

UPCOMING REGULATORY DUE DATES

February 1 – OSHA Injury and Illness Recordkeeping Rule

The annual summary of work-related injuries and illnesses for calendar year 2020 must be recorded on the **OSHA 300A Form and posted in a visible prominent area of the workplace from February 1 – April 30**, 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 five years. Forms are available at <https://www.osha.gov/recordkeeping/RKforms.html> and further information on injury and illness recordkeeping is found at <https://www.osha.gov/recordkeeping/>.

Due to the COVID-19 pandemic, OSHA has provided guidance to help employers in determining recordability for work-related COVID-19 illness. See OSHA's [Revised Enforcement Guidance for Recording Cases of COVID-19](#) and [COVID-19 Temporary Enforcement Guidance](#) for more information.

March 1 - EPA Section 312 Tier II Reporting

Annual submission of the EPA Chemical Inventory Report (Tier II) is due March 1 every year. 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>). Note: Some states may have lower reporting thresholds, so check go to your facility's state-specific right-to-know requirements - [State Tier II Reporting Requirements and Procedures](#).

For each chemical reported, include the applicable physical and health hazard information. Reports must be sent to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC) and the local Fire Department. For more information on Tier II reporting requirements for Report Year (RY) 2020, go to the EPA website - <https://www.epa.gov/epcra/tier-ii-forms-and-instructions>.

March 2 – OSHA Electronic Injury and Illness Reporting

In addition to posting a hard copy of the 300A Summary annually from Feb 1 – Apr 30, **certain facilities must submit electronic reports by March 2 every year** to OSHA. The OSHA portal for this report is found on the Injury Tracking Application (ITA) launch page <https://www.osha.gov/injuryreporting/index.html>

- **Facilities with 20-249 employees in certain industries, which includes composites manufacturers and manufacturing codes 31-33.** Submit the OSHA 300A (Summary) to the ITA portal. For a list of applicable NAICS industry classifications, see [NAICS Codes for Electronic Submission](#).
- **Facilities with 250+ employees.** Submit the OSHA 300A (Summary) to the ITA portal.

June 30 – DOT Hazmat Registration

Annual US DOT Hazmat Registrations and fee payments are due June 30 every year for those who offer or transport certain hazardous materials (or wastes) in commerce that require placarding. Fees are approximately \$250 for small businesses and \$2,575 for larger businesses, so check the Pipeline and Hazardous Materials Safety Administration (PHMSA) website for current information on registration fees and registration details – see <https://www.phmsa.dot.gov/registration/registration-overview>.

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

The Annual Toxic Release Inventory (TRI) report is due to EPA by July 1 every 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 (<http://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 on reporting for the 2020 Reporting Year.

September 1 – EPA SQG Re-Notification

The EPA Hazardous Waste Generator Improvements Rule revised RCRA regulations to make them easier to understand and provide more flexibility in hazardous waste management. An example of this flexibility is to allow smaller hazardous waste generators a once-per-year exceedance for certain unplanned or planned episodic events that won't impact or change their generator status. The rule also requires Small Quantity Generators (SQGs) of hazardous waste (defined as those generating between 220 pounds and 2,200 pounds of hazardous waste per month) to send a **re-notification of their generator status to EPA every four years** beginning September 1, 2020. The rule is being followed by 31 states, so **if you are an SQG check the EPA website to see if the rule impacts your facility!** See the EPA map - [Where is the Hazardous Waste Generator Improvements Rule in Effect](#).

For further information on the rule, see the EPA [Fact Sheet About the Hazardous Waste Generator Improvements Final Rule](#).

California Prop 65 – Styrene Update

In 2015, the California EPA Office of Environmental Health Hazard Assessment (OEHHA) added styrene to the Proposition 65 (Prop 65) list of chemicals known to the State to cause cancer. Lawsuits were filed by a public health advocacy group against five composites manufacturers for failure to give appropriate warnings for potential exposures from styrene. Prop 65 requires four types of warnings:

- Consumer product warning labels
- Workplace occupational exposure signage/warnings for employees
- Property and entrance signage to warn visitors
- Community exposure notification (quarterly through mailings or newspaper notices)

Four companies were sued for failure to provide warnings to the community and one company was sued for failure to provide product warnings. This company undertook the expensive and lengthy process to provide exposure and modeling data for a Safe Use Determination (SUD) to show that styrene exposure did not exceed Safe Harbor levels and were well below the 27 µg/day No Significant Risk Level (NSRL). On June 3, 2020, OEHHA issued a SUD specific to this manufacturer's products that exempted them from product warning requirements (<https://oehha.ca.gov/proposition-65/cnr/issuance-safe-use-determination-styrene-fiber-care-baths-inc-bathware-products>).

The four remaining lawsuits are in the process of being settled as these companies are looking at process changes to reduce exposure levels to fall below the threshold for styrene.

ACMA members may want to go to the ACMA Education Hub for further information on Prop 65 and methods to help reduce risk for products sold into California. See the ACMA website – <https://acmanet.org/> or the member login page - <https://myacma.acmanet.org/eWeb/>.

Organic Peroxide – NFPA 400:2019 Fire Code Update

The 2019 edition of the National Fire Protection Association Hazardous Material Code (NFPA 400) included changes to fire protection system requirements, training and emergency response. It also removed Maximum Allowable Quantities (MAQs) for segregated and cutoff storage and changed the classifications of several methyl

ethyl ketone peroxide (MEKP) formulations from Class III to Class IIA and IIB. This is an important change because Class IIA and IIB organic peroxides have lower MAQs and stricter protection level requirements than Class III formulations.

The re-classifications of MEKP formulations were based on small-scale burn rate data and an alignment to international classifications. Several organic peroxide producers are conducting large-scale burn tests to determine if results will point to re-classifying some MEKPs back to a higher classification.

Many fire districts (or the Authority Having Jurisdiction (AHJ) for enforcing fire code) do not follow NFPA and instead have adopted the International Fire Code (IFC) or a local or state code based on IFC or NFPA. Although it may take the AHJ several years to adopt a revised code, insurance companies often look at the most recent NFPA standards for best practices. NFPA is already preparing the 2022 edition to the Hazardous Materials Code.

If you are a composites manufacturer who is subject to the NFPA 400:2019 standard, you may want to take a closer look at Chapter 5 (Permissible Storage and Use Locations), Chapter 6 (Fundamental Requirements), Chapter 14 (Organic Peroxide Formulations) and the organic peroxide classification list (Annex F) to determine how the code revision and reclassifications impact your operations. For free access to NFPA codes and standards see <https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/Free-access>.

Ask the Compliance Expert

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