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INSIGHTS

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NEW WWW PERMIT SITE



EPA's Office of Reinvention has launched a www site called the Environmental Permitting Clearinghouse (http://www.epa.gov/permits). The site explores new opportunities in permitting and is a link to a wide variety of information on air, water and hazardous waste permitting. A section of the site includes innovative permits and provides access to many of the latest flexible permit experiments being conducted at the federal and state levels. Another section is devoted to general permits and there is a public forum for sharing information and ideas about permitting.

In the past, a permit was considered an inflexible item provided by a state or federal permit writer with few opportunities for protest or flexibility by the applicant. However, the permitting process is evolving into a negotiated procedure in which regulated companies are being allowed to meet permit requirements in new and creative ways that may advance rather than hinder their core business activities ■

HANDLING OSHA INSPECTIONS– DO'S & DON'T'S



(SOURCE: USPOULTRY NEWS FEB 1999)

Don't panic and become intimidated when faced with an inspection by OSHA or a state safety agency. Panic results in errors of judgment that leave a company susceptible to costly citations.

Do keep your cool by planning ahead and knowing your legal rights.

Do prepare managers for OSHA interviews. Managers should know where to access records for deaths, injuries, and illness in their department. Managers should also be prepared to share their knowledge of OSHA-mandated programs under their supervision.

Don't be afraid to stop the inspection to consult an attorney if the following occurs:

- an officer starts to go beyond the scope of a written complaint (warrant)
- intends to depose a manager (manager has right to schedule an interview and have a lawyer present)
- disrupts the work site with the inspection. ■



EPA FINES FOR CLAIMS

Question: How much does the EPA fine an establishment for making a non-registered product claim?

Answer: $100,000

In California recently, four companies were cited and fined a total of $400,000 by the EPA for making claims (mostly about bacteria killing) that they had not registered with the EPA.

The EPA has undertaken a nationwide effort to halt the distribution of products with such unverified claims. Under federal law, any chemical that claims it "prevents, destroys, repels or mitigates any pests" (including microbes, weeds, rodents, insects, etc.) must be registered as a pesticide with the EPA.

We see this frequently in the "Porta-John" industry. It is legal to say that a chemical prevents or kills odors, but it is not legal to say that an unregistered chemical kills microbes. Accordingly, ChemStation makes no such claims except for its registered disinfectant products.

RULE ON RECORDING WORKPLACE INJURIES AND ILLNESSES FROM OSHA

June 1999 is targeted for publication of OSHA's final rule on reporting workplace injuries and illnesses. If publication occurs in June, the new rule will take effect by January 1, 2000. Even if the rule is published on time, some industry groups may lobby for an extension of the January 1 compliance deadline due to the rule's complexity and impact on thousands of employers.

The final rule will implement a variety of changes to OSHA's current regulations on reporting. Under current regulations, certain employers (including distributors and manufacturers of cleaning products) with more than 10 employees are subject to record keeping requirements for occupational illnesses and injuries. Relating to the occurrence and extent of occupational injuries and illnesses that occur during the calendar year, summaries of these records are required to be posted by employers during February.

The final rule is expected to resolve some important issues including:

- How OSHA will define whether an injury or illness is work related and therefore must be recorded
- Which employers will be covered by the new requirements including a broader exemption for small businesses

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