



Complete Health Environmental and Safety Services

CHESS, Inc.
33 E. Wentworth Ave., Suite 320
West St. Paul, MN 55118
Ph.: 651-481-9787
www.chess-safety.com

EPAMPCAPOTWMCESDLIOSHAIFCAHJDOTDPS

By Janet Keyes, CIH, CHESS, Inc.

There's no word hidden in that mashup title. Instead, it's the acronyms of the regulators you may need to deal with: EPA, MPCA, POTW, MCES, DLI, OSHA, IFC, AHJ, DOT, DPS. Even more puzzled now? Let's look at them in order. A caution that this is a simplified explanation.

EPA, the Environmental Protection Agency, is charged with protecting the nation's air, water, and people from chemical contamination. It has jurisdiction over what you can emit to the air, discharge to storm or sanitary sewers, and put into the ground. That's a lot of (ahem) ground to cover.

In Minnesota, EPA has turned implementation of these laws over to the Minnesota Pollution Control Agency (MPCA). In Wisconsin, it's the DNR. Each state has to comply with the federal laws, but has the freedom to decide how to do that. For example, Wisconsin doesn't require body shops that emit less than 1666 pounds of VOCs a year to report annual air emissions or usage. Minnesota currently does.

Just as the EPA turned over some responsibilities to the MPCA, the MPCA has turned over some responsibilities. In the metro area, enforcement of hazardous waste rules has been given to the counties. Just like Wisconsin and Minnesota, the metro-area counties have developed their own rules. EPA and MPCA still have oversight.



If you use water-based paints and want to discharge the wastewater from gun cleaning or if you wash cars, that wastewater should be going to the sanitary sewer. From there it goes to a POTW, Publicly Owned Treatment Works (the sewage treatment plant). EPA/MPCA regulate what POTWs can discharge to water. So the POTWs also regulate what they will accept.

In the metro area, the Metropolitan Council oversees the sanitary wastewater treatment plants, so that agency's Environmental Services (MCES) division has been given responsibility for regulating discharges to its system. If you want to put wastewater from painting or from washing cars and you're in the metro area, make sure it's okay with MCES's industrial waste division. If you're located elsewhere in the state, check with your local POTW.

EPA, MPCA and those enforcing EPA rules are mainly worried about what could escape your facility, not what goes on in your facility. They'll be concerned about the potential for chemical spills, because those could become air or water pollutants. But they don't address your employees' exposures.

That job is OSHA's, the Occupational Safety and Health Administration. In Minnesota, the Department of Labor and Industry (DLI) has been given the authority to run the OSHA programs. There are two departments— Enforcement, which can inspect without warning and write citations, and Consultation, which only shows up on request.

DLI oversees more than just OSHA. That agency has responsibility for most building codes. The code of most interest, particularly to body shops, is the Minnesota Fire Code, based on IFC, the International Fire Code. That's not under DLI, but is administered by the State Fire Marshal, part of the Minnesota Department of Public Safety (DPS). The fire code differs from the other codes in one other important aspect: you can be grandfathered in for a lot of building code items, but not for a lot of fire code items. Didn't install a fire suppression system in your paint booth years ago? Compliance with the fire code requires that you do so now.

But doesn't OSHA require fire suppression in your spray booth? Yes. You'll see a lot of overlap between OSHA regulations and building codes (fire, electrical, life safety). A lot of OSHA regulations were based on those codes. So why do we have both? The codes were initially consensus standards, developed by member organizations such as the National Fire Protection Association and The International Code Council. When OSHA needs to create standards, back when it was founded in 1970, it looked to the existing consensus standards. When governments wanted to adopt standards to protect their citizens, they also looked to the consensus standards.

OSHA compliance officers inspect your facilities for compliance with OSHA standards. Who checks for compliance with fire and other building codes? It will be the AHJ (another acronym! Authority Having Jurisdiction). If your city has adopted the building code or fire code, it's the building official or the fire marshal who may inspect. In some cities, such as Minneapolis, the fire marshal strongly enforces the Fire Code. Other cities might have very little enforcement.

Caution: if your local fire marshal doesn't object to some practice, such as repeatedly spraying flammable coatings outside of a booth, you're not off the hook. OSHA could still cite you.

The final acronyms: DOT, the Department of Transportation and DPS (again). Federal DOT wrote the rules governing transportation of hazardous materials, such as a drum of lacquer thinner or oxygen cylinders. In Minnesota, enforcement falls on both MnDOT and DPS, the Minnesota Department of Public Safety. How does that affect you? You probably don't drive trucks full of paints or compressed gas cylinders. But you do receive shipments of those, and you do ship out hazardous materials any time you ship hazardous waste. If it's on the road or going to be on the road, it's DOT's bailiwick.

Confusing? The shorthand version:

Air: EPA/MPCA

Water: EPA/MPCA, the POTW (sewer plant)

Building: Building and fire codes, MFC, municipal enforcement by AHJ (fire marshal)

Employees: OSHA

Transport (shipping/on the road/receiving): DOT and DPS.

Confusing? Yes. But fortunately, the different rules overlap but rarely conflict.

This article is intended to provide general information (no advice) about current safety topics. To discuss your specific concerns and how CHESS may help, please contact CHESS at 651-481-9787 or chess@chess-safety.com

This article originally appeared in *AASP News* (November 2018).