EHS Compliance Update

Winter 2008 **EHS Management Strategies, LLC**

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New Basic Description Sequence on Hazardous Material Shipping Papers [49 CFR 172.202]

The sequence of the basic description on hazardous materials shipping papers has changed in the DOT regulations. Here is the new order of information per 49 CFR 172.202:

1. Identification number
2. Proper shipping name
3. Hazard class
4. Subsidiary hazard (in parentheses)
5. Packing group

To ease the transition to this new order, DOT is allowing shippers to use the old sequence of information until **January 1, 2013**, which is:

1. Proper shipping name
2. Hazard class
3. Subsidiary hazard (in parentheses)
4. Identification number
5. Packing group

For shippers who offer hazardous materials (dangerous goods) internationally, this DOT transition period does not apply. The basic description change became mandatory for most **international air shipments** on Jan. 1, 2007, and for **international vessel shipments** on Jan. 1, 2008. However, the Canadian regulations indicate that either sequence (old or new) is permitted. At this time, Canadian authorities do not plan to change that option.

EHS Compliance Auditing …….. Does it work?

By James Charles, PE, CPG

Many organizations are questioning the value of conducting periodic EHS regulatory compliance audits, especially, when this requires the use of external resources and can be expensive. Companies typically conduct these audits as part of their risk management process or to comply with their ISO 14001 environmental management system (4.5.2).

A typical compliance audit consists of several auditors spending 1 to 2 days at your facility to review plant operations and facility records. The output from this process is an audit report and list of findings. Facility staff may then develop corrective actions requests (CARs) and work on correcting the issues identified. The result is for a brief period of time the facility maintains compliance but the process does little to improve facility staff's understanding of the regulations that affect their operations. A year later we do another audit and generate another list of findings. So where is the value?

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EHS clients include:

- Lear Corporation
- Kraft Foods
- Alticor
- Delphi Automotive
- Dextech
- Consumers Energy
- Dana Corporation
- American Axle & Manufacturing
- General Motors
- Steel Case
- DTE Energy
- Pfizer
- Eaton Corporation
- Median Automotive
- Exelon Energy
- Cascade Engineering
- Gill Industries
- Herman Miller
- Haworth
- Honeywell
- Textron
- Barnes Aerospace
- BEHR America
- O'Leary Paint
- Trimquest
- Styker Medical
- Kaumagraph Flint
- TESA Tape
- Kent County DPW
- Phillips Service Industries

Universal Waste Management (or Mis-Management?)

One of the most cited areas during hazardous waste inspections is the management of universal wastes. 40 CFR 273 allows for the management of certain types of hazardous wastes as universal waste. The universal waste regulation simplifies the management requirements for certain types of waste that would otherwise be subject to full RCRA Subtitle C regulation. Federally, universal waste regulations apply to four types of hazardous waste. If a waste is determined to be hazardous by the generator and is classified as either a battery, pesticide, mercury-containing equipment, or lamp, it may be managed within the relaxed management standards of 40 CFR 273.

Because the universal waste regulation is less stringent then the RCRA hazardous waste requirements, states are not required to adopt it. States may adopt the universal waste regulation in its entirety or portions of it. If states adopt the petition provisions under the federal universal waste regulation, they are allowed to add wastes to their universal waste programs without the EPA adding the waste to the federal program. For example, Texas has added paint waste to its universal waste program.

40 CFR 273 classifies facilities that generate or store universal wastes as "handlers." There are two classifications of handlers based on the quantity of universal waste accumulated. **Small quantity handlers** accumulate less than 5,000 kg of universal waste at any one time, while **large quantity handlers** accumulate 5,000 kg or more of universal waste at any one time.

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An Exemption From Reporting Releases Under SARA Title III [40 CFR 355.40(a)(2)(i)]

The Emergency Planning and Community Right to Know Act, also known as SARA Title III, requires you to submit telephone and written reports of certain chemical releases. Notification requirements for Section 304 of SARA Title III are triggered when either an extremely hazardous substance (EHS) or a CERCLA hazardous substance (CERCLA HS) are released in an amount equal to or in excess of the EPA's established reportable quantity "RQ" for the material.

