C·H·E·S·S **MOVES**

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**April 2016**

## Visit CHESS at the Minnesota Safety Conference—Booth 817

CHESS will have an exhibit at the 2016 Minnesota Safety Conference, May 4-5, at the Minneapolis Convention Center. The Expo will be open from 7:30 am to 2 pm on Tuesday and Wednesday. If you are attending, stop by and say hello. We have a very limited number of Expo passes—contact Carol if you are interested.

## OSHA Updates

### Silica standard—at last!

Janet Keyes, CIH

OSHA published a new standard for crystalline silica on March 24. It's about time. The standard changes the exposure limit from a complicated formula based on measuring the percentage of quartz in a sample to 0.05 mg/m$^3$, the level NIOSH recommended forty years ago.

We've known, for thousands of years, that fine silica dust can damage the lungs. It's considered a known cause of lung cancer. It's been linked to kidney disease, and even to an increased risk of tuberculosis. Given the ubiquity of silica, we know we won't eliminate exposure. But we can control exposure.

Silica shows up in concretes and mortars. It's naturally present in rocks and sand. It's a crucial component of glass. Fracking uses silica. The list of industries affected by the standard range from construction to foundries to jewelry production. OSHA estimates over 100,000 workers in general industry and maritime and over two million construction workers are affected by the new standards.

For general industry, the standard is similar to those for other hazardous chemicals, such as lead or hexavalent chromium: first, determine if workers can be overexposed. If they are, use engineering controls and work methods to reduce their exposure. Use housekeeping measures to limit dust. Have a written exposure control plan. Provide medical surveillance. Train workers on the hazards and on ways to reduce their exposure. Use respirators if other control measures aren't enough.

The construction standard doesn't require monitoring. Instead, employers can use a control measure that OSHA believes is effective, one specified in the standard. Those typically incorporate water or dust collection systems to capture or suppress dust. But employees still need to be trained, medical monitoring is still required, and employers still need to develop a written exposure control plan. In addition, the construction standard requires employers to designate a competent person to go to the job sites, to make sure the exposure control plan is implemented.

For general industry, medical surveillance is required if employees are exposed above the action level of 0.025 mg/m$^3$. For construction, it's required if employees need to wear respirators for 30 or more days per year. Why the difference? General industry exposures are expected to be consistent. For construction, they'll vary depending on the task and control measures used.

One of the concerns we've had about general industry standards for silica exposure is that those standards are written for a predictable environment. Public Works employees usually don't do construction work. But they have some exposures that resemble construction – for instance, repairing a concrete sidewalk. The new standard provides for that, allowing employers to comply with the construction standard if the task is one of those listed in the construction standard and if it isn't "performed regularly in the same environment and conditions." So as long as our sidewalk repair is done wet, we can be confident that we're in compliance with the standard.

Construction employers have a year to begin to comply with the standard. General industry has two years, and even longer for some aspects, such as implementing engineering controls. It's about time.

Minnesota will need to adopt the new standard. We expect MnOSHA to act quickly on this one. If you think your employees are exposed to silica and you have any questions about this, contact us. https://www.osha.gov/dsg/topics/silicacrystalline/index.html

## Personal Protective Equipment:

Federal OSHA has published a final rule on changes to the eye and face protection standard. It basically just says that companies need to comply with ANSI standards, but it does not have to be the most recent one. Personal protective equipment, such as safety glasses and face shields, must comply with ANSI Z87.1 1989, 2003 or 2010. Any reputable supplier will already stock eye and face protection that complies with this.

## OSHA 300 Logs:

OSHA 300 summaries should be posted from February 1 through April 30. After the end of April, you can take them down and file them.

## Changes in OSHA Safety Grant Program

While we still believe the Workplace Consultation safety grant program is a great program, grants are getting more competitive. All grants are scored; grants scoring above a certain level will be eligible for funding. A grant that scores high may get full funding, while one that scores closer to the threshold may get only partial funding. You must wait two years after receiving a grant to apply again. Between years two and three, OSHA deducts five points from your score. This allows more companies to participate in the grant program. With very few exceptions, we will not recommend pursuing a grant if you've received one in the last three years.

We also anticipate more follow up inspections for companies that receive grants. These are consultation visits, so there are no monetary penalties, but anything serious the OSHA Workplace Consultant finds must be fixed.

## OSHA Consultation provides health care workers violence prevention training

Vikki Sanders, OSHA Workplace Safety Consultation, helped the Minnesota Department of Health create a free online training video to help health care workers learn how to identify, prevent and de-escalate violence as required under state law.

The training video offers a basic workplace violence prevention training for health care workers to "recognize, respond and report" potential situations in the workplace.

## Environmental Updates

If you have spray painting operations you may need an air quality permit. If you are not yet in operation, you may qualify for a Registration Permit (Option B, C or D). Those are relatively quick and easy to get and are not terribly expensive. If you need a permit, are already in operation and don't have a permit, things get more difficult.

Due to Federal regulations, air quality permits for facilities already in operation are more difficult to obtain. The MPCA did not resolve this issue before several federal regulations went into effect. So now, they are trying to figure out the best way to resolve this for small businesses. They have a Low Emitting Facility permit (LEF), but there are a number of problems with this—it is expensive (over $1000 to apply, plus a consultant's help with the very complicated application), it is very cumbersome, and while the MPCA will grant amnesty from non-compliance for state regulations, companies applying for the LEF may still be subject to penalties for not complying with federal regulations.

That LEF permit had an initial amnesty period until the end of April. But the MPCA has agreed to extend that until October.

We have been talking with the MPCA to find a solution to this, which they are still working on. So, for now, companies should just wait—unless you might qualify for the option permit. If you are purchasing a new business, opening in a new location, or thinking about adding painting operations, then apply for a registration permit before you're in operation.

**MN RETAP**

The Minnesota Retiree Environmental Technical Assistance Program (RETAP) provides free assessments for small businesses and public and private institutions, looking at ways to improve energy efficiency, water conservation and waste reduction. RETAP will analyze utility bills, visit your facility and provide a written report with recommendations.

For more information, find their website at https://www.pca.state.mn.us/quick-links/minnesota-retap, or to request a free assessment, contact Mike Vennewitz, RETAP Coordinator, at 612-781-1307.

## Severe Weather Drills

Severe weather awareness week is April 11-15, with statewide tornado drills on Thursday, April 14. It is a great time to hold a severe weather drill at your company. For more information on severe weather awareness week, see Homeland Security's website.

If you have not reviewed your emergency plan with your employees, now is a good time to do so. Know where your severe weather shelters are. If you have a weather radio, check that the batteries are fresh and the radio works. If you don't have one, consider getting one. Look for one that has the NOAA logo on it, as that means it is capable of receiving emergency signals from the National Oceanic and Atmospheric Administration (NOAA). You can also sign up for weather alerts to come to your smart phone or computer.

If there is a severe weather alert (for tornadoes, straight line winds, hail, floods), shut down equipment and seek shelter away from windows, glass and electrical panels. Know who your emergency coordinator is (especially if it is you), how employees will be alerted to seek shelter and how employees will be told to go back to work.

## Welcome our newest employee: Steve Hemingway

Steve joined CHESS in January 2016, bringing a diverse background as a business owner, as a health care professional, and as a safety and operations manager in the Bakken oil field. Steve has his Class A-haz mat endorsement. (Dawn Billstrom also has her Class A, but don't expect to see them driving up in large trucks.) Expect Steve's help with developing your safety programs and with your safety committees. And expect to see him on the walkthroughs we do.