EPA Launches Back-To-Basics Agenda at Pennsylvania Coal Mine

U.S. EPA Administrator Scott Pruitt visited the Harvey Mine in Sycamore, Pa., to meet with coal miners and announce EPA’s Back-to-Basics agenda.

The agenda reinforces Administrator Pruitt’s commitment to refocusing EPA on its intended mission, returning power to the states, and creating an environment where jobs can grow.

“What better way to launch EPA’s Back-to-Basics agenda than visiting the hard-working coal miners who help power America. The coal industry was nearly devastated by years of regulatory overreach, but with new direction from President Trump, we are helping to turn things around for these miners and for many other hard working Americans,” said Administrator Pruitt. “Back-to-Basics means returning EPA to its core mission: protecting the environment by engaging with state, local, and tribal partners to create sensible regulations that

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MEMORIAL DAY
The DOT has Increased Civil Penalties for Those Who Knowingly Violate Federal Hazmat Laws and Regulations

“Hazmat safety regulations exist to keep people, property and the environment safe, and it is our responsibility to enforce these laws,” said PHMSA administrator.

The U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA) today announced that the increased maximum civil penalties for safety violations of Federal hazardous materials transportation law and the regulations issued under that law that lead to death, serious injuries or extensive property damage are now in effect.

Civil penalties are assessed for knowingly violating a hazardous material transportation law or a regulation, order, special permit or approval issued under that law. The following updated civil penalties apply to violations occurring on or after April 2017.

• The maximum civil penalty is increased from $75,000 to $78,376 for knowingly violating Federal hazardous material transportation law;
• The maximum civil penalty for knowingly violating laws and regulations that result in death, serious illness, severe injury to any person or substantial destruction of property is increased from $175,000 to $182,877;
• The minimum penalty will be $471.

“Hazmat safety regulations exist to keep people, property and the environment safe, and it is our responsibility to enforce these laws,” said PHMSA administrator Cynthia Quartersman. “When someone breaks the rules, it puts us all at risk. The consequences for doing so should be substantial enough to discourage misconduct.”

Two examples of hazardous materials being shipped improperly are:

Amazon.com, Inc.
Amazon improperly shipped a package containing flammable liquid adhesive by air via FedEx. FedEx employees discovered a gallon container of the adhesive that was leaking. The adhesive is classified as a hazardous material under the DOT regulations. Amazon offered the shipment without the requisite shipping papers or emergency response information, and did not mark, label or properly package the shipment. Amazon also failed to properly train its employees in preparing hazmat packages for shipment by air.

Alfa Chemistry
The Federal Aviation Administration (FAA) alleges that on two separate FedEx cargo flights, Alfa Chemistry shipped undeclared hazardous material that DOT regulations prohibit from being transported on passenger and cargo aircraft. The company allegedly shipped approximately one pint of Acrolein on one shipment and three additional pints on another. Acrolein can become explosive when combined with air and is classified as a toxic/poisonous material and flammable liquid under DOT Hazardous Materials Regulations.

The FAA determined Alfa Chemistry failed to properly train and test the employees who packaged the Acrolein.
Efforts by the San Juaquin Valley Air Pollution Control District to Protect Valley Residents from Toxic Emissions

*California Valley residents have seen a reduction of nearly ninety percent in cancer risk due to airborne toxins during the last two decades*

In addition to a myriad of efforts aimed at reducing ozone and particulate emissions throughout the Valley, the District also devotes significant resources and implements comprehensive strategies to reduce toxic air pollutants.

The District’s Governing Board received a detailed report on efforts by the District and authorized District staff to distribute the report to county boards of supervisors, city councils, and local health officers. The District’s integrated air toxics program integrates local, state and federal measures to prevent localized air toxic hot spots, reduce regional air toxic risk from various source categories and prevent significant risk to the public from new and expanding facilities. Through these efforts, the Valley residents have seen a reduction of nearly ninety percent in cancer risk due to air toxics during the last two decades.

**Real-time Electronic Air-Quality Display to be Piloted in Valley Schools**

In 2011, in response to requests from Valley schools for a more flexible and cost-effective alternative to the Air Quality Flag Program, the District developed the Real-time Air Advisory Network (RAAN). The RAAN program, which is also more health protective than the Air Quality Flag Program, was developed by the District in partnership with UCSF-Fresno, the American Lung Association of Central California, local asthma coalitions and Valley schools.

