

OSHA'S REVISED RECORDKEEPING RULE [29 CFR 1904]

OSHA recently published a notice of proposed rulemaking to extend the due date for the submission of OSHA injury and illness data from July 1, 2017 to **December 1, 2017**. Electronic reporting is required for:

- Facilities with 250+ employees. The OSHA 300A Form (Summary Log) is required by December 1, 2017*. Beginning 2018, these facilities must also submit the OSHA 300 and 301 forms.
- Facilities with 20-249 employees in certain industries, including manufacturing codes 31-33. The OSHA 300A Form is required by December 1, 2017*. For a list of applicable NAICS industry classifications, see <https://www.osha.gov/recordkeeping/NAICScodesforelectronicsubmission.pdf>.

* The reporting date will change to July 1 in 2018 and March 2 each year beginning in 2019.

Facilities subject to electronic reporting should go to OSHA's "ITA Launch Page"

<https://www.osha.gov/injuryreporting/index.html> for additional information and a link to the reporting portal. It is also strongly recommended to monitor OSHA's Recordkeeping page at <https://www.osha.gov/recordkeeping/> in the event there are any changes to the rule before the December 1 deadline.

EPA HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE [40 CFR 261-262]

Effective May 30, 2017, EPA finalized revisions to the Resource Conservation and Recovery Act (RCRA) hazardous waste regulatory program to reorganize and update generator regulations to make them easier to understand and more flexible. Authorized states are in the process of adopting the Final Rule, so please check the link <https://www.epa.gov/hwgenerators/where-hazardous-waste-generator-improvements-rule-effect> for an update on your state. Major changes include:

- Very Small Quantity Generators (VSQGs), formerly called Conditionally Exempt Small Quantity Generators (CESQGs) (facilities generating ≤ 220 pounds of hazardous waste (and ≤ 2.2 pounds of acutely hazardous waste) per month and storing no more than 2200 pounds onsite) - will now be allowed to send their hazardous waste to a Large Quantity Generator (LQG) under the control of the same company for consolidation before shipping to a RCRA-permitted treatment, storage or disposal (TSD) facility, if certain conditions are met. This will help promote more efficient management and disposal of hazardous waste within the same company.
- VSQGs and Small Quantity Generators (SQGs) (facilities generating > 220 pounds and < 2200 pounds of hazardous waste (and ≤ 2.2 pounds of acutely hazardous waste) per month and storing no more than 13,200 pounds and no longer than 180 days) - may exceed their monthly hazardous waste generator limits once per year during a planned or unplanned event without causing a change to their generator status, provided certain conditions are met. This flexibility is helpful should your facility have an annual cleanout of old chemicals or an unexpected spill exceeding monthly limits.
- LQGs (facilities generating ≥ 2200 pounds of hazardous waste (and/or > 2.2 pound of acutely hazardous waste) per month but storing no longer than 90 days) - may apply for a waiver from the authority having Jurisdiction (AHJ), e.g., local fire department, to accumulate ignitable or reactive hazardous waste less than 50 feet from their property line. This can be helpful for LQGs with space constraints.
- Beginning in 2021, SQGs will be required to notify the EPA or authorized state of its generator status every four years.

Other changes include emergency planning arrangements with LEPCs, hazard labeling, LQG biennial reporting for the whole year and not just the months the generator was a LQG, satellite accumulation, and closure. Further information on the Final Rule can be found in the Federal Register

<https://www.federalregister.gov/documents/2016/11/28/2016-27429/hazardous-waste-generator-improvements-rule> and EPA's Fact Sheet <https://www.epa.gov/hwgenerators/fact-sheet-about-hazardous-waste-generator-improvements-final-rule>.

OSHA'S FINAL RULE TO PROTECT WORKERS FROM EXPOSURE TO RESPIRABLE CRYSTALLINE SILICA [29 CFR 1910.1053]

The Final Rule (effective June 23, 2016) was issued to reduce worker exposure to respirable crystalline silica (RCS) that could lead to incidents of lung cancer, silicosis, chronic obstructive pulmonary disease (COPD), and kidney disease. Composites manufacturers should be aware that various levels of *crystalline silica* can be found in fillers or blast abrasives such as sand, quartz, calcium carbonate, gypsum, dolomite, and mica used in the manufacture, finishing, cutting and installation of cast polymer and engineered stone countertops, tubs and showers. However, glass reinforcement fibers are a form of *amorphous silica*, with diameters greater than 6 µm, which are not respirable and not toxic except possibly as a nuisance dust (a.k.a., particulates not otherwise regulated).

The American Composites Manufacturer's Association conducted a study in 2015 showing that non-quartz fillers, such as calcium carbonate, are unlikely to exceed the Action Level of 25 µg/m³. The study might be helpful to exempt some composites manufacturers from requirements of the standard. **Composites manufacturers using sand or other fillers containing quartz must be prepared to comply with the rule by June 23, 2018.**

Requirements for exposure testing, engineering controls and work practices can be found at www.osha.gov/silica.

The key provisions include:

- Permissible Exposure Limit (PEL) for crystalline silica reduced to 50 µg/m³ 8-hr TWA.
- Action Level of 25 µg/m³ that triggers preventive measures, such as periodic monitoring.
- Engineering controls such as water or ventilation to reduce exposure and control dust, respiratory protection if engineering cannot control exposure, limited worker access into high exposure areas, a written exposure control plan, medical exams offered to highly exposed workers, and training on risks and prevention.

See OSHA's Fact Sheet for more information <https://www.osha.gov/Publications/OSHA3682.pdf>.

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.