Crandall Corporation

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Compliance Headliner

Who Pays for Personal Protective Equipment?

Inside this Issue

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The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) issued a final rule on employer-paid personal protective equipment (PPE). Under the rule, all PPE, with a few exceptions, will be provided at no cost to the employee. OSHA anticipates that this rule will have substantial safety benefits that will result in more than 21,000 fewer occupational injuries per year. The rule was published in the Federal Register on November 15, 2007.

Many Occupational Safety and Health Administration (OSHA) health and safety standards require employers to provide their employees with protective equipment, including personal protective equipment (PPE), when such equipment is necessary to protect employees from job-related injuries, illnesses, and fatalities. These requirements address PPE of many kinds: hard hats, gloves, goggles, safety shoes, safety glasses, welding helmets and goggles, faceshields, chemical protective equipment, fall protection equipment, and so forth. The provisions in OSHA standards that require PPE generally state that the employer is to provide such PPE. However, some of these provisions do not specify that the employer is to provide such PPE at no cost to the employee. In this rulemaking, OSHA is requiring employers to pay for the PPE provided, with exceptions for specific items. The rule does not require employers to provide PPE where none has been required before. Instead, the rule merely stipulates that the employer must pay for required PPE, except in the limited cases specified in the standard.

The items excepted from payment by this rule are:

- Non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, that is allowed by the employer to be worn off the job-site;
- Shoes or boots with built-in metatarsal protection that the employee has requested to use instead of the employer-provided detachable metatarsal guards;
- Logging boots required by 1910.266(d)(1)(v);
- Everyday work clothing; or
- Ordinary clothing, skin creams, or other items used solely for protection from the weather.

The final rule also clarifies OSHA's intent regarding employee-owned PPE, and replacement PPE:

- It provides that, if employees choose to use PPE they own, employers will not need to reimburse the employees for the PPE. The standard also makes clear that employers cannot require employees to provide their own PPE and the employee's use of PPE they already own must be completely voluntary. Even when an employee provides his or her own PPE, the employer must ensure that the equipment is adequate to protect the employee from hazards at the workplace.
- It also requires that the employer pay for replacement PPE used to comply with OSHA standards. However, when an employee has lost or intentionally damaged PPE, the employer is not required to pay for its replacement.

This final rule becomes effective on February 13, 2008. The final rule must be implemented by May 15, 2008.

EPA 609

The Clean Air Act is enforced by the Environmental Protection Agency (EPA), and was amended in 1990. Section 608 and Section 609 are part of the Clean Air Act and are directly applicable to the automotive industry for those facilities performing motor vehicle air conditioning (MVAC) service or repair.

Section 608 establishes requirements for personnel performing motor vehicle air conditioning service or repair. Under Section 608, anyone performing air conditioning service or repair is required to be certified. A list of approved certification providers can be found at www.epa.gov/Ozone/title6/609/technicians/609certs.html. Technician certification records must be maintained in facility files.

In November 2007, the Direct Final Rule on Motor Vehicle Air Conditioning Refrigerant Recovery and Recycling Equipment Standards was passed. The final rule updates the motor vehicle air conditioning (MVAC) servicing standards in Section 609. The final rule does not require immediate replacement of previously certified equipment with new refrigerant/recovery equipment. The final rule does, however, require that any new equipment purchased after December 31, 2007 meet the new requirements (i.e. on the list of approved refrigerant/recovery recycling equipment). Additionally, equipment not meeting the 2007 Direct Final Rule standards cannot be sold to other businesses or individuals. The full list (Table V) of approved refrigerant/recovery recycling equipment can be found at www.epa.gov/Ozone/title6/609/technicians/appequip.html#table5.

If you or anyone at your facility has questions or concerns regarding any of the regulatory requirements or any equipment at your facility, please do not hesitate to contact Crandall Corporation for assistance.

Hazardous Waste Generator Fees

Georgia, North Carolina, and South Carolina have state administered environmental agencies and hazardous waste divisions that follow and enforce the EPA's Resource Conservation and Recovery Act (RCRA). Each state's hazardous waste division monitors the generation, management, and disposal of hazardous waste. RCRA defines three different generator status, based on amount generated, for hazardous waste: Conditionally Exempt Small Quantity Generator (CESQG), Small Quantity Generator (SQG), and Large Quantity Generator (LQG). Each state may impose fees depending on the facility's generator status. These fees are implemented to help fund hazardous waste divisions. North Carolina Department of Environment and Natural Resources' (DENR) Division of Waste Management monitors and enforces the state's hazardous waste regulations, reporting, and fees. Georgia's Department of Natural Resources Environmental Protection Division's Hazardous Waste Management Branch monitors the state's hazardous waste regulations, reporting, and fees. South Carolina's Department of Health and Environmental Control (DHEC) Bureau of Land and Waste Management monitors the state's hazardous waste regulations, reporting, and fees. For the 2007-2008 fiscal year, DHEC imposed a one time generator fee for SQG and LQG facilities. The table below indicates the fee requirements by state, for each generator status.

