

Total Federal OSHA Citation Fines in 2003

In 2003, a whopping \$17,813,634 was collected in fines when 61,831 general industry citations were handed out! The table below shows the top ten frequently cited general industry training requirements. Don't let your facility be in violation. Contact Tracer ES&T to find out how to comply and ultimately avoid costly fines. ✓

Federal OSHA Top Ten Frequently Cited General Industry Training Requirements			
Standard	Number of Citations	Subparagraphs Cited and (No. of Citations)	Adjusted Penalty Amount
1. Hazard communication, 1910.1200	2,120	h (745); h1 (1,094); h2 (108); h3 (173)	\$204,024
2. Powered industrial trucks, 1910.178	1,565	l (221); l1 (642); l2 (82); l3 (51); l4 (226); l5 (3); l6 (340)	\$379,591
3. Respiratory protection, 1910.134	934	c2 (502); k1 (225); k2 (1); k3 (59); k4 (2); k5 (31); k6 (114)	\$55,452
4. Logout/tagout, 1910.147	839	c7 (839)	\$235,920
5. Fire extinguishers, 1910.157	554	g1 (242); g2 (272); g3 (8); g4 (32)	\$112,969
6. Bloodborne pathogens, 1910.1030	342	g2 (342)	\$78,718
7. Personal Protective Equipment (PPE), 1910.132	307	f1 (212); f2 (5); f3 (12); f4 (78)	\$25,051
8. Logging operations, 1910.266	185	i1 (14); i2 (3); i3 (32); i5 (5); i6 (1); i7 (69); i10 (51); i11 (10)	\$23,198
9. Lead, 1910.1025	139	ll (125); l2 (14)	\$18,840
10. Occupational noise and hearing conservation, 1910.95	112	ll (80); l2 (18); k3 (15)	\$20,645

Table and information from <http://www.jjkeller.com/ideaoftheweek/idea1083.htm>

Attention Ammonia Users:

The US Department of Labor, Occupational Safety & Health Administration has prepared an Ammonia eTool located at: http://www.osha.gov/SLTC/etools/ammonia_refrigeration/index.html.

OSHA eTools are "stand-alone", illustrated, Web-based training tools on occupational safety and health topics.

“The Ammonia eTool was designed to assist employers and employees in identifying and controlling the hazards associated with the operation and maintenance of ammonia refrigeration systems. Many of the Process Safety Management Standard, 1910.119, requirements are identified in this eTool as possible controls and are useful as recommended practices whether or not the ammonia refrigeration system is a covered process. This first phase of the eTool consists of ammonia receiving and emergency response. Other later planned areas of operations include the condenser area, piping and pressure vessels, refrigeration spaces and the machine room.”

(Ref. <http://www.osha.gov/SLTC/ammoniarefrigeration/index.html#eTool>, accessed August 5, 2004)

Tracer ES&T will be reviewing this tool and incorporating some of OSHA's suggestions into our programs. In addition, OSHA has provided a Plant Safety Self Inspection Checklist as part of the eTool that can be used during Process Hazard Analysis sessions and/or compliance audits. ✓

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Risk Group Update: Post June 21, 2004 Recovery

It's hard to believe that June 21, 2004 has come and gone and we only lost a few clients to panic attacks (just kidding).

Now that the rush is over and the "Program" documentation has been reviewed and updated, it is time to continue to implement and maintain your "Programs". EPA's Risk Management Program and the California Accidental Release Prevention (CalARP) Program have specific record keeping and updating requirements. These are outlined below.

Record keeping

The subsections for each of these regulations has specific record keeping and updating requirements; however, at a minimum, a facility must maintain the records supporting the implementation of the RMP document for five years or longer if mandated by another regulation. This documentation includes, but is not limited to: daily log forms, employee participation forms, incident investigation forms, piping and instrumentation diagrams, Process Hazard Analysis log tables, pre-startup safety review forms, etc. [CFR Part 68.200 and 19 CCR §2775.1]

Updating

In addition to maintaining the records that support the RMP & PSM documents, the facility is obligated to update these documents in accordance with CFR Part 68.190 and 19 CCR §2745.10. This includes submitting the modifications in a method and format to a central point specified by USEPA and to the facility's California Certified Unified Program Agency (CUPA). The following items outline the criteria for updating the RMP and CalARP documents.

1. Within five years of its initial submission (to be assigned by EPA based on post-mark on submittal envelope) or most recent update required by items 2 through 7 (NOTE: Five year update criteria shifts to five years from the revision date if an update is required as per items 2 through 7);
2. No later than three years after a newly regulated substance is first listed by USEPA;
3. No later than the date that a new regulated substance is first present in an already covered process above a threshold quantity;
4. No later than the date on which a regulated substance is first present above a threshold quantity in a new process;
5. Within six months of a change that requires a revised PHA or hazard review;
6. Within six months of a change that requires a revised off-site consequence analysis (i.e. process is moved so as to affect different sensitive receptors, the quantity of the regulated substance is increased, etc.);
7. Within six months of a change that alters the program level that applied to any covered process (Program 1, 2, or 3);
8. *Within 30 days of a change to the emergency contact information;*
9. *Within six months of the date of an accident that meets the criteria for the five-year accident history.*

These criteria (items 8 and 9) were added to the RMP regulation on April 9, 2004. ✓

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*Tracer ES&T
Anniversaries*

Some of the Tracer ES&T staff have been together through several name changes: Tracer Technologies, Team Environmental Services, and now, Tracer ES&T. Our staff is the foundation for this company and we appreciate their effort and dedication.

