

Chemical Facility Anti-Terrorism Standards (CFATS) You Are Registered with the Department of Homeland Security, What Now?

The Department of Homeland Security's (DHS) Chemical Facility Anti-Terrorism Standards (6 CFR Part 27) required certain chemical facilities, handling chemicals that were deemed by DHS to have a "Security Issue" (e.g., release, theft, sabotage) to complete an on-line survey (TOP-SCREEN). This survey will assist DHS in determining if additional security assessments are required.

The TOP-SCREEN submittals affected those facilities that possess a chemical of interest at or above the listed screening threshold quantity. The facility should have already completed and submitted a TOP-SCREEN to DHS (JANUARY 22, 2008). For new facilities, the TOP-SCREEN is due within 60 calendar days of coming into possession of the listed chemical of interest at or above the listed screening threshold quantity.

It is important to note that many facilities that have filled out the TOP-SCREEN may **not** be subject to further regulation under CFATS by DHS.

Now you wait.

DHS plans to implement the regulation in phases, starting to work aggressively with chemical facilities presenting the very highest security risks first. DHS has adopted a risk-based tiering structure in its regulatory approach, so that the Department's scrutiny of facilities under this regulation increases as the level of risk increases. DHS will place covered facilities in one of four risk-based tiers, ranging from highest risk facilities in Tier 1 to the lowest risk facilities in Tier 4.

Based on the information DHS receives through the TOP-SCREEN process, DHS will determine if the facility presents a high level of security risk. DHS will then notify the facility in writing of the Department's preliminary determination of the facility's placement in a risk-based tier.

Things to look for in the future from DHS.....

- Written notification to complete a Security Vulnerability Assessment (you will only have 90 days to complete this task from the date of the written notice).
- Written notification to complete a Site Security Plan (you will only have 120 days to complete this task from the date of the written notice).
- Tier Ranking.

There will be resubmittal requirements in the future based on your Tier:

- Tier 1 and 2 facilities will be required to resubmit their TOP-SCREEN no later than two years and 60 calendar days from the Department's approval of the facility's Site Security Plan.
- Tier 3 and 4 facilities will be required to resubmit their TOP-SCREEN no later than three years and 60 calendar days from the Department's approval of the facility's Site Security Plan.

Once your facility has been categorized on one of the four "Tiers" there may be options for conducting "Alternative Security Programs". There will be a review and approval process by the DHS which may include on site inspections, resubmittals, and written Letter of Authorization.

Currently, DHS is reviewing the TOP-SCREEN submittals and preparing regulatory guidance for Site Security Plans. Stay tuned for updates as this regulatory requirement unfolds. ✓

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Risk Group Update — OSHA's Top Ten Cited Standards for 2007

The following is a summary OSHA's top 10 most cited violations for fiscal year 2007 (October 2006 – September 2007). When reviewing the list below, ask yourself if problems related to these standards exist at your workplace. If so, determine ways to correct the deficiency and minimize worker hazards. Ensure that the problem is addressed in a timely manner and proper measures are taken for your facility to be in compliance with OSHA standards.

- **Scaffolding (29 CFR 1926.451) – 10,188 citations.** Scaffolding violations citations consisted of the lack of fall protection, inadequate platform construction, and failure to properly support scaffolding. Some of the ways to eliminate these problems include proper employee training and periodic equipment inspections.
- **Fall Protection (29 CFR 1926.501) – 6,786 citations.** Falls from roofs and ladders account for the majority of falls in the industry. Workers can be protected from falls by providing them with guardrails, safety nets, and personal fall protection equipment such as positioning and travel restraint systems.
- **Hazard Communication (29 CFR 1910.1200) – 6,658 citations.** OSHA's Hazard Communication Standard requires employers to develop a written program and to distribute information about the chemicals maintained and/or used at their workplace. Violations related to this standard included failure to train employees on chemical awareness, failure to have an MSDS for each hazardous chemical, and failure to properly label hazardous chemical containers.
- **Respiratory Protection (29 CFR 1910.134) – 4,113 citations.** Most of the citations handed out by OSHA stem from the lack of a written respiratory protection program. Facilities were also cited for failing to perform medical evaluations and initial/annual fit testing and failing to provide Appendix D of the standard when respiratory use is voluntary. Appendix D to 29 CFR 1910.134 contains information for employees using respirators when not required under the standard.
- **Control of Hazardous Energy, i.e. Lockout/Tagout (29 CFR 1910.147) – 3,978 citations.** The lockout/tagout program requires workers to de-energize and isolate equipment prior to performing maintenance activities. Many facilities were cited for failing to develop a written lockout/tagout program, failing to train employees on the written program, or failing to develop equipment-specific lockout/tagout procedures.
- **Powered Industrial Trucks (29 CFR 1910.178) – 3,478 citations.** A large percentage of all employee injuries that occurred last year are related to the usage of powered industrial trucks (i.e. forklifts). Most of these injuries can be attributed to the lack of safe operating procedures, safety-rule enforcement, or training. Note that refresher training is required at least every three years or sooner if an employee is involved in an accident or near miss.
- **Electrical Wiring (29 CFR 1910.305) – 3,192 citations.** Most of the electrical wiring citations were given as a result of incorrect wiring practices that could potentially cause a fire. These violations included the lack of covers for pull boxes, strain relief for flexible cords, and the usage of flexible cords in a prohibited situation.
- **Ladders (29 CFR 1926.1053) – 2,842 citations.** A majority of ladder-related injuries at the workplace can be accredited to the improper usage of ladders. Many facilities have been cited as a result of workers failing to extend the ladder at least three feet above the upper landing surface. Another concern is the usage of ladders for purposes other than those for which they are designed. These problems can be remedied through proper training and the enforcement of safety rules.
- **Machine Guarding (29 CFR 1910.212) – 2,749 citations.** Many facilities were cited last year for failing to provide safeguards on moving or fixed machinery. In addition to safeguarding machinery, facilities must also ensure that the safeguards are permanently affixed and are inspected frequently to avoid workplace injuries.
- **Electrical Systems Design (29 CFR 1910.303) – 2,519 citations.** Most of the facilities cited for this standard were found to be using electrical equipment for purposes other than its intended design. Other facilities were cited for failing to safeguard electrical conductors energized at 50 volts or higher.