Generator Status	SC Fee	NC Fee	GA Fee
CESQG (Generated less 220 pounds of hazardous waste in a month)	No Fee	No Fee	No Fee
SQG (Generated between 220-2,200 pounds of hazardous waste in a month)	$500.00	$125.00	$115.00
LQG (Generated more than 2,200 pounds of hazardous waste in a month)	≤100 tons of hazardous waste fee is $1,000.00 ≥100 tons of hazardous waste fee is $1,000.00 and a $1.50 per ton fee, but can't exceed $15,000.00	$1000.00	Minimum $115 but there is a fee per ton and also it depends on how the facility dispose of the hazardous waste

Why are Scrap Tires Such an Issue?

According to the Environmental Protection Agency (EPA), about 290 million scrap tires were generated in the year 2003. In the past, these scrap tires were discarded into landfills causing health and fire hazards. In addition, whole tires take up a lot of space in the landfill and tend to find their way back to the surface due to vibration and trapped gas. Many states now have scrap tire management programs that are implemented, managed, and monitored by the state's environmental agency. Since scrap tire management programs have been implemented, about 80% of the scrap tires are being recycled into new products.

Scrap tires become perfect breeding grounds for disease carrying mosquitoes, which create health hazards. There are two dominate species of mosquitoes (Aedes aegypti and Aedes Albopictus) in the southern part of the United States that are the main reproducers in scrap tires. These mosquitoes are known to be the principal carriers of Yellow Fever and Dengue disease, which cause health problems for millions of people in the tropical regions.

The main ignition sources of tire fires are lighting and humans. Since tires are spherically shaped, the oxygen supply is constant, and oxygen is a fuel source for a fire. Scrap tires are hard to ignite, but once ignited they are extremely difficult to extinguish. Large tire fires can rage for several weeks or even months, which can cause serious damage to the environment. Toxic gases are emitted into the air, which impairs visibility and becomes an inhalation hazard. Toxic liquid run-off contaminates streams and groundwater supplies. New regulations have been implemented in the United States in order to resolve these issues.

Scrap tire management programs differ from state to state. North Carolina has a 2% privilege tax on all tires sold with a bead diameter of less than twenty inches and 1% privilege tax on tires with a bead diameter of twenty inches or greater. Anyone who is involved in the disposal process of scrap tires needs to complete and sign a Scrap Tire Certification Form (the form is available at a local landfill). The first portion of the form is completed by the generator, the second portion is completed out by the certified tire hauler, and the third portion is completed and retained by the receiver of the scrap tires. For more information on NC tire laws go to www.p2pays.org/ref/01/00016.htm.

In South Carolina, there is a $2.00 fee on every new tire purchased. This fee goes back to the state for the scrap tire management program. During tax season, the form ST-390 is completed by tire retailers and sent to State of South Carolina Department of Revenue Solid Waste Excise Tax Return.

In Georgia, a $1.00 fee is collected from the consumer with the sale of every new tire. The seller must maintain accurate records on the number of new replacement tires sold each quarter. A tire fee report is completed and remittance fees are paid quarterly. These fees must be paid to the state by the 30th day of the month following the previous quarter. The tire management fee is not imposed on the sale of: used tires, tires with a rim size of less than 12 inches; tires from any device moved exclusively by human power; or trucks used exclusively for agricultural purposes, with the exception of farm truck tires.

Many states have a tire management program, and each program is managed differently. The individual state programs have similar goals, which is to reduce illegal discarding of scrap tires and to reduce fire and health hazards.

Material Safety Data Sheet Management

How do we identify and understand the hazards associated with handling hazardous materials in the workplace? One method of conveying information to the end user is through material safety data sheets (MSDS). Material Safety Data Sheets are summaries of hazard information. OSHA requires chemical manufacturers to compose an MSDS for each chemical they produce. Chemical manufacturers and distributors must make these MSDS sheets available to any customer who purchases their chemical. The MSDS are usually delivered with an initial shipment of a chemical and when revisions are made to the MSDS sheet or when the chemical composition changes.

Any company that uses more than a typical household quantity of a given chemical is required to keep the MSDS sheet on site and to make them freely available to employees. Employers should ensure that they have an MSDS for each chemical used in the facility. Obtaining MSDS may require contacting the manufacturer or distributor to request MSDS sheets if they are not automatically provided. It may be more efficient to obtain MSDS sheets for a manufacturer's entire line of products, as in the case of paints. Some municipalities require that MSDS sheets be made available, regardless of the quantity of a chemical kept on site.

