 2000. The deadline has been extended 90 days from the previous October 22, 1999, deadline due to requests from construction contractor associations.

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.

Check out our website: www.ei1.com

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, thermostats, and obsolete pesticides, reduces regulatory burden on the business due to less stringent standards.

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.

If you have questions about 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, 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.

Industrial Truck Training Requirements: Deadline Approaching

OSHA has redefined training requirements of forklift and industrial truck operators in an effort to reduce that high rate of injuries resulting from inadequate instruction. The revision, effective March 1, 1999, lists specific topics that must be included in **formal training** and **offered by a qualified instructor.**

The new standard specifies 14 different truck-related topics and nine different workplace-related issues for training inclusion. The only sections that may be disregarded are those not applicable to the specific work site. Refresher training is required under the following conditions:

- The driver operates the vehicle in an unsafe manner.
- The operator has been involved in an accident or near-miss incident.
- The operator's evaluation indicates that more instruction is needed.
- The operator is assigned a different type of truck.
- The workplace changes in a manner that could affect the safe operation of the truck.

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.

New training requirements must be met prior to operation of powered industrial trucks if the employee is hired **after** December 1, 1999. Employees hired **before** December 1, 1999, have until that date to complete initial training. This standard applies to all industries that utilize trucks except agricultural operations.

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

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. Safety-toe protective footwear and prescription safety eyewear are exempt for this requirement if the following conditions exist:

- The PPE is allowed to be worn off-site.
- The PPE is NOT used in a manner that makes it unsafe to wear off-site.
- 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 were held August 10 in Washington, D.C. OSHA is not expected to return a final ruling on PPE until next year.

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 or 864-239-6767.

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.

For further information regarding methods to avoid silica dust and other airborne contaminants please contact EI's Industrial Hygiene Department at (800) 717-3472 (864) 239-6767.

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.

PROPOSED FEDERAL REVISIONS

- 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.

SOUTH CAROLINA LLR'S VOLUNTARY PROGRAM

The Office of OSHA Voluntary Programs (OVP) South Carolina helps employers to comply with Occupational Safety and Health Standards by offering training and consultation for their facilities. The employer must agree to correct hazards and violations, and to submit verifications of these corrections, before any services are conducted.

South Carolina'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 or (864) 239-6767. Note: the proposed revisions are not finalized. OSHA is accepting public comments on this issue until 11/26/99.

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.

Questions? Comments? EI can help your business comply w/EPA regulations or create Risk Management Plans required by the Clean Air Act. Call our Compliance Department at (800) 717-3472.

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

EI Training Courses

Health & Safety

Hearing Conservation: Refresher Course
Hearing Conservation & Audiometric Testing,
Certified Safety Professional Preparation Workshop

OSHA Compliance

ADAction Plan, Bloodborne Pathogens, Confined Space, Construction Safety, Contractor Safety, Electrical Safety, Hazard Communication, HAZWOPER, Laboratory Safety and Compliance, Respiratory Protection and Fit Testing

Safety/Health Program Management

Accident and Injury Prevention and Management, Advanced Occupational Safety and Health, Back Injury: Prevention, Management and Cost Containment, Cumulative Trauma Disorders, Developing and Managing a Safe Workplace, Ergonomics, Fundamentals of Occupational Safety and Health, Occupational Health Nurse Institute, OSHA Recordkeeping and Confidentiality, Spirometry and Pulmonary Function Testing, Stress Management for Professionals, Wellness Prescription: Worker's Compensation Management

Industrial Hygiene

Indoor Air Quality, Industrial Hygiene Calculations, Noise Technician, Asbestos Awareness, Asbestos Operations and Maintenance, Asbestos Abatement Projects Supervision, Asbestos Containing Material Inspection, Asbestos Training and Refresher, Lead: OSHA General Awareness Training and Refresher

South Carolina LLR to Focus on Voluntary Programs SC Adopts "Two-In, One-Out" Rule

South Carolina has adopted most federal OSHA standards verbatim, though SC did not adopt the change to the federal respiratory protection standard which requires at least four firefighters in interior structural fires (two to enter the building and two to remain outside as backups).

South Carolina has adopted (effective May 19, 1999) what is known as the "two-in, one-out" requirement. An incident commander may proceed with interior firefighting with the presence of at least three firefighters (two to enter the building and one to remain outside as backup) as long as five conditions are met. These conditions are: (1) the incident commander has completed the Incident Command System course or its equivalent as certified by the South Carolina Fire Academy; (2) the employees who enter the immediately dangerous to life and health (IDLH) atmosphere have completed the Basic Firefighter course or its equivalent as certified by the South Carolina Fire Academy; (3) the incident commander has determined that the standard staffing pattern is not feasible; (4) the entry can be made safely with the personnel on-site; and (5) the arrival of additional employees to complete the standard staffing pattern is imminent.

This modification in the federal standard is due to concerns by the state firefighting profession that the "two-in, two-out" requirement would result in the loss of additional lives and property.

If you have any questions or comments regarding this article or South Carolina's OSHA standards, please contact our Greenville office (864) 239-6767.

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.

EI

Durham, NC
Greenville, SC
Richmond, VA
Washington, DC

1-800-717-3472
www.ei1.com