

Regulatory Alert



Your SOURCE for
OSHA, DOT, & Environmental
COMPLIANCE NEWS

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GHS Standard Scheduled for Finalization September 2011

Many ECS clients have emailed and called with questions about the upcoming OSHA Global Harmonization System (GHS) regulation final approval. We always endeavor to keep our clients informed so you won't be caught off guard when the new regulation is finalized so here is what we know right now.

OSHA originally had the GHS regulation set for their agenda in August and moved it to September. At last check of their website, it appears to still be on the agenda. This rule has over 500 pages of text associated with it and is always subject to change prior to being finalized. So, what we are providing in this article is the information in the draft rule text. This is subject to change with the final rule.

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GHS In a Nut Shell



For those of you who just want the bottom line and not a bunch of detail – here's the skinny. The major changes will be that MSDS will now be called SDS (Safety Data Sheets), they now have a prescribed format and you will need to solicit new sheets from your chemical manufacturers or distributors so that you have updated ones within 3 years of the final rule authorization.

New labels will be required and while the chemical company or distributor will take care of that for new products, you'll be responsible for relabeling everything you currently have in-house. Finally, your HazCom plan and training will need to be updated and employees will need the updated training within 2 years of the final plan approval.

Read about all the details on page 2.

We Take

Requests!

Submit your questions or topics of interest for our next issue to:
jennifer@ecshelp.com

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812-945-1541

EPA Issues New TSCA Rule

The TSCA (Toxic Substances Control Act) is changing. EPA has just finalized a new rule changing the program name to Chemical Data Reporting (CDR). The purpose of CDR (and formerly TSCA) is to identify whether people or the environment are potentially exposed to reported chemical substances. This rule affects companies that manufacture, (including manufacture as a byproduct) or import (for commercial purposes), chemical substances listed on the

TSCA inventory. Companies operating under NAICS codes 324110 (Chemical substance manufacturers/importers) and 22, 322, 331, 3344 (utilities, paper manufacturing, primary metal manufacturing, semiconductor and other electronic manufacturing) are those most likely to be affected.

Reporting frequency has been changed to every 4 years (from 5 years previously). You must calculate the chemicals manufactured

over that four year period to see if the threshold has been surpassed (25,000 lbs for most). Reporting must be done electronically on EPA's CDX reporting software.

To see if a chemical you manufacture is on the TSCA inventory list, check out the link:

<http://www.epa.gov/oppt/newchems/pubs/tscainventorydatahelp.htm>

Got questions? Contact us at 812-943-1341 or jennifer@ecshelp.com

GHS STANDARD

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1) Chemical Manufacturers & importers will be responsible to classify the hazards associated with their chemicals. Employers may rely on information provided.

2) Labels

a. Manufacturers or importers of classified hazardous materials will be responsible to ship materials with labeling which includes:

i. Product identifier(s);

ii. Signal word (Danger or Warning);

iii. Hazard statement(s);

iv. Pictogram(s);

v. Precautionary statement(s);

vi. Name, address & telephone number of the chemical manufacturer or importer.

b. Manufacturers or importers of unclassified hazardous materials must include the following on the label:

i. Name of the chemical;

ii. Name, address & phone number of the manufacturer or importer;

iii. Supplementary information including the description of the unclassified hazard and precautionary measure to ensure safe handling and use.

c. Solid metals (i.e., steel beams, or metal castings), solid wood or plastic items not exempted as articles (due to downstream use), may have the label transmitted to the customer at the time of initial shipment and not included with subsequent shipments to the same facility unless the label information changes.



The above label represents an idea of what some of the new GHS labels might look like. This particular one is being sold by Labelmaster. It appears to incorporate some of the old HMIS label features which is a bit confusing with the new ranking schemes.

Once the new regulations are finalized, the label companies will gear up quickly to meet market demands.

One possible avenue for handling existing chemical inventory labeling is to purchase some "print your own label" software or to utilize some label printing resources already available through Microsoft Office products. The graphics for the pictograms are available for free on Wikipedia.

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These pictograms (graphics) will now be used on labels.



Oxidizers



Explosives



Compressed Gas



Corrosives



Acute toxicity (severe)

These pictograms will be used to represent multiple hazards.



Carcinogen, reproductive toxicity, mutagenicity, respiratory sensitizer, target organ toxicity & aspiration toxicity.



Irritants, skin sensitizer, acute toxicity (harmful), narcotic effects, respiratory tract irritation & hazardous to ozone layer.



Flammable, pyrophorics, self-heating, emits flammable gas, self reactives & organic peroxides.

GHS STANDARD

Continued from page 2.

d. Hazardous chemical containers already in the workplace will need to have the labels added which cover the following:

i. Product identifier(s);

ii. Signal word (Danger or Warning);

iii. Pictures or words which provide at least general information regarding the hazards of the chemicals;

iv. The employer may use signs, placards, process sheets, batch tickets, SOPs or other written materials in lieu of affixing labels to individual stationary process containers;

v. Employers as well as chemical manufacturers and importers must revise the labels for a chemical within 3 months of becoming aware of new information.