For more details regarding these standards or other frequently cited standards, visit the OSHA website at www.osha.gov.

Sources: http://www.osha.gov/dcsp/compliance_assistance/frequent_standards.html
http://www2.dupont.com/Safety_Products/en_US/news_events/article20071220.html ✓

Compliance Group Update - California Aboveground Petroleum Storage Act (APSA) Update

On October 13, 2007, California Governor Schwarzenegger signed Assembly Bill 1130 which transfers the responsibility for the implementation, enforcement, and administration of the Aboveground Petroleum Storage Act (APSA) from the Regional Water Quality Control Boards (RWQCBs) to the Certified Unified Program Agencies (CUPAs) effective January 1, 2008. Here are the key additional aspects of AB 1130:

- Requires the owner or operator of a tank facility that has an aggregate storage capacity of greater than or equal to 1,320 gallons of petroleum to prepare and implement an SPCC plan in accordance with the 40 CFR Part 112 federal regulation.
- Requires CUPAs to conduct inspections at tank facilities with an aggregate storage capacity of greater than or equal to 10,000 gallons of petroleum at least every three years.

- Requires the owner or operation of a tank facility to file annually a tank facility statement with the CUPA. The submission of a business plan satisfies this requirement.
- Requires the governing body of the CUPA to establish a fee, as part of the single fee system, at a level sufficient to pay the CUPAs costs while administering the APSA.
- Prevents CUPAs from assessing and collecting APSA fees from tank facilities until January 1, 2010.

Your local CUPA will be contacting you regarding the APSA program. For further information, please contact Mr. John Paine, Cal/EPA Unified Program at (916) 327-5092 or jpaine@calepa.ca.gov. ✓

California Greenhouse Gas (GHG) Regulatory Update

California is moving forward with the regulatory development process that will require major sources to report their greenhouse gas (GHG) emissions. GHG's are defined as carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. The following table summarizes the evolution of the GHG Mandatory Reporting Regulation. Staff from the California Air Resources Board (ARB) are currently working on revisions to the regulation which should be released in February 2008 for comment. Contact Greg Hauser at 760-744-9611 ext. 106 for more information.

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August 10, 2007	<ul style="list-style-type: none"> ➤ Preliminary Draft Regulation for the Mandatory Reporting of Greenhouse Gas Emissions ➤ Draft Emission Factors for Mandatory Reporting Program
October 19, 2007	<ul style="list-style-type: none"> ➤ Proposed Regulation for the Mandatory Reporting of Greenhouse Gas Emissions
December 5, 2007	<ul style="list-style-type: none"> ➤ Suggested Modifications to the Proposed Regulation Order
December 6, 2007	<ul style="list-style-type: none"> ➤ Public Hearing to Consider Adoption of a Regulation for the Mandatory Reporting of Greenhouse Gas Emissions
February 2008	<ul style="list-style-type: none"> ➤ Revised Mandatory Reporting Regulation to be Released

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.

25 Years	Tom Rappolt	(03/03/83)
25 Years	Lynn Teuscher	(03/03/83)
25 Years	Steve Kerrin	(03/03/83)
8 Years	Adrienne Tober	(04/17/00)
5 Years	Alicia Froke	(04/21/03)
3 Years	Lesley Evans	(03/07/05)

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Tracer ES&T is sponsoring the
**2008 Santa Maria Valley YMCA
Tri-For-Fun Triathlon.**



Come out and see
all your favorite Tracer
ES&T staff
swim, bike,
and run!!



**YMCA Tri-For-Fun Triathlon
April 26, 2008**

For more information contact the YMCA

<http://www.smvymca.org:80/Events.html>

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RETA's 20th Annual Official Ammonia & Refrigeration Safety Seminar

The RETA Los Angeles Chapter, 20th
**Annual Ammonia & Refrigeration Safety
Seminar** is set for April 18, 2008. FREE ad-
mission to the first 250 registered attendees.

Where: Holiday Inn Select
14299 Firestone Blvd.
La Mirada, CA

When: Friday, April 18, 2008
6:00 am – 8:00 am
*Registration &
Continental Breakfast*
8:00 am – 4:00 pm
Conference

***Be sure to stop by and see
Tracer ES&T's Booth.***

For Registration information, contact:
Joe Najera at 951-741-7492 or
Jeanna Emmons at 760-744-9611 ext. 112