

THE LION GROUP

Regulatory Consultants

11809 Blue Creek Drive • Aledo TX 76008-3505 USA

1.817.244.9107 • fax 1.817.560.3528

liongrp@worldnet.att.net • liongrp1@bigfoot.com • liongrp2@bigfoot.com



TLG CLIENT BULLETIN

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No really. . . . Just how important are the details?

This article is based on fact. This incident will stress the importance that every company should have an active and successful environmental, health, and safety program that includes detailed employee risk analysis and job hazard assessments.

BACKGROUND: A United States company had a number of manufacturing, distribution, and administrative sites in an industrial section of a large city. This company employed approximately 750 people.

This company defined their workforce into four major groups: manufacturing, warehousing, administrative, and support functions. The support functions varied and included maintenance, facilities, and waste management. The waste management function included the centralized handling and storage of hazardous wastes. The produced wastes included a number of strong acids used in the company's manufacturing process.

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The daily functions of waste management was afternoon pick ups of hazardous wastes from various locations and transport to a central location, located in the main distribution warehouse, for storage and disposition, and in conjunction with distribution of interoffice correspondence. The total distance between all the company sites was less than 1 mile, and there were numerous intersections. Typically, the functions were performed simultaneously, by two employees, and in a company van. Only the supervisor of the hazardous waste storage area had received training to handle the hazardous wastes.

THE ACCIDENT: As scheduled, the two employees proceeded with their daily afternoon task of distributing interoffice correspondence, and stopped to pick up two (2) 55-gallon barrels of acid. While driving to the central storage area, the company van driver failed to stop at a stop sign at a crossing intersection, and was broadsided by an oncoming automobile. The driver of the automobile was the wife of an employee of the company. In addition to the automobile driver, there were two children in the back seat. The company van back doors flew open, and the 55-gallon barrels bounced out. One of the barrels landed on the back trunk lid of the automobile. It ruptured and the contents flowed into the automobile. Another barrel landed on the street; rolled under the front of the company van; ruptured, and spilled its contents onto the street and into the rainwater drainage system. The driver of the company van received serious impact injuries and chemical burns. The passenger in the company van received minor impact injuries. The driver of the automobile and one of the children died from injuries incurred from the impact and chemical burns. The other child survived but has lifetime injuries.

Obviously, this tragic accident has affected all the families of those involved. The incident occurred a number of years ago; however, the impact on the company is still apparent.

An extensive accident investigation was performed. The following are a few of the findings:

- The company's Job Hazard Assessments (JHA) were very limited and general. There was no mention of driving, handling hazardous wastes, or emergency response knowledge in JHAs of the van driver or passenger.
- The company van driver did not receive any driver safety training.
- The company van driver had numerous traffic citations; received while driving both his personal vehicle as well as the company van.

- The company van driver, and passenger, never received any formal documented training as to hazardous waste handling, transport, or storage.
- The company van was not equipped with any emergency spill kits nor did it have proper warning signs or Department of Transportation (DOT) Placarding.
- The 55-gallon barrels were not designed for transport, and they were not secured properly.
- The company van did not carry readily available documentation, regarding the contents in the company van, for the emergency responders, police, emergency medical technicians, or fire department.
- The required notifications, regarding information on the accident, were not made to OSHA, the State Safety Agency, or the appropriate layers of Environmental Agencies.

The following is a PARTIAL listing of results:

- Citations and penalties were received, and published, from the Federal Occupational Health and Safety Agency, the state Employee Safety and Health Agency, Federal Environmental Protection Agency, state Environmental Agency, county and city Environmental Agency, Federal Department of Transportation, and the local Fire Department.
- There was a heavy amount of litigation, and extensive civil penalties, against the company, filed by the families of the company van driver, the family of the automobile passengers, local environmental activist groups, as well as opposing insurance companies.
- The company received negative public relations because of interviews that were released through the media and subsequent investigative reporting.

TLG Opinion / Comment

- *Ensure that Job Hazard Assessments (JHA) are complete and that incidental tasks such as driving company, or personal vehicles, to complete employment assignments are taken into consideration. This includes, but is not limited to, airport runs, transporting or picking up company guests, and those other incidental trips made on behalf of the company.*
- *Set up JHAs on routine review calendar or when there are changes such as any process changes, job transfers, or shift changes.*

- *Consider a driver safety program for any employee who is recognized as a full-time or an incidental driver.*
- *Any employee who handles hazardous wastes must receive training as to all aspects of their responsibilities. Verify that the responsible manager has appropriate training, as well as all employees who may be potentially involved within the waste management process. Only authorized personnel should be involved in any handling, transfer, and storage of hazardous wastes.*
- *Complete a full risk analysis on every employee task that has a hazard potential. Target any hazardous tasks for elimination, or at least, a minimization of the hazard.*
- *Conduct drills for emergencies, based on potential accidents, and assign responsibilities proactively.*



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TLG SHORT TAKES

The following list of topics has been researched by TLG Regulatory Research Team. For further information on any of these topics, please feel free to contact TLG by e-mail: liongrp@worldnet.att.net or Telephone #: **1.817.244.9107**.

NEW OSHA RECORDKEEPING RULE FOR INJURIES TO GO INTO EFFECT

According to US Secretary of Labor, Elaine L. Chao, OSHA's new rule on recordkeeping will go into effect on January 1, 2002, as scheduled. There will be some issues still requiring further definition by OSHA.