Exemptions to this release notification requirement are found at 40 CFR 355.40(a)(2)(i). Specifically, one exemption from these reporting requirements occurs if the incident "results in exposure to persons solely within the boundaries of the facility," as long as the release is not to the environment (as defined at 40 CFR 355.20). If all of these exemption criteria are met, then the release is not subject to the release notification requirements of Section 304 of SARA Title III.

However, it is often wise to "err on the side of safety" and to choose to "report" rather than to "not report" when an incident involving the release of an RQ amount of an EHS or CERCLA HS is involved

What is Environmental Coaching?

Www.EnvironmentalCoaching.Zoomshare.com

EHS Management Strategies has developed these training programs to help our clients meet business and regulatory compliance needs. Each program is designed to reinforce key concepts and considers each students learning style. These programs consist of lecture and group exercises designed to keep the student interested.

Management Systems

Designing Process Improvement Projects using your ISO 14001 EMS (1 day): This program will provide an overview of environmental performance and establishing meaningful EHS metrics. It will include an overview of typical improvement projects and case studies. The student will learn how to develop and implement new EMS projects.

EMR Training (1-day): New Environmental Management Representatives (EMRs) need a good understanding of their ISO14001 environmental management system to be effective. This program was designed to give the new manager a detailed understanding of the ISO14001 standard, key EMS elements, and their role in driving the continuous improvement process.

Internal Auditor Training— TS16949, ISO 14001 or OHSAS 18001 (2 days): This is program is for anyone who wants to conduct internal audits. It will provide a detailed overview of the TS16949, ISO14001 or 18001 standards and auditing techniques. This is a very "hands on" program filled with exercises.

Get ISO 14001 Certified in 120 Days (1 day): This is a program designed for anyone getting ready to implement an ISO14001 compliant EMS. The program will define Environmental Performance, detailed review of the ISO 14001 Standard, development of key EMS elements, and development of an implementation plan. The student will leave this class ready to begin implementing their EMS.

Lead Auditor Programs—TS 16949, ISO900, ISO1400 (5 days): These are 5-day RAB accredited lead auditor programs. Each program is 36 hours with a final exam, and qualifies the student to become accredited auditors.

Auditor UPGRADE© (1-day): This is a one day program designed to designed for Quality Auditors that want to do EMS Auditing. The program will provide a good overview of the ISO14001 standard and auditing exercises designed to prepare someone with auditing skills to conduct EMS audits.

ANSI Z10 Occupation Health & Safety Management System Implementation (1 days): This course will provide a detailed overview of the **Z10 standard** and how to implement a Health & Safety management system. Each student will leave with a good working knowledge of the standard and the tools needed to develop an Z10 compliant H&S Management System. We will also cover the differences between Z10 and OHSAS 18001.

OHSAS18001 Overview and Implementation (1 day): This one day program will provide an overview of the OHSAS 18001 standard and how the implement a Health & Safety Management system. We will also map integration with the ISO14001 standard. The student will leave with the tools needed to plan their OHSAS 18001 certification.

EHS Compliance

Total WASTE Course (1 day): This program provides the training required under **DOT** for hazardous materials transportation and **RCRA** hazardous waste. The DOT training will cover the requirements of Subpart H, §172.700-172.704 and an overview of the RCRA regulations. Course includes materials, testing, and certification. ***Available DOT or RCRA only.***

Hazwoper 8hr, 24hr, and 40 hr Courses: These programs meet the requirements for 29 CFR1910.120 for initial and annual hazardous operations training.

Confined Space (2 day): This course fulfills the classroom requirements of 29 CFR 1910.146 for Confined Space Entry. This is a MUST for anyone responsible for Confided Space programs.

Site Supervisor Training (1 day): This course meets OSHA training requirements for supervisors and managers involved in the management and administration of waste site activities. Per 29 CFR 1910.120, each site must have a Supervisor who has received an additional 8 hours of training beyond their initial 40 hour certification.

