



# EHS Compliance Update

September 2005

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## Sarbanes-Oxley: New Focus on Environmental Liabilities

In response to a wave of corporate scandals, the Public Company Accounting and Reform Act of 2002, commonly known as Sarbanes-Oxley, was signed into law in July of 2002. This Act contains a number of provisions that require publicly traded companies to improve the accuracy of their financial disclosures and establish better internal controls for financial reporting. One area where better internal controls will likely be needed is in developing processes to identify, track, quantify and assess the financial impact of potential environmental liabilities.

### SEC Environmental Disclosure Obligations

The following Securities and Exchange Commission (SEC) rules require the disclosure of environmental costs and liabilities:

- Item 101 of Regulation S-K requires companies to disclose material effects of compliance (or non-compliance) with environmental laws
- Item 103 of Regulation S-K requires disclosure of pending, non-routine litigation (with environmental litigation typically being considered non-routine) **(Continued on Page 7)**

## OSHA Labels for Portable Containers [29 CFR 1910.1200 (f)(7)]

Most containers of hazardous chemicals must be marked, labeled, or tagged with the chemical identity together with its physical and health hazards. When chemicals are purchased in bulk, they are sometimes repackaged into smaller containers for use by employees. According to [29 CFR 1910.1200\(f\)\(7\)](#), portable containers must also be labeled as described above, unless both of the following conditions apply:

- ◆ The hazardous chemical is transferred from a container that is properly labeled
- ◆ The portable container is only for the immediate use of the employee that performs the transfer

Immediate use means that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

**New Training programs SEE Page 4—Environmental Performance, Sustainable Manufacturing Practices, and Environmental Reporting, OSHA Recordables and Loss Mitigation, Air Calculations and Emission Inventories, Design an Effective Safety Management**

## What companies are getting OHSAS 18001 Certified?

- ◆ Novelis
- ◆ Pratt & Whitney
- ◆ Alcan Packaging
- ◆ Goodyear
- ◆ Dana Corp
- ◆ BAE Systems
- ◆ Pilkington
- ◆ General Dynamics

Integrating Health & Safety into your management systems can improve the performance of even the best Safety programs. Improve your EHS performance.

The more you know, the more luck you will have.

*Chinese proverb*

“With its combination of extensive domain expertise in the environmental compliance arena and demonstrated technology, Enviance has produced what we believe is the industry’s leading TRI reporting technology. Our use of the system has saved us thousands of hours of time”

**Aldo Morell**  
 Director of Safety, Health and Environment  
 DuPont

## 49 CFR 173.29- The Definition of Empty According to DOT

According to [49 CFR 173.29](#), an empty packaging meets one of the following conditions:

- The packaging is unused,
- The packaging is sufficiently cleaned of residue and purged of vapors to remove any potential hazard,
- The packaging is refilled with a material that is not hazardous to such an extent that any residue remaining in the packaging no longer poses a hazard,
- The packaging contains residue of specifically allowable hazardous materials listed in [49 CFR 173.29\(b\)\(iv\)](#). **(Continued on Page 10)**

## OSH Management Systems Standard Approved by ANSI

ANSI/AIHA Standard Z10, Occupational Health and Safety (OH&S) Management Systems, has received final approval from the American National Standards Institute (ANSI). This approval means that the standard, developed through a consensus process by a committee of experts and stakeholders from industry, labor, business, professional organizations, and government, is a fully recognized American National Standard.

The approved standard is being prepared for publication and will be available in mid-September. The American Industrial Hygiene Association (AIHA), which serves as secretariat for the Z10 Committee, is taking advance orders for the publication online at [www.aiha.org/marketplace.htm](http://www.aiha.org/marketplace.htm) or through its Customer Service Department at (703) 849-8888.

"Under the leadership of Chair Alan Leibowitz, the Z10 Committee has worked together to develop a standard of management systems and principles to help organizations continuously improve their occupational health and safety performance," said AIHA President Roy Buchan, DrPH, CIH. "AIHA salutes the dedication of the committee members who made this standard possible, and we look forward to seeing the impact their good work will have on the health and safety of working people everywhere."

The new standard enables organizations to integrate occupational health and safety (OHS) management into their overall business management systems. It focuses on principles that are broadly applicable to organizations of all sizes and types, not on detailed specifications. It is compatible with relevant OHS, environmental, and quality management standards, such as International Organization for Standardization (ISO) 9000 and 14000, and with approaches to OHS management in common use in the United States.