The RAAN’s speed and accuracy provides much greater flexibility for schools as they seek to maximize the benefits of outdoor exercise while minimizing student exposure to elevated concentrations of ozone or PM2.5. Additionally, the District explored the feasibility of schools installing and utilizing some type of visual indicator, such as an electronic billboard, perhaps with financial support from the District, to communicate the RAAN levels as they change throughout the day.

The District has now developed a prototype electronic display device in-house which was demonstrated at the March Board meeting. The District is now ready to engage schools to establish final design features and options. As the next step in establishing the final specifications and identifying and resolving deployment issues, the Governing Board approved the recruitment of up to 20 schools throughout the Valley to work with the District, and authorized the expenditure of up to $20,000 for this effort. The District will now be reaching out to schools throughout the Valley to partner with the District during the next school year.
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Signs of the Times

The U.S. Environmental Protection Agency’s Launches Back-To-Basics

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enhance economic growth.”

Administrator Pruitt spoke with coal miners about the President’s recent Energy Independence Executive Order, which directs EPA and other federal agencies to review the Clean Power Plan and revise regulatory barriers that impede energy independence, including unnecessary burdens on coal miners and coal-fired electric utilities.

“We welcome Administrator Pruitt to Southwestern Pennsylvania and are very encouraged by the new Administration’s commonsense approach in balancing the need for environmental protection, energy development and economic growth,” said Jimmy Brock, CEO of CNX Coal Resources.

“The Pennsylvania Coal Alliance looks forward to new direction from the EPA. We are hopeful that Administrator Pruitt will work with to stop the systematic regulatory approach to dismantle industry, and work with us to continue responsible mining and contribute billions to Pennsylvania’s economy,” said Rachel Gleason, Executive Director of PA Coal Alliance.

“Administrator Pruitt’s appearance should give confidence to coal communities across the country that the days when our government stands in opposition to them are over and that the appreciation they deserve for securing the nation’s energy supply for our manufacturing industries and families is finally at hand,” said Hal Quinn, President and CEO of the National Mining Association.

In his speech to Pennsylvania miners, Administrator Pruitt explained that EPA’s Back-to-Basics agenda means returning EPA to its core mission and focusing on greater value and results. EPA will be partnering with states and tribes to ensure a thoughtful approach is used to maximize resources to protect America’s air, land, and water.

**EPA’S Back-To-Basics Agenda**

Protecting the environment; engaging with state, local and tribal partners; and creating sensible regulations that enhance economic growth.

- Following the President’s Energy Independence Executive Order, Administrator Pruitt signed four notices to review and, if appropriate, to revise or rescind major, economically significant, burden-some rules the last Administration issued. This includes the so-called Clean Power Plan that threatens over 125,000 U.S. jobs.
- EPA is restoring states’ important role in the regulation of local waters by reviewing the WOTUS (“waters of the U.S.”) rule.
- EPA is clearing the backlog of new chemicals that were waiting approval from EPA, so they can go to market, and companies can innovate and create jobs.
- EPA is helping states achieve high air quality targets, clean up toxic waste sites and improve America’s water infrastructure.
- The agency is reviewing the Oil and Gas Methane New Source Performance Standards for new and modified sources, to determine whether it is duplicative.
- EPA is allocating funds for vital environmental projects that go directly to the health of our citizens, such as providing $100 million to upgrade drinking water infrastructure in Flint, Michigan.
- EPA is stopping the methane Information Collection Request (ICR) by telling businesses they no longer have this additional bureaucratic burden, with the cost to American businesses attempting to comply exceeding $42 million.
- Launched the EPA Regulatory Reform Task Force to undergo extensive reviews of the misaligned regulatory actions.
Governor Edmund G. Brown Jr. has Officially Ended the Drought State of Emergency in Most of California

“This drought emergency is over, but the next drought could be around the corner,” said Governor Brown. “Conservation must remain a way of life.”