Training Schedule Public Courses				
Course	**Cost**	**April**	**May**	**June**
Designing Process Improvement Projects using your ISO 14001 EMS	**$495**	Phoenix, AZ	Chicago, IL Toledo, OH	Grand Rapids, MI Detroit, MI
NEW EMR Training (1-day)	**$495**	Toledo, OH	Grand Rapids, MI Detroit, MI	Indianapolis, IN
ISO 14001 Internal Auditor (2-days)	$695	Orlando, FL	Grand Rapids, MI Detroit, MI	St. Louis, MO Toledo, OH
TS16949 Internal Auditor (3-day)	$1,195*	Indianapolis, IN Milwaukee, WI	Chicago, IL Detroit, MI	Grand Rapids. MI Fort Wayne, IN
Get ISO 14001 Certified in 120 Days (1 Day)	$695	Indianapolis, IN	Detroit, MI Grand Rapids, MI	
ISO14001 Lead Auditor Training (5-days)	$1,575*		Lansing, MI	
ISO14001 Auditor UPGRADE (1-day)	$495	Detroit, MI	Grand Rapids, MI	Chicago, IL Indianapolis, IN Toledo, OH
ANSI Z10 OH&S Management System Implementation	$655		Chicago, IL	Detroit, MI
OSHAS 18000 Overview and Implementation (1-day)	$495	Orlando, FL	Detroit, MI	Chicago, IL Atlanta, GA
TOTAL Waste Program (DOT & RCRA)	$425/both $255/ea	Cleveland, OH	Grand Rapids, MI Detroit, MI	Grand Rapids, MI Chicago, IL
Hazwoper Refresher 8 hr, 24 hr, and 40 hr (Many more locations and dates please contact us)	$125 $425 $525	Detroit, MI Lansing, MI Chicago, IL Cleveland, OH Cincinnati, OH	Detroit, MI Lansing, MI Chicago, IL Cleveland, OH St. Louis, MO	Detroit, MI Lansing, MI Chicago, IL Cleveland, OH St. Louis, MO
OSHA Site Supervisors Training	$235		Detroit, MI	Chicago, IL Milwaukee, WI
OSHA Confined Space for Industry (2-day)	$695		Grand Rapids, MI	Detroit, MI Chicago, IL

To get specific dates and to register contact Jim Charles at JimCharlesPE@Charter.net. (*) These courses offered at significant discounts for 30, 60, and 90 day prepayment. Don't see your location contact us!!! All pricing based on 30 day advanced payment subject to our cancellation policy. Add $100 for late registrations.

Any of these courses can be held at your location with 6 or more students

Universal Waste Management (or Mis-Management?) [Con't]

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The management requirements for small and large quantity handlers include:

⇒ **Treatment and disposal:** Handlers of universal waste may not treat or dispose of waste.
⇒ **Accumulation:** Universal waste must be managed in a way that prevents releases to the environment. Containers must be in good condition and kept closed.
⇒ **Storage:** Handlers must send universal waste to approved destination facilities, foreign destinations, or to other handlers within one year of waste accumulation. Handlers must mark, label, or use some other method to document that the universal waste has not been accumulated on-site for longer than one year.
⇒ **Labels:** Universal waste or the containers in which they are accumulated must be labeled or marked clearly with the following:

- Universal waste—type (i.e., batteries, lamps)
- Waste—type (i.e., batteries, lamps)
- Used—type (i.e., batteries, lamps)

⇒ **Releases:** Handlers must immediately contain all releases of universal waste and handle the cleanup of residues appropriately. If the release residue meets the definition of regulated hazardous waste, it must be managed as fully regulated hazardous waste.
⇒ **Training:** Large quantity handlers must ensure that their employees are thoroughly familiar with proper waste handling and emergency response procedures related to their universal waste responsibilities. Small quantity handlers must inform their employees of the handling and emergency response procedures related to their universal waste responsibilities.
⇒ **Transportation:** Hazardous waste manifests are not required for universal waste shipments, but if universal waste meets the definition of a DOT hazardous material it must be shipped in compliance with all DOT requirements.