One of the issues to be defined relates to what hearing loss levels are to be considered significant. The other issue will depend on the ergonomic standard definitions.

TLG OPINION / COMMENT:

The hearing loss issue suggests that any employee hearing protection program will become a future focus of regulatory inspections. Employers should have a fully documented noise study conducted and current employee audio baseline testing completed.

US employers need to prepare for an ergonomic standard that is to be an eventual reality.

OSHA BEGINNING TO REQUEST EMPLOYERS' YEAR 2000 OCCUPATIONAL INFORMATION

OSHA has begun the distribution of 80,000 requests for occupational and workplace injury data. The process began around July 1, 2001. This annual collection process allows OSHA to determine what are the most hazardous workplaces as well as determining accident causes and trends.

OSHA states that the information will be used to focus further OSHA activities including inspections and target hazardous work sites under the Site Specific Target Plan.

There may be follow up requests for information and nonresponders may be subject to OSHA enforcement actions.

CANADA RESPONDING TO BEING USED AS THE USA'S HAZARDOUS WASTE DISPOSAL SITE

A report recently released in Canada has started a vigorous debate among Canadians. The report stated that Canada receives approximately 700,000 tons of hazardous wastes originating from the USA for final disposal. The primary reason for the use of Canada as the disposal site is based on costs and the lesser amounts of regulatory requirements. The report indicated that Canadian law was less strict as to characterizations, transport requirements, and waste originator liabilities. The report recommends a stronger regulatory oversight, increases in taxes and costs, as well as instituting liability recourse to Canada.

TLG OPINION / COMMENT:

Ensure that you are fully informed by your respective disposal company as to the final disposal site of your hazardous wastes.

If your wastes are disposed of in Canada, take proactive planning steps to change your current waste disposal management program.

Solicit information from your disposal contractor as to their opinions on their current practices and liabilities.

If your company is impacted, discuss the situation fully with your legal resources, and ask for their opinion relative to long-term liability.

EUROPE FOCUSING ON "QUALITY OF LIFE ISSUES IN THE WORKPLACE"

Comments from a recent meeting relating to Quality of Life Issues in the Workplace in Europe were published.

The meeting included the Swedish Presidency of the European Union, The European Commission, and the European Agency for Safety and Health at Work.

The report stated that the exposure of workers to adverse working conditions were as follows:

47% work in painful or tiring positions, 57% reported repetitive movements, 37% are handling heavy loads and 27% consider that their safety and health is at risk at work. Another significant "adverse work condition" was listed as "Burn-out".

The study is extensive and presents a revealing insight into how the European regulators are envisioning focus subjects and potential directives. It should be noted that various Regional Commissions and Unions in Latin America are following these developments with extensive interest.

Contact TLG (e-mail: liongrp@worldnet.att.net or Telephone #: [1.817.244.9107](tel:1.817.244.9107)) for further information on the full study contents.

BUYING GREEN IN EUROPE IS NOW EASIER

Recently, the process of buying energy efficient or recycled goods and services became easier for European government agencies. In early July 2001, the European Union (EU) defined the legal and correct way for European government agencies to make environmentally sensitive purchases. The communication interprets existing law, including internal EU treaties and the public procurement directives. There are presently no requirements for ecolabels such as the EU Flower, Nordic Swan, or FSC logos. There can, however, be requirements as to Certifications or Statements of Compliance for any firm offering to fulfill contracts or services.

The EU will hold an event in the fall of 2001 in Brussels to present details to interested parties.

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PLANS FOR AN INTERNATIONAL REGULATORY BUSINESS SYMPOSIUM

TLG, in concert with a well-known and prestigious University and Law School, is in the planning stages for a 2- to 3-day symposium on International Regulatory issues. Topics will focus primarily on aspects of business operations in the emerging global marketplace. Present plans are to host the symposium in Fort Worth, Texas, USA, in the fall of 2001 or late spring of 2002.

The symposium will include informative case studies and topics for Senior EHS Executives, Attorneys (Corporate and Private), and Senior Executives responsible for the various aspects of global operations. It will be unique in that there will be a balance of information addressing how a company can do business in present and emerging markets. Subjects will include some interesting regulatory activities that influence manufacturing, distribution, and marketing of products. Speakers may include numerous high ranking governmental and political officials (global), legal, and

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global regulatory experts. Additionally, speakers may include executive officers of companies doing business on a global basis.

TLG is soliciting ideas and comments as to desired contents for this symposium. Please feel free to contact TLG (e-mail: liongrp@worldnet.att.net or Telephone #: **1.817.244.9107**).

BRAZIL ASKING TOUGHER QUESTIONS ON ENVIRONMENTAL IMPACTS OF WASTE EMITTERS.

Brazil, as well as many other countries, is requiring extensive information as to the projected environmental impacts related to the manufacturing, distribution, and marketing of products. There are various reasons for these newer and ever expanding regulations. Some sources claim the requirements are based on monetary potentials related to trade agreements, politically driven protectionist purposes, sources of tax income from current operations, and real concerns as to environmental aspects.

TLG OPINION / COMMENT:

Review present operational permits to ensure that your operations are operating as stated in the documents. Some permits are based on "fixed" production rates,

employee headcount, energy rate usage, types of products produced, and a number of other factors.

Keep current on regional commission directives such as those found in the EU/EC, Mercosur, EEB, and others.

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