### EHS Management Strategies

is pleased to announce our strategic partnership with **Enviance**. The **Enviance System** is deployed at 750 facilities in over 55 companies and used by the most demanding Fortune 1000 companies and government organizations. Contact EHS for a demonstration of this powerful system free of charge at:

**JimCharlesPE@Charter.net**

"The **Enviance System** is the only system we found that had the flexibility to do whatever we needed. With other software packages, we would have needed to change our processes or customize the software - neither of which was a good option for us. With Enviance, we just set it up the way we needed and it worked right away across all 21 of our facilities."

**Celia Bayless**  
 VP, Environment, Health and Safety  
 Fujicolor Processing

## EPA Designates Mercury-Containing Equipment as Universal

Effective August 5, 2005, mercury-containing equipment is considered universal waste under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Under this rule, handlers of mercury-containing equipment are required to place mercury in specific containers to prevent releases; they must also dispose of or recycle the waste through an approved hazardous waste facility. EPA estimates that this rule will impact 1,877 generators who collectively handle 550 tons of mercury-containing equipment. Mercury is found in commonly used devices such as barometers, temperature gauges, pressure gauges, and automobile light switches.

The universal waste management system promotes recycling of mercury-containing products by providing more streamlined, less stringent requirements for collecting, storing, and transporting certain wastes (e.g., batteries, thermostats, pesticides, and lamps). The decreased regulatory burden also encourages waste handlers to dispose of these wastes properly. Overall, compliance with hazardous waste regulations is made easier by the flexibility of the universal waste standards. For instance, handlers of universal waste are allowed to collect these wastes on site for a longer period of time and are not required to use a hazardous waste transporter when transporting the wastes.

### EHS Management Strategies Clients include:

- ◆ Lear Corporation
- ◆ Alticor
- ◆ Delphi
- ◆ Dana Corporation
- ◆ American Axle & Manufacturing
- ◆ General Motors
- ◆ Steel Case
- ◆ DTE Energy
- ◆ Pfizer
- ◆ Eaton Corporation
- ◆ Median Automotive
- ◆ Exelon Energy
- ◆ Cascade Engineering
- ◆ Gill Industries
- ◆ Herman Miller
- ◆ Hayworth
- ◆ SAIC
- ◆ Honeywell

## Electronic Code of Federal Regulations (NEW)

Remember the days when we had to order and reorder the CFR's to stay current? We these days are over with the **e-CFR** website. At this site you can access all 50 Titles. No longer to you need to go search for those obscure regulatory references or wonder if you have the most up to date version. It will miss my old tattered version of 40 CFR 260 to 280 but I think I will get over it!!

<http://ecfr.gpoaccess.gov/>

## Congratulations— MDEQ Clean Corporate Citizens

The following companies have been designated as Michigan Clean Corporate Citizens.

**Akzo Nobel Coatings, Inc.**, Designated C3 on June 20, 2005, Pontiac – Oakland County

**Automatic Spring Products Corporation**, Designated C3 on August 2, 2005, Grand Haven – Ottawa County

**Cadillac Products Automotive Company**, Designated C3 on May 5, 2005, Rogers City – Presque Isle County

**Kaiser Optical Systems, Inc.**, Designated C3 on April 20, 2005, Ann Arbor – Washtenaw County

**Lear Corporation - Corporate Campus**, Designated C3 on August 2, 2005, Southfield – Oakland County

**Nicholas Plastics, Inc.**, Designated C3 on April 8, 2005, Allendale – Ottawa County

**Oetiker, Inc.**, Designated C3 on July 15, 2005, Marlette – Sanilac County

Contact us if you have any questions on how to become an MDEQ Clean Corporate Citizen.

### FREE Training PowerPoint

EHS has PowerPoint presentations on the new SPCC rules and OSHA 300 logs available for FREE. Email your request to:  
[JimCharlesPE@charter.net](mailto:JimCharlesPE@charter.net)

EHS Partners with Rule Engineering in **Denver, Colorado** to delivery Environmental & Safety consulting services. This office has a strong construction safety group and OSHA VPP expertise. Let us show you our solutions based service delivery.

