



New OSHA Standards – Watch This Space!

It has been a while since our last newsletter, so we're now working to catch up on all that is new (or newish) for the end of 2016 and beginning of 2017. There are a few new environmental issues to be aware of.

OSHA's been very busy in the last few months, issuing some major new standards (silica, walking-working surfaces, personal fall protection systems, electronic recordkeeping and injury reporting). And some aspects of that electronic recordkeeping/injury reporting standard require a lot more explanation, because it includes some controversial language about drug testing and safety incentive programs. We will cover those in another newsletter that will come out in the next two weeks.

Aerosols – No Longer Just Scrap Metal

Do you spray aerosols at your facility? Brake cleaner? Paint? Lubricants? If you do, how do you dispose of the cans? **As of January 1st**, you are no longer allowed to puncture aerosol cans to drain their contents.

The concern with aerosol cans is that "empty" cans are often not really empty – they may still have some unused product and excess propellant. To determine if a can is really empty, the Minnesota Pollution Control Agency requires that **both** of the following must be met:

- No liquid is felt or heard when the container is shaken by hand
- No gas or liquid is released when the spray or discharge valve is activated and the container rotated through all directions. This assumes the valve is not clogged.

What does this mean for you? If your aerosol cans are indeed empty, go ahead and recycle the metal. But if they aren't, and you cannot return them to your supplier or use them up, handle them as a Universal Waste, similar to how you handle hazardous or regulated waste: Store them in a drum with the caps

in place or the can's pin removed (to prevent leaks and pressure buildup in the drums). Label the drum "Waste Aerosols" and ship within a year of when you started filling the drum.

Check with your waste company to see if they will accept them. Otherwise, your hazardous waste hauler should take them. You won't need to fill out a hazardous waste manifest to ship these, but keep copies of your shipments.

For more information, read the MPCA fact sheet on waste aerosols or contact Jake Thorson at CHESS (jthorson@chess-safety.com or 612-600-0831).
<https://www.pca.state.mn.us/sites/default/files/w-hw4-00.pdf>

E-Cigs: Friend or Fiend?

A lot more than just a smoking issue

Surprising news: any nicotine waste, such as from e-cigarettes, nicotine gum or nicotine patches, is hazardous waste. It cannot be thrown in the trash. And, it only takes about two pounds a month to become a Large Quantity hazardous waste generator! Why so little? Because nicotine is very toxic stuff.

It's up to you to decide if you allow the use of e-cigs in your workplace. But keep in mind that both the lithium ion batteries used in these and the nicotine cartridges require special disposal. The batteries should and can be recycled. If the cartridges end up in your trash, it's illegal disposal...unless you triple rinse the cartridge, handling the rinse water the same as the nicotine waste, collecting and shipping it as hazardous waste, separate from your other hazardous waste. An easier option: require that the owners of the e-cigs handle their disposal

For more information, see the full blog posting at www.chess-safety.com/blog

Or the MPCA fact sheet on e-cigarettes and nicotine waste at <https://www.pca.state.mn.us/sites/default/files/w-hw4-65.pdf>

OSHA's Top Ten for 2016

Federal OSHA released a depressing list – the most frequently cited safety and health violations in the past year. What makes it so depressing? It's nearly the same list as last year, and the year before, and the year before that.

What's the list?

1. Fall protection – working at heights without guard rails or personal fall arrest systems
2. Hazard communication (Right to Know in Minnesota) – not training employees on the hazards of the chemicals with which they work, not labeling chemicals
3. Scaffolds – set up incorrectly or used incorrectly (lacking guardrails, not stable, not put together correctly)
4. Respirators – employees not trained, not fit tested, not medically approved
5. Lockout/tagout – no or inadequate procedures to protect people from equipment startup or activation when they are servicing that equipment
6. Powered industrial trucks – operators not trained, not operating safely
7. Ladders – misused, damaged
8. Machine guarding – employees exposed to moving parts
- 9 and 10: Electrical wiring and electrical general requirements – damaged wiring, unguarded circuits, blocked electrical panels....

We see these same problems all the time. We did a walkthrough of a pretty nice facility recently. But they could have been cited in four of the categories in this list – and they don't have a forklift, don't work at heights, and don't use scaffolds.

