

CALIFORNIA PROP 65 – STYRENE UPDATE

In April of 2016, the California Office of Environmental Health Hazard Assessment (OEHHA) added styrene to the Prop 65 list of chemicals known to the state to cause cancer. Prop 65 requires compliance with the “clear and reasonable warning” requirements to place warnings on consumer products exceeding Safe Harbor exposure levels if manufactured and/or sold in California even if produced elsewhere. Warnings are not required for companies with less than 10 employees or companies that have a Safe Use Determination (SUD) showing that product exposures are under an established “No Significant Risk Level” (NSRL). For styrene, the OEHHA proposed a NSRL of 27 micrograms per day.

Most composites products have very low styrene emissions that are likely under the NSRL, however obtaining a SUD is a lengthy and expensive process. Composite manufacturers have until April 22, 2017 to comply with Prop 65 or risk the chance of a bounty hunter taking legal action by filing a failure-to-warn lawsuit. See California’s Frequently Asked Questions for Businesses (<https://www.p65warnings.ca.gov/frequently-asked-questions-businesses>) and styrene listing notice (<http://oehha.ca.gov/proposition-65/cnr/styrene-listed-effective-april-22-2016-known-state-california-cause-cancer>) for further information.

OSHA FINAL RULE ON WALKING AND WORKING SURFACES

Because falls are one of the leading causes of serious workplace injuries and deaths, OSHA has issued a final rule to improve the walking and working surfaces and fall protection standards (29 CFR 1910.21 – 1910.30) by addressing new technology, best management practices, and industry consensus standards. The most significant changes include allowing employers to choose a fall protection system that is most effective for them (including personal fall protection systems), prohibiting body belts, requiring exposed workers to be trained within six months, requiring inspection on fall protection systems and equipment, and updating requirements for ladders over 24 feet. The OSHA Fact Sheet on final rule provides additional details summarizing the changes.

<https://www.osha.gov/Publications/OSHA3903.pdf>.

UPCOMING REGULATORY DUE DATES

February 1 - OSHA Injury and Illness Recordkeeping Rule

The annual summary of work-related injuries and illnesses for calendar year 2016 must be recorded on the OSHA 300A Form and posted in a visible prominent area of the workplace from February 1 – April 30, 2017, even if there were zero injuries for the year. This rule applies to covered employers with more than 10 employees. The Injury and Illness Log (Form 300), annual summary (Form 300A) and related injury and illness documents (Form 301 or equivalent) must be kept for a period of 5 years. Forms are available at <https://www.osha.gov/recordkeeping/RKforms.html>.

NOTE: Employers with 250+ employees and those in certain industries with 20-240 employees subject to the revised Recordkeeping Rule (eff. 1/1/17) for reporting injury and illness data to OSHA electronically, may want to take a “wait and see” approach for the next few months before submitting their 300A summary to OSHA in the event there are any changes to the revised rule prior to the **July 1, 2017 deadline**.

March 1 - EPA Section 312 Tier II Reports

Annual submission of EPA's chemical inventory report (Tier II) for Reporting Year 2016 is due March 1, 2017. Facilities that store 10,000 pounds or more of any hazardous chemical on-site at any one time must file. For Extremely Hazardous Substances (EHSs) the reporting threshold is 500 pounds or the threshold planning quantity (TPQ), whichever is lower (see <http://www.epa.gov/epcra/epcra-sections-311-312>). The report is required to be sent to the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), and local Fire Department. Refer to your state for specific requirements and links to the Tier2 Submit software and reporting instructions (<https://www.epa.gov/epcra/state-tier-ii-reporting-requirements-and-procedures>).

June 30 - DOT Hazmat Registration

Annual DOT Hazmat Registrations and fee payments are due June 30, 2017 for those who offer or transport certain hazardous materials (or wastes) in commerce that require placarding. More information is found at <http://phmsa.dot.gov/hazmat/outreach-training/registration-program>.

July 1 - EPA Section 313 Toxic Release Inventory (Form R)

The Annual Toxic Release Inventory (TRI) report is due to EPA by July 1, 2017 for the 2016 Reporting Year. The rule applies to specific industry sectors, with 10 or more full-time employees, and who manufacture, process or otherwise use a TRI-listed chemical above threshold levels (<https://www.epa.gov/toxics-release-inventory-tri-program>). Facilities must use TRI-MEweb to submit their TRI reports. Visit the [Electronic Reporting of TRI Data](#) webpage for details.

ANNUAL AND PERIODIC TRAINING REQUIREMENTS FOR SAFETY MEETINGS

Now is a good time to plan your calendar for annual and periodic required OSHA and EPA training, such as: Bloodborne Pathogens, Portable Fire Extinguisher, HAZWOPER Emergency Responder, Hearing Conservation (and annual audiograms), Respiratory Protection (and annual fit testing), Access to Employee Exposures and Medical Records, Lockout-Tagout and Electrical Safety, Permit-Required Confined Space Entry, Hoist-Cranes-Slings, Emergency Action Plan and Fire Prevention Plan, First Aid, and Hazardous Waste Training for LQGs. Other training may be required every 3 years (e.g., Powered Industrial Truck (Forklift), and DOT Hazardous Materials training).

Ask the Compliance Expert

For questions related to the content in this bulletin, as well as any other regulatory issues, please email us at compliance.expert@compositesone.com. Or visit us at <http://www.compositesone.com/people/health-safetyenvironment/regulatory-assistance/> for more information or to submit an inquiry. We will make every effort to answer your request within 24 – 48 hours.