**MANAGEMENT SYSTEMS**

- ◆ Advanced EMS Auditing
- ◆ **Environmental Performance and Sustainable Manufacturing Practices**
- ◆ OHSAS 18001 OH&S Implementation
- ◆ ISO 14001 Internal Auditor
- ◆ ISO 14001 Implementation for New Managers
- ◆ **Integrated Management System (9000/14001/18001)**

**EHS COMPLIANCE**

- ◆ The “Complete” Waste Management Course
- ◆ Advanced RCRA Course
- ◆ **OSHA Recordables and Loss Mitigation**
- ◆ **Air Emission Calculations and Inventories**
- ◆ **Design an Effective Safety Management Program**
- ◆ Hazwoper 8hr and 40 hr Programs and Site Supervisor
- ◆ Confined Space Entry
- ◆ Hazard Communications (Site Specific)

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**Management Systems**

**Advanced EMS Auditing:** This is a one day program designed to give your existing auditors a good understanding of the ISO 14001:2004 and key differences. We will review conformance scenarios designed to highlight key changes in the standard. We will also review the ISO 19011 guidance on EMS auditing.

**OHSAS 18001 Implementation:** This course will provide a detailed overview of the OHSAS standard and how to implement an OHSAS Health & Safety management system. Each student will leave with a good working knowledge of the standard and the tools needed to develop an HSMS.

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

**ISO 14001 Implementation for Managers:** This is a one day program designed to teach new managers or supervisors the requirements of their environmental management systems. The course will focus on the standard and provide the new manager with a good understanding of the operating requirements and their responsibilities. This program is for the new manager or manager getting ready to implement ISO 14001.

**Environmental Performance, Sustainable Manufacturing Practices, and Environmental Reporting (NEW):** This program provides an overview of strategic environmental management principles, how to measure performance, establishing effective metrics, and methods to improve your performance. We will also review the concept of environmental sustainability and how to integrate cost effective sustainable elements to your management systems.

**Integrated Management Systems:** This program is designed to show how to developed an integrated 9000, 14001 and 18001 management systems. This will include hands on exercises to demonstrate integration methods.

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**EHS Compliance**

**The “Complete” Waste Management Course (1 day):** This program provide the training required under DOT and RCRA for hazardous materials and waste management. The DOT training will cover the requirements of Subpart H, §172.700-172.704. The RCRA training includes waste characterization and management, manifesting, record keeping, training, contingency planning, universal wastes, and biennial reporting. This training meets the annual RCRA training requirements.

**Advanced RCRA Course:** This is a must for all EHS managers. After a brief review of the RCRA regulations this course will get into LDR requirements, waste delisting, waste exemptions, TSD permitting and closures, and RCRA corrective action.

**OSHA Recordables and Loss Mitigation (NEW) :** This program will review the OSHA regulations and requirements for reporting. We will review typical injuries and strategies for mitigation of injuries and minimizing Recordables.

**Air Calculations and Emission Inventories (NEW) :** This program will provide a review of the Clean Air Action and general permitting requirements. The program will review general types of emission sources and methods for calculating emission. A summary air calculation and modeling tools will be provided.

**Design an Effective Safety Management Program (NEW) :** This program will review the key elements of an effective safety program and how to establish meaningful safety metrics. Take your SAFETY performance to the next level.

**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 (1 day):** This course fulfills the classroom requirements of 29 CFR 1910.146 for Confined Space Entry.