Executive Order B-40-17 lifts the drought emergency in all California counties except Fresno, Kings, Tulare and Tuolumne, where emergency drinking water projects will continue to help address diminished groundwater supplies. Today’s order also rescinds two emergency proclamations from January and April 2014 and four drought-related executive orders issued in 2014 and 2015.

Executive Order B-40-17 builds on actions taken in Executive Order B-37-16, which remains in effect, to continue making water conservation a way of life in California:
- The State Water Resources Control Board will maintain urban water use reporting requirements and prohibitions on wasteful practices such as watering during or after rainfall, hosing off sidewalks and irrigating ornamental turf on public street medians.
- The state will continue its work to coordinate a statewide response on the unprecedented bark beetle outbreak in drought-stressed forests that has killed millions of trees across California.

In a related action, state agencies today issued a plan to continue to make conservation a way of life in California, as directed by Governor Brown in May 2016. The framework requires new legislation to establish long-term water conservation measures and improved planning for more frequent and severe droughts.

Although the severely dry conditions that afflicted much of the state starting in the winter of 2011-12 are gone, damage from the drought will linger for years in many areas. The drought reduced farm production in some regions, killed an estimated 100 million trees, harmed wildlife and disrupted drinking water supplies for many rural communities. The consequences of millions of dead trees and the diminished groundwater basins will continue to challenge areas of the state for years.

California’s Drought Response

The drought that spanned water years 2012 through 2016 included the driest four-year statewide precipitation on record (2012-2015) and the smallest Sierra-Cascades snowpack on record (2015, with 5 percent of average). It was marked by extraordinary heat: 2014, 2015 and 2016 were California’s first, second and third warmest year in terms of statewide average temperatures.

The state responded to the emergency with actions and investments that also advanced the California Water Action Plan, the Administration’s five-year blueprint for more reliable, resilient water systems to prepare for climate change and population growth. To advance the priorities of the Water Action Plan and respond to drought, the voters passed a comprehensive water bond, the Legislature appropriated and accelerated funding and state agencies accelerated grants and loans to water projects.

California also enacted the historic Sustainable Groundwater Management Act, took action to improve measurement and management of water, retrofitted tens of thousands of inefficient toilets, replaced lawns with water-wise landscaping and provided safe drinking water to impacted communities.

Californians also responded to the drought with tremendous levels of water conservation, including a nearly 25 percent average reduction in urban water use across the state.
Environmental Protection Agency Pledges Coordinated Cleanup Among Federal, State, and Local Partners

The United States Environmental Protection Agency is taking action to expedite the cleanup at the USS Lead Superfund site in East Chicago.

Administrator Pruitt was the first EPA Administrator to visit the USS Lead Superfund in East Chicago, Ind., today, to discuss cleanup and hear directly from East Chicago residents affected by contamination in their community. Administrator Pruitt was joined by Governor Eric Holcomb, Senator Joe Donnelly (D-Ind.), Senator Todd Young (R-Ind.), and Congressman Pete Visclosky (D-Ind.), as well as Indiana State Senator Lonnie Randolph (D-East Chicago) and State Representative Earl Harris Jr. (D-East Chicago).

Pruitt is the first EPA Administrator to visit the USS Lead Superfund in East Chicago, which was listed on the National Priorities List of the worst contaminated sites in the country in 2009. The site includes part of the former USS Lead facility along with nearby commercial, municipal and residential areas, including the West Calumet public housing complex.

“I’m focused on getting EPA back to the basics of protecting human health and the environment, and one of my top priorities is delivering real results for the people of East Chicago,” said Administrator Pruitt. “Since I was sworn in as administrator, funding has been secured for drinking water infrastructure upgrades in East Chicago, filters and bottled water have been provided to residents and cleanup of contaminated soil has resumed. I was glad to witness some of this work firsthand today and hear from residents who are rightfully concerned with the cleanup of their community. Their concerns were heard loud and clear, and I am committed to ensuring that the EPA works with our federal, state and local partners to find solutions that protect the health and safety of East Chicago.”

EPA has taken the following actions to expedite cleanup at the USS Lead Superfund in East Chicago under Administrator Pruitt’s leadership:

**Water Supply**
- East Chicago is receiving $16.5 million in EPA State Revolving Fund (SRF) funding for drinking water infrastructure upgrades.
- EPA, the state and the city are working together to coordinate lead service line replacement with cleanup work to expedite completion of the work and minimize disruptions.
- EPA provided 54 homes with filters and bottled water while Superfund work was underway at those properties in Zones 2 and 3. This year, Indiana will distribute filters to all residents in Zones 2 and 3.