3) SDS Changes – The Safety Data Sheets will now have standardized sections. This will be a huge help in training and in being able to quickly go to a section for emergency data. The new required format is as follows:

a. Section 1 – Identification

b. Section 2 – Hazard Identification

c. Section 3 – Composition Information on Ingredients

d. Section 4 – First Aid Measures

e. Section 5 – Firefighting Measures

f. Section 6 – Accidental Release Measures

g. Section 7 – Handling and Storage

h. Section 8 – Exposure controls/Personal Protection

i. Section 9 – Physical and Chemical Properties

j. Section 10 – Stability and Reactivity

k. Section 11 – Toxicological Information

l. Section 12 – Ecological Information*

m. Section 13 – Disposal Considerations*

n. Section 14 – Transport Information*

o. Section 15 – Regulatory Information*

p. Section 16 – Other Information including date of preparation or last revision.

**Sections 12-15 are outside of OSHA jurisdiction and are non-mandatory.*

4) Your HazCom Program will require some minor changes to include:

a. Reference to SDS

b. Reference to labeling requirements

c. Updated training

5) Employers must train employees on the new labels and SDS within 2 years of the adoption of the final GHS rule.

6) New SDS are required by chemical manufacturers, importers, distributors and employers within 3 years after adoption of the final GHS rule.

Since we are in the waiting game you may be asking yourself “what can I do to prepare for the approval of the GHS rule?” I have some suggestions for you to consider:

- Get an accurate inventory of current chemicals on-site. Rather than assign this duty to a single person, why not have a “chemical identification blitz” for one of your Kaizen or improvement projects?

- Once you have an accurate chemical inventory, sort through those vast tomes (your MSDS binders) and archive all MSDS which are not currently listed in your chemical inventory. Remember you must retain old MSDS for 30 years after the last use of the product but that doesn't mean it has to take up space in your active binder. You can create an archive binder or you can scan them into a database for 30 year retention.

- With the remaining active MSDS, review each to see if they're already in the new GHS format. Many companies trading internationally have already adopted the GHS format and you may have some SDS in the new format in your binder right now.

- Create a checklist denoting which chemicals have a GHS compliant SDS on file and which ones must be solicited from the vendor. Check online to see if the vendor already has the new SDS available.

- You will need to consider labeling options for those chemicals currently on-site at your facility. Until the final rule is approved, the commercial options are sparse. Still, it's worth discussing the approach your organization wants to take once GHS is approved. Consider a labeling blitz for a fall or winter Kaizen project. Get everyone involved in identifying containers which need the new labels. Don't forget spray and squeeze bottles!

Once the GHS rule is finalized, ECS will issue an update with further information. We are considering hosting a regulatory update seminar in the fall. Please let us know if this would interest your organization in handling the required changes.

WHAT CAN I DO TO PREPARE?

Consider getting an accurate inventory of your on-site chemicals. Sort through and archive all MSDS which aren't currently listed in your inventory. Review the remaining MSDS to see if they're already GHS compliant and prep a checklist to keep on file.

DOT Hazardous Materials Change to Limited Quantities Exemption

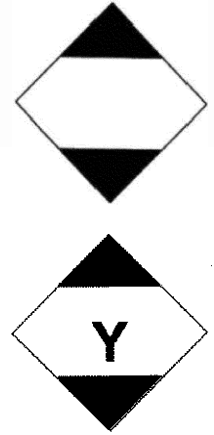
The DOT has recently published a final rule changing the requirements for ground shipments of limited quantities of hazardous materials. In case your brain is a little fuzzy on what constitutes a

limited quantity – it is an amount of a specific hazardous material, based on the proper shipping name and referenced in 49 CFR 172. Shipping by limited quantity exemption is a great way to

handle shipping small volumes of hazardous materials without having to purchase special UN approved packaging. The new rule which is officially in effect January 1, 2012 and may be vol-

untarily used now actually reduces the requirements associated with using this exemption.

Old Rule	New Rule
Use a strong container with a strong outer box and no special UN packaging.	Same – no change.
Mark the container/box with either the proper shipping name or the UN/NA number in a square on point configuration.	New “diamond shape” Limited Quantity marking (see the right for examples). No UN/NA number or proper shipping name required.
Shipping papers are required and “Limited Quantity” must be added below the description.	Shipping papers are no longer required unless being shipped by air or vessel.
No DOT labels required except “Poison”.	No DOT labels required except “Poison”.
	Other marks are required if applicable including technical names or RQ.



New Toxicity Databases Released

For customers with responsibilities to write MSDS (soon to be SDS), you now have access to some new tools for determining toxicity of ingredients in your mixtures or solutions. EPA has just released two databases for your use: Toxicity Forecaster Database and Chemical Exposure Studies Database.

Using Toxicity Forecaster, you can search and download data from 500+ rapid chemical tests conducted on 300+ environmental chemicals. There are an additional 700 chemicals being tested now with data expected to be added to the database soon.