Respirator fit testing: breathe normal, breathe deep....

When we do respirator fit testing, we're required to follow a very specific protocol, having the person wearing the respirator do a series of seven exercises (breathe normally, breathe deeply, turn head from side to side...), each lasting a minute. If we do qualitative fit testing, the wearer needs to put on a hood, then let us know if a challenge agent can be tasted. We've run into very few folks who enjoy the process. CHESS is fortunate enough to own a PortaCount®, a machine used for quantitative fit

testing. The same protocol is required, but this machine uses probed respirators to measure the particle count inside and outside the mask. It's more accurate than qualitative fit testing, less messy, less subjective, and doesn't require the hood. But the test has been of the same duration.

OSHA's now proposing a change to that protocol for the PortaCount®: only four exercises would be required, and the duration of the test would drop to only 2.5 minutes. A notice about the proposal was published in the Federal Register on October 7, with comments required by December 6. If this change to the respirator standard is promulgated, quantitative fit testing will be even quicker. We think worker acceptance of fit testing is much higher with the PortaCount®, and will increase even more with the shorter test. Contact us if you want more information.

Sick and Safe Leave – It Needs To Be Offered in Minneapolis and St. Paul

As of July 2017 (or, for St. Paul employers with 23 or fewer employees, January 2018), employers in Minneapolis and St. Paul have to provide a minimum of one hour of sick leave for every 30 hours worked, with any unused time carried over to the next year. Once an employee has worked for 90 days, the employee can use the sick leave or mental or physical health problems or care, care of family members, or to deal with domestic abuse. In Minneapolis, employers with five or fewer employees do not have to pay the worker for that time.

If you have a policy already in place that is at least as generous as this, you don't need to change it.

What does this have to do with a safe workplace?

- While coworkers may not transmit diseases to each other as readily as children do, they still can do so. If people aren't given time off when they're sick, they're more likely to come to work and infect others.
- When you're sick, you (obviously) don't feel well. That usually translates into not thinking as clearly and not moving as fast. The result: you're not behaving as safely as you normally do
- Prescription and over the counter medications can affect your thinking and reaction time.

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A sick employee operating a desktop computer might not cause harm. But a sick employee driving a forklift, operating a press brake or a table saw, or even driving on a work errand can be a risk to others. Staying home is safer.

There's more to the ordinances than our brief summary. If they apply to your business, read them yourself:

The St. Paul ordinance can be found here:

<https://stpaul.legistar.com/LegislationDetail.aspx?ID=2801386&GUID=D3340F14-A618-4A88-8D04-E820E6C352C7&FullText=1>

The link to the Minneapolis ordinance can be found under the Code of Ordinances, Title 2, Chapter 40, here:

https://www.municode.com/library/mn/minneapolis/codes/code_of_ordinances?nodeId=COOR_TIT2AD_CH40WORE_ARTIIPATIOFACSITI

OSHA Recordkeeping and Environmental Deadlines

Note the following upcoming deadlines for OSHA recordkeeping, hazardous waste generators and air quality permit holders.

When	What	Who it Impacts
Dec 15	Hazardous waste management reports due for Hennepin County	SQG and VSQG hazardous waste generators
Dec 31	Wastewater sampling due	Those holding MCES wastewater permits
Jan 31	Hazardous waste management annual report and license renewal for all metro counties, except Hennepin	SQG and VSQG hazardous waste generators
Jan. 31	Wastewater sampling due	Those holding MCES wastewater permits
Jan 31	OSHA 300 log – post from February 1 until April 30	Employers with 10 or more employees at any time during the year
Mar. 1	Tier II reports due	Companies that have more than threshold amounts of specific chemicals
Mar. 31	Industrial Stormwater annual reports due	Companies within specific industry codes. Does not affect companies with No Exposure exclusion.
Apr 1	VOC reports due (forms should be mailed in mid-Dec to early Jan)	Air Quality Permit B, C and Permit D holders
Jul 1	EPCRA Section 313 Report due	Those subject to reporting
Aug 1	Hazardous waste management reports due for companies outside the metro area	SQG and VSQG hazardous waste generators