Several companies or services offer MSDS sheets available electronically, by fax on demand or over the telephone. However, OSHA has consistently ruled that MSDS sheets must be maintained on-site in hard copy form. The primary reasons for maintaining hard copies are there may be several impediments that prevent employees' use of electronic or call-in services. First, phone lines may be inoperable or the facility may experience a power failure, both of which would prevent electronic access. Second, equipment failure may prevent access. Third, employees may not have sufficient access or computer knowledge to efficiently navigate an electronic MSDS sheet database.

Remember to maintain MSDS sheets on site and to make them freely available to employees. While electronic and call-in services can seem useful and beneficial, OSHA requires that a hard copy always be freely available on site. Consider electronic MSDS management as a backup to the paper version.

Fluorescent Lamp Disposal

It has been estimated that Americans dispose of up to 550 million fluorescent lamps each year, of which upwards of 80 percent come from commercial or industrial settings. Some of the fluorescent lamps utilized by your facility may be considered hazardous. The most common hazardous material in the lamps is mercury. Lamps that contain mercury include, but are not limited to, incandescent, fluorescent, high intensity discharge, metal halide, high pressure sodium and neon.

The EPA uses a test called a toxicity characteristic leaching procedure or TCLP to determine the level of mercury that may be released from a product if it were disposed of in a landfill. The TCLP standard for mercury is 0.2 mg/L. If a lamp fails to meet the TCLP standard, it must be treated as a hazardous waste.

Several American manufacturers have developed low-mercury lighting that will pass the TCLP standard. Phillip Lighting Company developed the "Alto" technology lamp, Osram Sylvania developed the "Ecologic", and GE developed the "Ecolux" lamps. Many of these low-mercury lamps are identified by their green ends. In order to properly dispose of fluorescent lamps, you must first identify what kind you are using. This information may be found on the box, MSDS or by contacting the manufacturer. If they are non-hazardous, they can either be shipped to a recycler or delivered to a municipal lined landfill, if the landfill will accept them.

If your lamps are considered hazardous, they can be managed as a universal waste. The lamps must be stored in packages or containers that remain closed, are structurally sound, will prevent breakage, and be compatible with the contents. The containers must be free of any leaks, spillage, or damage that could cause a leak under reasonable conditions. Universal waste lamps can be accumulated for up to one year. In order to provide proof of compliance with the time restraint, accumulation containers must be marked, individual lamps must be marked, have an inventory system, have a specific storage area that is marked on the date the first lamp is stored, and/or any other suitable method that will document the accumulation time of the lamps.

Mercury is a highly hazardous substance that finds its way into the food we eat and the water we drink. Mercury exposure, in even small amounts, has been linked to a number of serious health issues. As a best management practice, it is recommended that you switch to the low-mercury lamps and use a permitted recycling facility to ensure proper disposal. Please take the time to check the type of lamps being used at your facility and implement a disposal procedure that is in compliance with local regulations.

Top Automotive OSHA Citations

The Occupational Safety and Health Administration, better known as OSHA, strives to assure a safe and healthy work environment for everyone. To achieve this goal, the administration established a set of standards to guide business and industry in a safe direction with the help of some enforcement. OSHA does inspect and cite many businesses, not to punish the employers, but to help them establish a safe work environment for themselves and their employees. The General Industry regulation, 29 CFR 1910, has 1,450 different standards that businesses must abide by.

During the year 2007, the automotive industry has unintentionally violated numerous regulations. The following are the ten most cited standards in the automotive industry:

1. Lockout/Tagout (1910.147)
2. Machine Guarding (1910.212)
3. Respiratory Protection (1910.134)
4. Powered Industrial Trucks (1910.178)
5. Hazard Communication (1910.1200)
6. Electrical, Wiring Methods (1910.305)
7. Electrical, General Requirements (1920.303)
8. Mechanical Power Presses (1910.217)
9. Personal Protective Equipment (1910.132)
10. Abrasive Wheel Machinery (1910.215)

Many citations are caused by basic carelessness. For example, the General Requirements for Electrical is composed of many specific guidelines. A citation in this area could be caused by using unapproved materials, not performing required inspections, or using equipment in poor condition. There are several ways to help your business follow each of these frequently cited standards as well as others.

- Know what the standards say and require.
- Conduct and document routine inspections, as well as annual professional inspections of all materials and equipment on site.
- Do not remove safety guards. Replace ones that have moved or broken.
- When provided with protective equipment such as respirators, gloves, or safety glasses, use and take proper care of them.

Once you are aware of these standards, it is your responsibility to follow them and share your knowledge with others. Raising awareness is a big step to becoming a safe and healthy workplace.