ToxCastDB: <http://actor.epa.gov/actor/faces/ToxCastDB/Home.jsp>

The Chemical Exposure database consolidates human exposure data from studies which



collected chemical measurements from homes and childcare centers.

This includes data on the amounts of chemicals found in food, water, air, dust, indoor surfaces and urine.

ExpoCastDB: <http://actor.epa.gov/actor/faces/ExpoCastDB/Home.jsp>

These resources will be an excellent tool for small-medium size companies designing Safety Data Sheets. Be sure to bookmark these webpages!

Last Call for SPCC Plans

If your facility is not currently subject to Spill Prevention, Control & Countermeasure regulations, and you do not have an SPCC plan in place, this is an excellent time to double-check your figures. The final deadline for having a SPCC plan in place (if applicable) is November 2011. In visiting some clients in the past few months, it has come to our attention that there is some misunderstanding as to when the SPCC rules apply so here's the quick synopsis:

- SPCC is all about controlling oil spills and contamination of groundwater.

- The threshold for requiring an SPCC plan is 1320 gallons of oil .

⇒ Count all oil-holding containers AND equipment which hold 55 gallons or

greater (yes 55 gal drums count).

⇒ Mobile equipment is exempted.

⇒ Create an inventory list and update it when adding new equipment.

- Implement a SPCC plan once approaching the threshold .

There are a few different types of SPCC plan options. For facilities just passing the threshold, you will most likely qualify for a self-certified plan. This means that you will not need a Professional Engineer (PE) to sign the SPCC plan. For facilities with tank farms and large amounts of oil, a PE will likely be required to design and approve your plan. Regardless of which category applies to you, ECS can assist you with the design and implementation of an SPCC plan. Call us at 812-945-1541 to discuss.

Cell Phone Texting Outlawed in KY & IN



In 2010 Kentucky outlawed texting while driving and now Indiana has followed suit. In addition, Indiana's law includes no cell phone use while driving by minors (even hands-free). Police can pull over a driver just for this offense – so put it down! It can wait!

Pearls of Wisdom

This is a section of shamelessly borrowed phrases from clients near and far. None are trademarked (as far as I know) so we thought we'd share them with you.

"You practice an accident every day."

Tom chided Sally about using an office chair to replace the light bulb and promptly falling off and spraining her wrist. Sally exclaimed, "But I've done this a hundred times with no problem." Tom replied, "Oh so you've practiced this accident regularly? Seems you finally got it right."

How many accidents have you "practiced" today?

Feel free to submit your own "pearl of wisdom" to share with the ECS readership!

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EPA Considering Update of Solid Waste Rule

EPA has published a notice of proposed rulemaking for re-examining the Definition of Solid Waste (DSW) rule. Back in 2008, this rule was updated to encourage hazardous waste recycling and now EPA is considering additional safeguards and accountability to assure hazardous materials are recycled responsibly. Facilities recycling on-site would be subject

to enhanced storage and record-keeping requirements in the proposed rule. Facilities sending materials off-site for recycling would also have additional storage requirements and be required to send their hazardous waste to a permitted site for recycling. The EPA is targeting bogus recycling firms and attempting to assure legitimacy.

NTP 12th Report on Carcinogens Released

U.S. Department of Health & Human Services recently released the NTP 12th Report on Carcinogens. Two chemicals were added, formaldehyde and aristolochic acids to its list of known human carcinogens. Six substances were also added to

its list of chemicals and biological agents that are reasonably anticipated to be human carcinogens: captafol, cobalt-tungsten carbide, glass wool fibers, 0-nitrotoluene, riddelline and styrene. Thanks to Karen Roe of Chemtrusion for this update.

Practice Your Spill Training

How many times have you conducted spill training with words and a PowerPoint? Have you ever wondered how you can do practical spill training and not use up expensive spill kit components? Well, I have an idea to share which I recently used at a client's training course.



Use a coffee can painted to look like a 55 gal drum. Cut a gouge into the side near the bottom to create the leak point then fill a gallon zip bag with a mixture of 1 cup flour to 3 parts water. A little food coloring is a nice addition and then zip the bag and massage the mixture into something that looks like glue. When you're ready for your "spill exercise" break the bag and allow it to ooze out the can. I used a plastic table cloth to protect

the conference room table and created a baby spill kit out of industrial paper towels rolled up to look like "pigs" as well as baggies of kitty litter for "Oil Dri". I had the students assign a team leader who was the incident commander and directed the team on how to put on their PPE and clean up the spill. It was a great opportunity to discuss what we'd do differently based on where the "leaky drum" was located (such as near a door or storm drain).

Regulatory News is written by Jennifer Triplett, owner of Environmental Compliance Source (ECS). It is our mission to Educate, Coach and Support companies navigating the ever-changing currents of regulatory compliance. If you need auditing or compliance training for your company, ECS can help. Call 812-945-1541 or email Jennifer directly at Jennifer@ecshelp.com.