16 Years (6/20/88)	Jim Stirling	
14 Years	Matthew Peña	(6/18/90)
8 Years	Jake Tilley	(7/29/96)
4 Years	Paul Schafer	(8/21/00)
2 Years	Brandon Olson	(7/8/02)

Hazard Mitigation Grant Program

What is the Hazard Mitigation Grant Program?

The Disaster Mitigation Act of 2000 (DMA 2000) established a pre-disaster hazard mitigation program and new requirements for the national post-disaster Hazard Mitigation Grant Program (HMGP). Section 322 of the Act specifically addresses mitigation planning at the state and local levels. It identifies new requirements that allow HMGP funds to be used for planning activities, and increases the amount of HMGP funds available to states that have developed a comprehensive, enhanced mitigation plan prior to a disaster.

States and communities must have an approved mitigation plan in place prior to receiving pre-disaster HMGP funds. Local and tribal mitigation plans must demonstrate that their proposed mitigation measures are based on a sound planning process that accounts for the risk to and the capabilities of the individual communities.

The government agency responsible for overseeing implementation of DMA 2000 is the Federal Emergency Management Agency (FEMA). To implement the new DMA 2000 requirements, FEMA prepared an Interim Final Rule, published in the Federal Register on February 26, 2002, at 44 CFR Parts 201 and 206, which establishes planning and funding criteria for states and local communities.

The HMGP is focused on state and local government. Local government agencies (e.g., municipal water/wastewater treatment facilities) are eligible to participate in the Hazard Mitigation Grant Program. **It is important to note, however, that an agency's eligibility for current Emergency Management Performance Grants is not contingent upon participation in the HMPG.**

What is required by the Hazard Mitigation Grant Program?

An agency's Hazard Mitigation Plan (HMP) is required to identify applicable hazards (natural and human), estimate the associated losses, and, based upon the results, evaluate potential mitigation measures in order to set mitigation priorities and goals. The plan is also required to contain a description of the facility's intended implementation of the mitigation plan (including project funding and maintaining a dynamic plan that changes to meet new developments). The deadline for submittal of HMPs to FEMA is November 1, 2004. In addition, the HMP is required to be reviewed and updated every three years.

For local government entities, there are two options for participating in the Hazard Mitigation Grant Program. The first is to autonomously develop an agency-specific plan. The second is to participate in your local government's plan. As the deadline for submittal of HMPs is approaching, some local governments may have already submitted a Hazard Mitigation Plan. If this is the case, a facility wishing to be included in their local government's multi-jurisdictional plan would be forced to wait three-years for the local government's revised HMP.

What are the benefits of developing a Hazard Mitigation Plan?

FEMA offers the following rationale for committing the time and energy into developing a HMP to apply for pre-disaster mitigation funding:

- ◆ It simply costs too much to address the effects of disasters only after they happen;
- ◆ State and federal aid is usually insufficient to cover the extent of physical and economic damages resulting from disasters;

- ◆ You can prevent a surprising amount of damage from hazards if you take the time to anticipate where and how they occur;
- ◆ You can lessen the impact and speed the response and recovery process for both natural and human-caused hazards; and,
- ◆ The most meaningful steps in avoiding the impacts of hazards are taken at the state and local levels by officials and community members who have a personal stake in the outcome and/or the ability to follow through on a sustained program of planning and implementation.

From a financial perspective, the benefit of developing a Hazard Mitigation Plan is the availability of federal funding for hazard mitigation projects that your facility may wish to pursue.

Does development of a Hazard Mitigation Plan make sense for your facility?

Investing the financial and human resources into developing a HMP may prove costly. The determination of whether or not the benefit exceeds the cost is made on a per facility basis. The pertinent issues to consider are:

- ◆ Do I have reasonable projects that are eligible for pre-disaster funding?
- ◆ Does the cost associated with these projects exceed the cost associated with developing a plan?
- ◆ Are these projects urgent, i.e., can I wait three years to be included in the local government's revised plan?

For further info on FEMA's Hazard Mitigation Grant Program, visit <http://www.fema.gov/fima/planning.shtm>, or contact Jake Tilley, Jeanna Emmons, or Desmond O'Sullivan at Tracer ES&T. ✓

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*Look for Tracer ES&T (Booth 410)
at the 2004 RETA National
Convention in Reno, NV
October 26-29, 2004!!!*

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MEMBER
SAN DIEGO



International Institute of
Ammonia Refrigeration



Leaders of Environmental Responsibility



STRENGTH THROUGH INDUSTRY & TECHNOLOGY



Dear Tracer ES&T:

I submitted a California Accidental Release Prevention (CalARP) Program to my local Certified Unified Program Agency in May 2000 in response to a letter requesting that we comply with the program. We use ammonia in a refrigeration system and have 7,000 pounds total (less than the federal threshold). Do I need to resubmit my Risk Management Plan now (even though my five year update is not due until May 2005) based on the new data elements included in the updates included in the CalARP Program regulation posted on June 28, 2004?

Thanks, Too Many Changes

Dear Too Many Changes,

The California Office of Emergency Services recently (June 28, 2004) amended the CalARP Program regulations to incorporate changes that the Federal Environmental Protection Agency made to their Risk Management Program regulations on April 9, 2004. The amended regulation requires **all** existing CalARP facilities that have previously submitted a Risk Management Plan (RMPlan) to update their RMPlan to include the following new data elements:

- ◆ Emergency contact email address
- ◆ Name, address, and telephone number of consultant that prepared the CalARP Program (if applicable).

Most CUPAs are accepting a letter outlining this new information that can be inserted into their copy of the RMPlan and allowing facilities with post June 21, 2004 due dates to incorporate this data at their five-year due date. Please contact your CUPA directly to ensure that this is acceptable. For more information, go to www.oes.ca.gov. ✓