In addition to the above requirements, large quantity handlers must notify the EPA regional administrator (or authorized state environmental agency) and receive an EPA ID number before accumulating 5,000 kg of universal waste at any one time. Large quantity handlers are also required to maintain documentation of universal waste shipments for at least three years. Each document must indicate the name and address of the handler and the destination facility, the quantity of each type of universal waste, and the date of the shipment.

Note that there are also standards for facilities that transport universal waste (Subpart D), and the destination facilities, where universal wastes are processed (Subpart E).

Michigan Chamber of Commerce Environmental Issues Forum

The Michigan Chamber of Commerce will be conducting their annual Environmental Issues Forum on May 8th, 2008. This is a very comprehensive program designed to update the environmental professional on changing and new regulations. The agenda for this years program has not been developed, however, you can check their website for updates at:

http://mcs2.michamber.com/semevent/seminars.asp

EHS Compliance Programs	Cost
Environmental Compliance Assessment: EHS-MS has developed a risk based approach to conducting environmental compliance assessments to reduce your risks of regulatory enforcement and to comply with your ISO 14001 EMS. This program includes a pre-audit assessment, 1 or 2 day onsite audit, and preparation of an audit report. This will include a review of the applicable air, water, and waste regulations. A draft assessment report will be issued with a detailed list of findings and finalized upon approval from the client.	**$1,975 (1-day)** **$2,450 (2-day)**
Audit Coaching™: This is a comprehensive environmental compliance management process that will improve your compliance with regulations and improve your staff's understanding of environmental regulations. This program includes a 1-day compliance assessment, preparation of an audit report with findings, development of a site specific audit checklist, and a monthly compliance calendar. We will then spend one day with your staff reviewing the audit checklist and compliance calendar, and provide training on how to conduct self assessments. This process will dramatically improve your staff's knowledge of regulations and overall compliance.	**$3,450**
In-Plant Services: Many times an EHS manager needs temporary help to get a project completed or EHS expertise to help resolve a compliance issue. EHS-MS will provide a professional to support your projects – permitting, EHS reporting, waste water optimization, EHS audits, site remediation, or any others.	**$625day**
DOT Training: EHS-MS will deliver a one day DOT Hazardous Materials training program designed to meet the requirements for DOT training required every 3 years. This program will cover identification of hazardous materials, shipping papers, labeling & marking, security, and site safety. We will incorporate information for the specific materials managed at your plant. This program includes training documentation and testing as required. (up to 6 students) and additional students $125/each.	**$1,450**
Hazard Communications and RCRA Training Program Development: EHS-MS will conduct an onsite review of your operations, review the waste and chemical management program, and develop a site specific Hazard Communications and RCRA training program. We will provide an electronic copy of all training materials. We can also deliver the training .	**$2,990** **$975 (training)**
Waste Management Plan/Pollution Prevention Assessment: EHS-MS will conduct an on-site review of your facilities waste and recycling programs. We will then develop a written plan for how these wastes are to be disposed of and recommended disposal facilities. We will look for opportunities to re-characterize waste and identify savings on waste disposal. The plan will identify the generated waste streams, record keeping, and training requirements. We will typically identify $1,000's in annual waste reduction savings.	**$3,345**
Chemical Inventory and MSDS Review: EHS-MS will spend a maximum of 2 days at your facility developing a detailed chemical inventory for your facility and eliminate obsolete MSDS. This inventory will be summarized in an excel spread sheet. We will also verify that the facility has an MSDS for each material.	**$2,445**
ISO 14001 Internal Auditor Training: EHS-MS has developed an interactive and highly effective auditor training program. This program will provide a detailed overview of the ISO 14001 standard, the auditing process, ISO 19011 auditing guidance, and how to plan and conduct an internal audit. It includes many hands on exercises to re-enforce the auditing skills needed. (up to 6 students) Additional students $250/each.	**$2,950 (2-day)**
Internal EMS Audits: EHS-MS help the facility to plan and perform ISO14001 internal audits of their environmental management system (EMS). This can include audit planning, records review, and completion of internal Audit. EHS-MS staff can provide checklist/audit plan templates or use the facility's. This can be much less expensive than maintaining a group of internal auditors.	**$775/day**
ISO 14001 or OHSAS 18001 QuickStart™: This is program designed for sites getting ready to implement an ISO 14001 or OHSAS 18001 management system. This is a 3-day process. Day 1 will review the facilities operations, meet with plant management, and assess existing EMS programs. Day 2 will be a 1/2 training program for the implementation team and development of a detailed implementation plan. Day 3 includes a 2 hour leadership training for plant management, presentation of the implementation plan, and facilitation of the first implementation team meeting.	**$3,750**
SPCC Review/Certification: A PE will spend one day at your facility reviewing your updated SPCC plan and providing certification. Any discrepancies will be discussed and PE will complete a final review and issue certification of your plan once updated.	**$850**