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Training Schedule Public Courses					
Course	Cost	October	November	December	January
ISO 14001 Internal Auditor	\$699	Chicago, IL Saginaw, MI Toledo, OH	Indianapolis, IN Cincinnati, OH Traverse City, MI St. Louis, MO	Grand Rapids, MI Cleveland, OH Columbus, OH	Pittsburg, PA Buffalo, NY Houston, TX Orlando, FL
Advanced EMS Auditing (ISO 14001:2004)	\$459	Detroit, MI Saginaw, MI	Indianapolis, IN Cleveland, OH	Chicago, IL Cleveland, OH Grand Rapids, MI	Pittsburg, PA Buffalo, NY Houston, TX
ISO 14001 Implementation for Managers	\$459	Chicago, IL Saginaw, MI	Cincinnati, OH	Grand Rapids, MI	Atlanta, GA
Environmental Performance, Sustainable Manufacturing Practices, and Environmental Reporting (NEW)	\$529	Washington, DC	Detroit, MI	Chicago, IL St. Louis, MO	Cincinnati, OH Orlando, FL Philadelphia, PA
OSHAS 18000 Overview and Implementation	\$499	Lansing, MI	Chicago, IL	Indianapolis, IN St. Louis, MO	Cleveland, OH Milwaukee, WI Houston, TX
Integrated Management System Development (9000/14001/18001) (NEW)	\$529	Atlanta, GA	Detroit, MI	St. Louis, MO	
The "Complete" Waste Management Course	\$499	Detroit, MI Saginaw, MI	Indianapolis, IN Fort Wayne, IN	Grand Rapids, MI Chicago, IL	Cleveland, OH Columbus, OH
OSHA Recordables and Loss Mitigation (NEW)	\$459	San Diego, CA	Detroit, MI	St. Louis, MO	Columbus, OH
Advanced RCRA Course	\$499	Boston, MA	Cincinnati, OH	Chicago, IL	Orlando, FL
Air Calculations and Emission Inventories (NEW)	\$459		Detroit, MI	Chicago, IL	
Design an Effective Safety Management Program (NEW)	\$459	Denver, CO		Detroit, MI	Chicago, IL
Hazwoper Refresher (8 hr) (Many more locations and dates please contact EHS plus our 40 hr programs)	\$125	Indianapolis, IN Detroit, MI Lansing, MI Philadelphia, PA Denver, CO	Indianapolis, IN Chicago, IL St. Louis, MO Cincinnati, OH Madison, WI	Indianapolis, IN Detroit, MI Lansing, MI Madison, WI Philadelphia, PA	Indianapolis, IN Detroit, MI Chicago, IL Madison, WI Philadelphia, PA
Confined Space	\$299	Indianapolis, IN	Chicago, IL	Detroit, MI	Hartford, CT



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

To get specific dates and to register contact [JimCharlesPE@charter.net](mailto:JimCharlesPE@charter.net)

Don't see your location contact us!!! See [www.EHStraining.ZoomShare.com](http://www.EHStraining.ZoomShare.com) for current training schedule.

All pricing based on 30 day advanced payment subject to our cancellation policy. Add \$100 for late registrations.

## **RCRA Corner— Are small quantity generators (SQGs) and large quantity generators (LQGs) allowed to treat hazardous waste on site without obtaining a permit?**

SQGs and LQGs may treat hazardous waste on site without a permit provided they are in compliance with the applicable provisions in 40 CFR Section 262.34, and provided that the treatment is not thermal treatment (51 FR 10146, 10168; March 24, 1986). For example, in order to treat hazardous waste without a permit, an LQG must be accumulating hazardous waste on site for less than 90 days in accordance with Section 262.34, and the waste must be placed in generator accumulation units that are in compliance with Part 265, Subparts I, J, W, and/or DD. Generators should check with their implementing agencies before treating waste in accordance with Section 262.34. Some authorized states are more stringent than the federal program and require a permit for generator treatment activities.

## **OSHA VPP Update—EHS can help your site get OSHA VPP certified**

The following companies were approved last month for new or continued participation in OSHA's Voluntary Protection Programs (VPP): **Region I:** General Dynamics Aviation Services, Westfield, Mass. (Merit to Star); NBC 10 WJAR, Cranston, R.I. (Merit to Star); Hasbro Games, East Longmeadow, Mass. (Cont. Star) **Region II:** Torcon at Bristol Myers Squibb, New Brunswick, N.J. (New Demo); Williams Advanced Material Inc., Buffalo, N.Y. (New Star); General Electric Power Generation, Schenectady, N.Y. (Star Conditional) **Region III:** Uniqema, Atlas Point Site, New Castle, Del. (New Star); Paper Magic Group Inc., Troy, Pa. (New Star) **Region IV:** First Vehicle Services, Jacksonville Beach, Fla. (New Star); Sherwin Williams, Atlanta Distribution Center, Buford, Ga. (New Star); International Paper, Memphis, Tenn. (VPP Corporate Pilot) **Region V:** Uniqema, Chicago, Ill. (New Star); OSHA, Columbus, Ohio, Area Office (New Star) **Region VI:** Entergy Gulf States Inc., Sabine Plant, Bridge City, Texas (New Star); Entergy Louisiana Inc., Winnboro Service Center, Winnboro, La. (New Star); International Paper, Ft. Worth Container, Ft. Worth, Texas (New Star); Georgia Pacific, Crossett Studmill, Crossett, Texas (New Star); Entergy Louisiana Inc., Bastrop Service Center, Bastrop, La. (New Star); Entergy Operations, Jennings Service Center, Jennings, La. (New Star); Entergy Louisiana, Lafayette Service Center, Lafayette, La. (New Star) **Region VII:** BlueLinX Corp., Logistics Distribution Center, North Kansas City, Mo. (New Star); Omaha Steaks Int'l, Omaha, Neb. (New Merit); Monsanto, Agriculture Sector, Marshall, Mo. (New Star) **Region VIII:** Kalispell Post Office, Kalispell, Mont. (New Star), and **Region X:** Agrium, Conda Phosphate Ops., Soda Springs, Idaho (Cont. Star).

