

ANNUAL DOT HAZMAT REGISTRATION – June 30

Don't forget, annual DOT Hazmat Registration and fee payments are due June 30, 2018, for those who offer or transport certain quantities and types of hazardous materials, including hazardous wastes, in commerce. This includes the following categories: non-bulk shipments $\geq 5,000$ lbs of one hazard class requiring placarding.; hazardous materials in quantities that require placarding; Class 7 (radioactive) materials; explosives (Division 1.1, 1.2 or 1.3) greater than 55 lbs.; and poisonous by inhalation (Zone A) materials exceeding 0.26 gallons (1 L). **A shipper who offers over 1000 pounds of hazardous material or hazardous waste requiring placarding (e.g., 2 or 3 drums) must complete the DOT hazmat registration annually. Failure to register can lead to civil penalties of \$1200.**

The registration runs for a one-year period from July 1 through June 30. Trucks, tractors or vessels used for the transportation of hazardous material that meet the registration criteria must have proof of the current registration on board. Copies must be kept on file for three years.

Fees are \$250 for small businesses and \$2,575 for other registrants, plus a \$25 processing fee for each form. Instructions for registering either online or by mail can be found at <https://www.phmsa.dot.gov/registration/registration-mail-brochure>. Note: If you are registering by mail, consider registering early and allow 4 weeks for the certificate to be delivered.

EPA SECTION 313 TOXIC RELEASE INVENTORY (TRI) REPORTING – July 1

The Annual Toxic Release Inventory (TRI) report (also called Form R) is due to EPA by July 1, 2018 for the 2017 Reporting Year. Because July 1 is a Sunday this year, EPA will accept submissions on Monday, July 2.

The rule, known as Section 313 of the Emergency Planning and Community Right-to-know Act (EPCRA), applies to facilities in **specific industry sectors** based on the facility six-digit NAICS code, with **10 or more full-time employees** (defined as 20,000 hours or more on payroll), and who **manufacture, process or otherwise use** EPCRA 313 [TRI-Listed Chemicals](#) above threshold levels. Threshold levels are 25,000 pounds for TRI chemicals manufactured/ imported or processed, or 10,000 pounds for TRI chemicals "otherwise used".

The current TRI chemical list contains 33 chemical categories and 595 individual chemicals including styrene, which is found in resin and gel coat. A select group of chemicals considered persistent, bio-accumulative toxic (PBT) chemicals have a much lower reporting limit, such as lead, which has a threshold of 100 pounds.

New for the 2017 reporting year:

- EPA added a PBT hexabromocyclododecane (HBCD) category (CAS numbers 3194-55-6 and 25637-99-4) with a 100 pound reporting threshold. These brominated flame retardants are used mainly in polystyrene foam (EPS) and extruded polystyrene foam (XPS) for building insulation and textiles.
- EPA adopted the 2017 North American Industry Classification System (NAICS) codes.
- De minimis levels of several chemicals have been updated.

Many composites manufacturers with 10 or more employees will need to file a TRI report. For example, if you use more than 2 or more drums of resin or gel coat per week, it is likely a TRI report needs to be filed for styrene. To make this assessment easier, EPA has developed a [TRI Threshold Screening Tool](#) to assist facilities in determining applicability.

Once subject to reporting, facilities typically file a "Form R" TRI report unless they meet the requirements below for filing the shorter "Form A" report:

1. The chemical being reported is NOT a PBT chemical;
2. The chemical has not been manufactured, processed, or otherwise used in excess of 1,000,000 lbs.; and
3. The total annual waste management (i.e., recycling, energy recovery, treatment, and disposal or other releases) of the chemical does not exceed 500 lbs.

TRI reports are submitted through EPA's online TRI reporting application, [TRI-MEweb](#). For further information on the program see EPA's TRI website <https://www.epa.gov/toxics-release-inventory-tri-program>.

CALIFORNIA PROPOSITION 65 (PROP 65) - STYRENE UPDATE

On April 20, 2018, one year after the deadline for Prop 65 compliance with “clear and reasonable” warning requirements for styrene, **two California composites manufacturers were sued by a public health advocacy group for failing to provide environmental exposure warnings to their neighbors.**

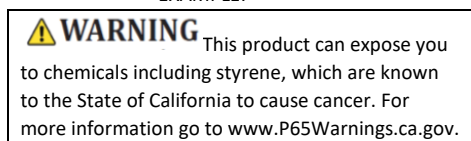
Prop 65 requires environmental, occupational, and consumer product exposure warnings. For further information on specific requirements for each type of warning, see Title 27 California Code of Regulations Article 6 <https://oehha.ca.gov/media/downloads/cnr/art6regtextclean090116.pdf> and Questions and Answers for Businesses <https://oehha.ca.gov/media/downloads/cnr/art6businessqa.pdf>.

Enforcement is likely to spread to other styrene-emitting facilities in California for failure to provide environmental exposure warnings and could result in mandatory emission reductions and fines up to \$1 million per company!

Rather than managing enforcement actions individually, attorneys working for ACMA believe a unified and coordinated industry-wide strategy will be a more effective method to reduce civil penalties, operational restrictions, legal expenses and other impacts. ACMA is hosting a series of meetings with California companies to discuss a collective approach. Any interested company (including non-ACMA members) should feel free to contact John Schweitzer at ACMA (<https://acmanet.org/>) for further information.

On August 30, 2018, new Prop 65 regulations for labels take effect requiring: an exclamation point symbol within a yellow triangle followed by the word “WARNING”; special wording requiring one or more chemicals triggering cancer and/or birth defects or other reproductive harm (unless subject to the short-form warning for very small products); and the Prop 65 web address. See <https://oehha.ca.gov/proposition-65/cnr/notice-adoption-article-6-clear-and-reasonable-warnings> for further information.

EXAMPLE:



OSHA’S OCCUPATIONAL CHEMICAL DATABASE

OSHA has a new website that will help employers and employees quickly find information on chemical identification, exposure limits, physical properties, sampling information and OSHA standards for chemicals. Information was compiled from several government agencies and organizations including OSHA, NIOSH, ACGIH and Cal-OSHA. An easy to use search engine provides quick access to information by entering the chemical name or CAS number. To get to the database, click on <https://www.osha.gov/chemicaldata/index.html>.

OSHA’S “SAFE + SOUND” WEEK – August 13-19

OSHA’s Safe + Sound week is a nationwide event to promote health and safety programs for worker safety through leadership, employee engagement and finding and fixing hazards before they cause and injury or illness. Just register on OSHA’s website <https://www.osha.gov/safeandsoundweek/>, select-plan-promote-complete safety activities and events, and let OSHA know what you have done to raise awareness about the value and importance of safety in the workplace.



OSHA has partnered with several entities including American Society of Safety Professionals (ASSP), the National Institute of Occupational Safety and Health (NIOSH), and the National Safety Council (NSC) to sponsor safe and sound events across the country. See OSHA’s website for more information and examples of activities that you could do at your facility.

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.