The above services do no include travel expenses. Mileage is billed at $0.50/mile.

Can Communications Improve Environmental Performance?

By James Charles, PE, CPG

Clear and effective communication of environmental information can dramatically improve environmental performance of an organization. Companies struggle with identifying the information to communicate and effective methods of communication. In the absence of a well thought out environmental communications plan, companies default to communications on a need-to-know basis. The results are inconsistent communication of environmental performance among the management team and poor communications throughout the rest of the organization.

Within most organizations less that 5% of employees have primary responsibility for environmental activities ("aspects"). These employees are usually well aware of their responsibilities and have a general understanding of the organizations environmental performance.

Many management teams to not have an appreciation of the value that can be realized by engaging the remaining employees (95%), not directly engaged with significant environmental aspects, in the environmental management process. These benefits can include the identification of new improvement projects, identification of regulatory requirements, improved materials usage/recycling programs, and improved employee morale.

One barrier to communication of environmental information is determining what to communicate. Many organizations have well defined financial, quality, and safety performance metrics, yet, have failed to establish meaningful environmental performance metrics. Establishing environmental metrics is a great first step in any communication program.

Example Environmental Metrics		
Electrical Usage	**Recycling – metal, cardboard, plastics, oil**	**Audit Findings**
Water Usage	**Waste Oil/Coolant Disposal**	**Spills**
Natural Gas Usage	**Hazardous Waste Disposal**	**Waste Water Discharge**
Solid Waste (Trash)	**Air Emissions**	**% Scrap**

The key is to establish metrics that are "meaningful" to your operations. If you generate less than a few drums of hazardous waste on an annual basis, hazardous waste generation may not be a meaningful metric. However, if you generate large volumes of hazardous waste on a monthly basis this may be a good metric.

Once an organization has established environmental performance metrics these need to be tracked and communicated on a regular basis. Some companies are already tracking these activities and simply need to identify these as environmental metrics and begin the communications process. Posting graphical summarizes of this information is a good start. However, this information should be discussed and updated during regular management and plant meetings. Simply add "Environmental Performance" to the agenda of your already scheduled meetings and quick updates are all that is necessary. Frequent smaller updates are much more effective than longer annual reviews. The methods of communication must consider the communication styles of all employees – auditory, visual, and kinetic.

Another topic to include in regular communication is the status of environmental improvement projects. These are projects that improve environmental performance and may help improve selected metrics. An example might be the installation of low energy lighting in the plant or light sensors in the conference rooms. Discussion of these projects will help people associate energy usage with environmental performance and demonstrate to employees that improvement of the environment is a core business value for the organization. Expanding this communication to all employees may stimulate ideas for new projects. Many companies have established incentive programs designed to stimulate employee involvement and the identification of business improvements.

So get your improved environmental communication program started today!!! Set meaningful environmental metrics for your organization, develop a documentation communications plan, and incorporate these into regular business meetings. Watch your environmental performance improve.

