

## EPA'S ELECTRONIC MANIFEST RULE

Composites manufacturers who occasionally generate hazardous waste for offsite disposal may now see an additional surcharge for use of **EPA's electronic manifest (e-Manifest)**. The 6-page paper manifest has been replaced with a 5-page electronic form and is being used in all states. The Final Rule published on January 3, 2018, launched e-Manifests on June 30, 2018 to improve "cradle-to-grave" tracking of hazardous waste shipments and save time, resources and money for businesses and federal/state agencies. By reducing the paper-intensive and laborious process of tracking hazardous waste with paper manifests, EPA expects a cost savings of \$75-90 million. Although only the receiving facility - Treatment, Storage, Disposal (TSD) facility - pays the fee to the government, hazardous waste disposal companies are passing their fees down to customers. Continued use of paper manifests may be allowed for a period of time until they are phased-out within the next 3-5 years, but there will be a fee that will cost even more!

For those using e-Manifest, an EPA Identification (ID) Number and e-Manifest registration are required. See [https://www.epa.gov/e-manifest/e-manifest-user-registration#how\\_register](https://www.epa.gov/e-manifest/e-manifest-user-registration#how_register) for instructions on how to register.

One anticipated additional benefit of the e-Manifest Rule is the eventual elimination of preparing Biennial Hazardous Waste Generator Reports, but that won't happen for a few years so stay tuned!

See [e-Manifest Fact Sheet: Generators](#) for additional information and links to EPA's website.

## FREQUENTLY ASKED QUESTIONS ABOUT RESPIRATORY PROTECTION

If your employees wear respirators, you may want to review three new publications from the National Institute for Occupational Safety and Health (NIOSH) for answers to common questions about respirators. The FAQ sheets address:

The pros and cons of reusing and extending the use of NIOSH-approved filtering facepiece respirators (FFRs), a.k.a. "dust masks" that are not damaged or soiled. <https://www.cdc.gov/niosh/docs/2018-128/pdfs/2018-128.pdf?id=10.26616/NIOSH PUB2018128>

Requirements for annual fit tests and prohibiting facial hair that interferes with the facepiece seal of a tight-fitting respirator. <https://www.cdc.gov/niosh/docs/2018-129/pdfs/2018-129.pdf?id=10.26616/NIOSH PUB2018129>

Conducting a user seal check every time a respirator is worn, including a FFR (dust mask). <https://www.cdc.gov/niosh/docs/2018-130/pdfs/2018-130.pdf?id=10.26616/NIOSH PUB2018130>

## UPDATE ON OSHA'S SILICA RULE

OSHA's Final Rule on respirable crystalline silica (RSC) became enforceable on June 23, 2018 [29 CFR 1910.1053]. The rule was issued to reduce worker exposure to RCS that could lead to health issues, such as respiratory disease, lung cancer and kidney disease. The rule affects composites manufacturers who use sand, calcium carbonate or other fillers or blast abrasives containing quartz in the manufacture, finishing, cutting and installation of cast polymer and engineered products, such as countertops, tubs and showers. The rule does not apply to *amorphous silica*, such as glass reinforcement fibers 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).

Common dust control methods, such as wet grinding and cutting, grinding booths, vacuum dust collection using a HEPA filter and housekeeping can go a long way to lower silica exposure.

OSHA's [Fact Sheet: RCS Standard for General Industry](#) and [Frequently Asked Questions on the New Silica Standards](#) provide an overview of the requirements including:

- Determining the amount of silica exposure workers are exposed to if it may reasonably be expected to be at or above the Action Level (AL) of 25 µg/m<sup>3</sup> 8-hour TWA.
- Protecting workers from exposure above the 50 µm/m<sup>3</sup> Permissible Exposure Limit (PEL) in an 8-hour time weighted average (TWA) day.
- Implementing engineering controls to control dust and reduce exposure.
- Employing workplace practices (e.g., respiratory protection, limited worker access into high exposure areas, written exposure control plan, training on risks and prevention) to lessen potential exposure and increase awareness.
- Offering medical examinations to employees exposed above the PEL for 30 or more days a year, and beginning June 23, 2020, offering medical examinations to employees exposed at or above the AL for 30 or more days a year.

The standard does not apply where the employer has objective data that employee exposure will remain below the Action Level under any foreseeable condition. A 2015 study by the American Composites Manufacturer's Association showed that non-quartz fillers, such as calcium carbonate, containing trace amounts of quartz are unlikely to exceed the RCS Action Level. The study was designed to provide objective data to help composites manufacturers establish an exemption from the standard.

Further information can be found on the Respirable Crystalline Silica Standard can be found on OSHA's website at [www.osha.gov/silica](http://www.osha.gov/silica).

## **OSHA'S PROPOSED CHANGE TO INJURY AND ILLNESS RECORDKEEPING AND REPORTING REQUIREMENTS**

OSHA may be eliminating the requirement for certain businesses (including composites manufacturers) with 250 or more employees to electronically submit OSHA 300 and 301 injury and illness data. Due to privacy concerns and uncertain enforcement benefits, OSHA issued the Notice of Proposed Rulemaking on July 30, 2018 and is currently seeking comments from the regulated community. However, this does not change the requirement for businesses with 20 or more employees to electronically submit their 300A summary data to OSHA annually even if there have been no work-related injuries or illnesses for the year. The 300A electronic submission must be submitted by March 2<sup>nd</sup> every year. See OSHA's website for additional information.

<https://www.osha.gov/recordkeeping/finalrule/index.html>.

## **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](mailto: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.