**Remediation**
- This week, EPA resumed cleanup work in Zones 2 and 3 after the agency reached an agreement with several potentially responsible parties to fund part of this work at an estimated value of $16 million.
- This year, EPA plans to remove contaminated soil at an estimated 73 high priority properties in Zone 2.
- This year in Zone 3, EPA plans to clean up the yards at an estimated 120 properties. EPA will also test inside each home and conduct thorough cleanings as needed.
Infractions, Fines and Sometimes Jail Time...Enforcement

Agricultural manufacturer exposes workers to amputation, other safety hazards

The U.S. Department of Labor’s Occupational Safety and Health Administration’s Toledo Area Office cited the Bellevue manufacturer of agricultural oil filters for 19 serious and one other-than-serious safety and health violations including exposing workers to amputation and machine hazards.

The citations follow an OSHA complaint investigation that found employees were exposed to:
- Operating parts of machinery.
- Fall hazards because platforms lacked guard rails.
- Unintentional operation of machines during service and maintenance.
- Electrical shock due to a lack of personal protective equipment and training in safe work practices.
- Confined space hazards when entering the parts washer due to a lack of training, signage and procedures.

The company also failed to provide eye and face protection for workers exposed to battery acid and did not provide an eye wash station. Additionally, workers were not trained in operating powered industrial vehicles.

“Each year thousands of workers are injured on the job, because their employer failed to follow basic safety procedures such as providing protective clothing and installing machine safety guards,” said Kim Nelson, OSHA’s area director in Toledo. “Employers need to develop safety and health programs that are appropriate for the work tasks and ensure workers are properly trained.”

Proposed Penalties: $112,500

Metal salvage recycler’s safety salvage cited in death of maintenance manager

The U.S. Department of Labor’s Occupational Safety and Health Administration’s Toledo Area Office cited 23 serious safety violations for exposing workers cleaning the indoor gun range to lead and arsenic hazards. OSHA initiated the inspection after receiving a medical referral indicating that an employee had elevated blood lead levels.

OSHA found the company:
- Overexposed workers to lead.
- Did not monitor worker’s exposure to lead and arsenic.
- Failed to train workers on lead, arsenic and chemical hazards.
- Lacked a respiratory protection program.
- Failed to provide protective clothing such as shoe covers.
- Allowed employees to wear work clothing home, potentially exposing others to lead.
- Did not provide showers or a separate lunch facility to prevent lead contamination and ingestion.
- Lacked housekeeping procedures to remove lead and prevent employee exposure.

“Lead exposure can cause multiple serious health hazards that have life-long consequences - but it’s easily preventable,” said Kim Nelson, OSHA’s area director in Toledo. “Eliminating exposure, using engineering controls and personal protective equipment such as clothing and respirators as well as properly cleaning lead dust and particles can limit worker exposure and prevent them from transporting lead contamination home.”

Proposed Penalties: $61,200

OSHA fines USPS for exposing employees to bloodborne pathogen hazards

The U.S. Department of Labor’s Occupational Safety and Health Administration issued citations to the postal service for one serious, two willful, and three repeat health violations.

Investigation findings: OSHA began the inspection in response to a complaint alleging employee exposure to blood and other potentially infectious bodily fluids while handling packages labeled as containing biological infectious materials.

The willful violations relate to the employer’s failure to have an implemented written bloodborne pathogens exposure control plan, including performing an exposure determination and offering exposed employees the Hepatitis B vaccine. Additionally, the USPS failed to implement a hazard communication program. The employer did not properly train workers for bloodborne pathogen protection or provide them with properly-sized gloves, resulting in the other violations.

“Exposure to bloodborne pathogen hazards can result in serious or life-threatening illnesses. To reduce or eliminate these hazards at USPS’s Brooklyn facility, an exposure control plan must be implemented to protect employees and provide a safe and healthy workplace,” said Nadira Janack, director at OSHA’s Baltimore Area Office.

Proposed penalties: $342,059
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Signs of the Times

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