Minimum Elements of a Fire Prevention Plan [29 CFR 1910.39(c)]

An employer must have a fire prevention plan when an OSHA standard requires one. You can use OSHA's Fire Safety e-tool to determine if you need a plan. [**OSHA E-Tool http://www.dol.gov/elaws/fire.htm**]

29 CFR 1910.39(d) states that employers must inform their employees of the fire hazards of the job to which they are assigned upon initial assignment; and they must review with each employee the parts of the plan necessary for self protection.

According to 29CFR 1910.39(c), a fire prevention plan must include:

- A list of all major fire hazards, proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard
- Procedures to control accumulations of flammable and combustible waste materials
- Procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent the accidental ignition of combustible materials
- The name or job title of employees responsible for maintaining equipment to prevent or control sources of ignition or fires
- The name or job title of employees responsible for the control of fuel-source hazards

EHS Compliance Auditing …….. Does it work? (con't)

By James Charles, PE, CPG

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A value added compliance management program includes the use of external audits, self audits, and a detailed compliance calendars designed to improve how well the facility staff understand the regulations that effect their operations. The first step is to conduct an external regulatory compliance audit to determine the regulations that apply to your facility. This process should produce an audit report, list of findings, compliance calendar and a site specific audit checklist. The compliance calendar will consist of a list of compliance activities required each month. The site specific checklist should ask relatively simple questions about the regulatory programs that apply to the facility. Facility staff should then receive training on the use of the compliance calendar and checklist.

For moderate to low complexity manufacturing operations the compliance management process includes conducting external audits every 3 years, periodic self audits using the compliance checklist, and monthly reviews using the compliance calendar. This process integrates facility staff and improves their understanding of the regulations at the lowest cost. Taking an integrated approach to compliance management will reduce the number of non-compliance issues and risk of enforcement actions.

EHS has developed the **Audit Coaching™** program to help facilities implement a value added compliance management process. Please contact us at (616) 389-9949 or **JimCharlesPE@charter.net** to discuss how this process can improve your operations.

Web Site of the Month	EPA Audit Protocols: http://www.epa.gov/compliance/incentives/auditing/protocol.html

EHS Management Strategies, LLC

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RAB Lead Auditor and Internal Auditor Programs

Internal Auditing is one of the key's to an effective management system. EHS offers these programs for **ISO14001, OHSAS18001, TS16949, and ISO9000** management systems.

Lead Auditor Training (5-day)

This is a RAB accredited course that is necessary to become a RAB certified Lead EMS Auditor. This 36 hour program will cover all aspects of ISO 14001 and auditing protocol. The student will leave with a detailed understating of the standard, how to conduct EMS audits, and how to setup an auditing program. We will walk the student through a variety of auditing exercises and hands on workshops that will give the students confidence in their ability to conduct audits. Upon course completion and passing the exam the student will receive a Lead Auditor Training certificate. This course is offered through our partner program.

Internal Auditor Training (2-day)

This program is designed for people who will conduct internal audits of their facility. The program will cover the standard, auditing protocols, and hands on auditing exercises. The auditor will leave the course with the ability to start doing internal audits.

Both of these programs are offered onsite and through our public course offerings

EHS Management Strategies, LLC

EHS offers high quality cost effective consulting services in the following areas:

- Environmental Coaching Services
- Environmental Management Information Systems (EMIS) implementation and training
- RoHS and WEEE Evaluation & Compliance
- EHS Auditing
- EHS Compliance Planning and Training Development
- Sustainability Planning
- Environmental liability assessments and financial reporting (Sarbanes-Oxley Compliance)
- Site remediation technology and closure evaluations
- Integrated Contingency Planning—SPCC, Stormwater, RCRA, Risk Management Plans
- Hazardous Waste Management and Cost Minimization
- ISO 14001 / OHSAS 18001 Management Systems
- ASTM Phase I/ BEA / Due Diligence
- Process Safety Management (PSM) Tools
- Air Quality & Permitting
- Remediation Technologies (patented)
- Data Management & IT Tools
- Industrial Cleaning

EHS specializes in delivering these services in a manner that integrates compliance into your business operations. Our compliance assessment services focus on best management practices as well as regulatory compliance. **Please consider us for your next consulting assignment.**