## **Environmental Compliance University, Grand Rapids & Detroit, MI**

EHS is pleased to announce its new “**Environmental Compliance University**” program designed for the new EHS professional both in industry and consulting positions. This will consist of a series of regulatory focused programs designed to provide an overview of the regulations and applicability to industry. These will be taught in 2-1/2 hour segments over a six week period.

The program is designed to give a good general understanding of the regulations and compliance strategies. This program will start **November 15th** 2005 from 5:00 to 7:30 PM. The cost for the program is \$999 for all six modules or each module is available for \$249. You may register by contact us at [JimCharlesPE@charter.net](mailto:JimCharlesPE@charter.net). This program will be limited to 12 people so register early!!!!

<b>Module 1</b>	<b>Hazardous Waste Management (meets 40 CFR 264 and 265 requirements)</b>
<b>Module 2</b>	<b>SPCC /PIPP/SWPP Regulations</b>
<b>Module 3</b>	<b>Chemical Storage and Reporting (Sara Tier II, Toxic Release Inventory)</b>
<b>Module 4</b>	<b>Storage Tank Management (UST and AST)</b>
<b>Module 5</b>	<b>Waste Water Regulations (CWA, NPDES Permitting, Waste Water Reporting)</b>
<b>Module 6</b>	<b>DOT Hazardous Materials Regulations (meets subpart H, 172 requirements)</b>

## Sarbanes-Oxley: New Focus on Environmental Liabilities (con't)

- Item 303 of Regulation S-K requires disclosure of business trends or events likely to have a material effect of a company's financial condition. One can easily see how certain environmental "trends or events" such as discovery/disclosure of environmental contamination (e.g. PCB in fish) might have such a material effect.

While these SEC environmental reporting rules have been in place for several years, the passage of Sarbanes-Oxley will focus additional corporate attention on identifying and quantifying environmental liabilities and costs. A December 2001 study by the SEC found that many companies did not provide adequate disclosure on environmental issues.

### Three Steps to Consider For Enhancing Your Environmental Controls

#### 1. Review Your Current Processes.

Sarbanes-Oxley requires the CEO to personally certify that adequate systems are in place to ensure accurate and material information is made known to those certifying the financial statements. This requirement suggests that top management will want to evaluate the adequacy of any processes currently being used to identify and quantify environmental costs and liabilities. These would include the processes for identifying environmental legal requirements, determining compliance with environmental laws, estimating environmental compliance and remediation costs, and tracking important environmental "trends and events" that may impact the bottom line.

#### 2. Establish an Environmental Management System

Given the increased public interest in environmental issues and substantial liabilities associated with environmental lawsuits, such as Superfund and toxic tort cases, many corporations have replaced their environmental compliance programs with environmental management systems based on ISO 14001.

An ISO 14001 management system can assist you in establishing environmental financial controls by:

- Defining environmental responsibilities and internal communication processes
- Establishing procedures for identifying legal requirements and evaluating compliance
- Establishing processes for identifying and quantifying environmental risks
- Monitoring stakeholder interests and establishing public communication mechanisms

One word of caution - don't assume that just because you have an ISO 14001 certificate on the wall, your environmental internal controls meet the Sarbanes-Oxley requirements. Many existing ISO 14001 management systems do not adequately address the Sarbanes-Oxley requirements relating to litigation risk identification and evaluation, financial materiality determination and timely internal risk communication.

#### 3. Consider Periodic Independent Third Party Reviews

One of key concepts underlying an environmental management system is continual improvement through a program of periodic evaluations or audits. Although these audits can be conducted "in-house," many companies find significant benefits associated with independent, third-party reviews.

