

# CEPAC NEWSBREAK

CHEMICAL EMERGENCY PREPAREDNESS ADVISORY COUNCIL NEWSLETTER

*PROVIDED BY COLUMBUS PUBLIC HEALTH. THE COUNCIL IS APPOINTED BY FRANKLIN COUNTY COMMISSIONERS.*

## HOT TOPIC:

# TIER 2 CHEMICAL INVENTORY REPORTS ARE DUE MARCH 1, 2016

As we are in the midst of another Tier 2 reporting season, please take the time to review the reporting requirements.

### Workshops

CEPAC will hold two Tier 2 workshops the last week of January 2016. The purpose of these workshops is to familiarize those who are responsible for Tier 2 reporting with the EPA/SERC reporting requirements. For those that attend, the workshops provide a good opportunity to network, and discuss common and unique reporting requirements for different Tier 2 reporting facilities.

### Electronic Reporting Preferred

Electronic Tier 2 reporting is the preferred reporting method. The website to allow for you to get the 2015 Tier 2 submit is: [www.epa.gov/epcra/tier2-submit-software](http://www.epa.gov/epcra/tier2-submit-software). The SERC Compliance Manual and Forms can be found at [www.epa.ohio.gov/dapc/serc/invforms.aspx](http://www.epa.ohio.gov/dapc/serc/invforms.aspx). Paper reports are still accepted.

When you submit electronically, you can send one e-mail to all three reporting places at once. These reports can be sent as pdf's, zip files, compressed files or some other electronic attachment. Your reports go to:

1. State Emergency Response Commission, c/o Ohio EPA, Lazarus Government Center, 50 West Town Street, Suite 700, P.O. Box 1049, Columbus, OH 43216-1049,

2. CEPAC, 240 Parson's Avenue, Columbus, OH 43215, and
3. The jurisdictional fire department for your facility. A separate list of all of Franklin County Fire Departments will be sent out to all Tier 2 filing facilities.

Send your fee sheet and payment no later than March 31, 2016 to: Ohio EPA, Dept. L-2711, Columbus, OH 43260-2711.

### Chemical Database

CEPAC is here to maintain a current SARA Title III chemical database. For the 2014 reporting year, we had 765 reporting facilities. That is up from 718 from the previous year. If you have reportable quantities of any hazardous substance, by law you must report these to the OEPA, LEPC (CEPAC) and your local fire department. For most hazardous substances, the reporting threshold is 10,000 pounds or more stored on site. For Extremely Hazardous Substances (EHS) chemicals, depending on if it is on the EPA/SERC list, it can be as little as one pound. If you are in doubt of the reporting thresholds, either contact the OEPA/SERC at 1-800-644-2260, the CEPAC Information Coordinator at 614-645-6275 or look it up online at [www.epa.ohio.gov/dapc/serc/invforms.aspx](http://www.epa.ohio.gov/dapc/serc/invforms.aspx).

## NEW REPORTING POLICY

### PSM Retail Exemption Interim Enforcement Policy

**October 20, 2015**

Employer(s) with employee(s) exposed to PSM-covered processes that had been exempted under OSHA's 1992 interpretation of "retail facility" now must comply with the requirements of 29 CFR 1910.119 if the facility, (or portion of it) processing the highly hazardous chemical, does not fall into the North American Industrial Classification System definition of retail trade (NAICS 44 and 45).

OSHA understands that these facilities, although currently regulated by the EPA under the Risk Management Program (RMP) regulation 40 CFR 68, will need to undertake some new activities to become PSM-compliant. Facilities will need time to initiate needed administrative programs, conduct hazard identification and take any corrective actions. With these factors in mind, OSHA offers this additional guidance for facilities that had been exempted from PSM because of the 1992 retail interpretation.

On July 22, 2015, OSHA issued a revised interpretation to the PSM retail exemption at 29 CFR 1910.119(a)(2)(i). In essence, the revised interpretation states that only facilities in NAICS codes 44 and 45, (retail trade), are eligible for the retail exemption. OSHA believes that nearly all affected facilities are currently regulated by EPA as RMP program level 2 facilities. RMP 2 requires employers to have a safety management system that addresses eight of the 13 OSHA PSM elements.

There may be few added activities needed to comply with PSM, but individual employers must ensure that they have addressed all OSHA PSM elements and sub-elements.

For the first 12 months following the issuance of the Retail Exemption Memorandum on July 22, 2015, OSHA will focus on providing compliance assistance to affected employers, and will inform its State On-Site Consultation Projects that during this period, requests from newly covered employers should take priority for receiving an on-site visit. OSHA now believes 12 months, (vs six originally proposed) will be the time needed because online compliance tools were not available until mid-October and other compliance resources are limited.

OSHA will also refrain from citing employers for violations of the PSM standard at facilities that it would not have cited under the former PSM retail exemption policy. The only exception to this will be if OSHA discovers conditions at a facility that expose workers to an immediate and severe danger, and OSHA determines that the employer has not made a reasonable good faith effort to eliminate or substantially control the hazard. In this rare circumstance, the agency may consider enforcement action to address the immediate and severe danger. Any enforcement action in this situation must be approved by OSHA's National Office. Here is the link to OSHA's website.

[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=29525](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=29525)

## 2016 MEETINGS, SEMINARS & PRESENTATIONS

### CEPAC COUNCIL MEETING

The full CEPAC Council meets on

- the last Friday in February,
- the second Friday in June and
- the last Friday of October.

The meetings start at 9am and are usually done between 9:45am and 10am.

They are held at Columbus Public Health, 240 Parsons Ave., Second Floor Auditorium.

The next scheduled full council meeting will be held on February 26, 2016. All of our meetings are open to the public.

### COMMITTEE MEETINGS

**CEPAC's Hazard Analysis Committee** meets four times a year, usually in February, April, September and November. These meetings are held at CPH, 240 Parsons Ave., for 2016 this committee will meet in room 119D, except on September 8 we will meet in 119C.

**The Planning, Training and Exercise Committee** also meet four times a year usually in February, late April/May, September and November. These meetings are held at Franklin County Emergency Management Agency and Homeland Security (FCEMA&HS), 5300 Strawberry Farms Blvd.

**The Public Information Committee** meets as needed throughout the year, the meetings are usually held at FCEMA&HS.

### CEPAC PRESENTATIONS AND WORKSHOPS

The CEPAC information coordinator is available to answer any questions with regard to chemical reporting, storage or disposal. You can stop by the office anytime, call, e-mail or write a letter with any questions or concerns you might have with regard to chemicals at home or in the workplace. CEPAC also can come to you and provide presentations on what CEPAC is and does, what makes a substance hazardous and what might be hazardous in your own home. CEPAC also hosts two chemical, environmental and safety related workshops in the spring and fall, (topics vary).

**Upcoming Workshops:** Our topic for the next scheduled workshop will be announced in the near future, please plan to attend. It will be held on May 13, 2016 from 8:30 to 11:30 am., with registration from 8:00am to 8:30am. The location will be the City of Columbus Engineering & Construction Training Center, 1881 E. 25th Ave., Columbus, Ohio. Workshop information will be mailed out as soon as the topic and presenter have been established.