First, internal auditors may be reluctant to criticize colleagues they have to continue working with or programs they helped develop. Second, external auditors can bring a broader perspective to help identify typical areas of environmental concern or departures from commonly accepted industry "best practices." Finally, there is often greater public credibility given to outside, impartial evaluations.

Given these benefits, corporate directors and officers may want to have periodic reviews conducted by an independent third-party

## Managing your CEO's View of Safety

Does your CEO have a realistic view of safety? Or does the CEO expect safety to solve all of the company's problems? This advice can help you align your CEO's expectations with reality.

### Safety & Business

We sometimes forget that until fairly recently, many considered safety to be an arcane subject, outside the mainstream business mission, and of interest only to the lowest levels of an organization. Much has changed in a short time. Safety has gained a greater degree of acceptance in the business world. Today, very few people still have to be convinced of the power and importance of safety. Images and issues from the world of safety have become part of mainstream corporate American business culture. New processes and programs are now touted as "revolutionizing" everything with which they come into contact.

### High Hopes. . .

But the pendulum might have swung too far. Where once safety was ignored, now it has bred unrealistic perceptions and inflated expectations--at least within some organizations. If you're a safety director or other senior executive at such an organization, this poses some real challenges. The problem of managing expectations is most acute when dealing with the CEO. After all, not only is the chief executive bombarded with messages about the wonders of technology, but so are the shareholders, analysts, board directors and others to whom the CEO must answer.

This is a recipe for out-of-control expectations, and it forces safety directors and other executives to walk a fine line. As technology advocates, they must persuade the CEO that safety is worth a hefty investment. At the same time, they must guard against promising miracles that they can't deliver.

### . . . And 4 Ways to Manage Them

Having worked with CEOs, I have observed how expectations between CEOs and other executives ebb and flow. Here are four techniques that I have found to be effective in managing CEO expectations and keeping them in line with reality:

#### 1. Keep Your CEO Informed

Schedule regular briefings to keep your CEO up-to-date with developments, both within your company and in the larger world. Categorize developments according to their business impact--such as regulatory requirements that your company must meet now, or investments that may provide a competitive advantage. If you propose a change, give a realistic forecast of the costs, training time and work disruptions involved. If you unduly overestimate costs expecting a cut, you may lose your credibility. If they cut the costs you have provided them real costs, not inflated ones. It is best to forecast costs as closely as possible to real costs. Your CEO will begin to understand that you have a knack for providing true costs and have respect for you.

#### 2. Speak in Business, Not Technical Safety Language

Whenever possible, translate technical details into business benefits. Similarly, the best way to justify a large expense is to delineate its contribution to future revenue. Try to quantify benefits with hard numbers. Example: **(Continued on Page 9)**

### Virtual EHS Manager

Nobody can know every aspect of EHS regulations and available technologies. Additionally, small to medium sized firms can not afford to hire full time EHS managers. With the **Virtual EHS Manager** you have access to experts in:

- ◆ Waste Management
- ◆ Air Quality
- ◆ Water Treatment and Permitting
- ◆ MSDS Preparation
- ◆ Indoor Air Quality
- ◆ OSHA Recordables
- ◆ Ergonomics
- ◆ Job Hazard Analysis
- ◆ EHS Training
- ◆ ISO 14001
- ◆ OHSAS 18001
- ◆ Site Remediation
- ◆ SPCC / SWPPP
- ◆ Process Safety Management

You be assigned a fulltime EHS professional who will become familiar with your operations and be able to these and other EHS issues. EHS provides the support through our network of senior level EHS experts/

For \$99/month you could hire an EHS manager and tap the expertise of a full EHS staff.

## Managing your CEO's View of Safety (Con't)

"A 20 percent decrease in incident rates means a corresponding increase in the productivity and profit and minimizes operating costs." Keep the technical jargon to a minimum. For example, don't give the OSHA definition of a LTA, or EPA's definition of a spill, but rather phrase it in terms the CEO can understand. Your CEO is probably more interested in profits and losses than LTAs.

### 3. Remember the Human Impact of Change

Change may be good, but it's not always easy. The biggest challenge of implementing a safety management system, for instance, is not the implementation per se, but changing the way people do their job. Make sure your CEO understands and prepares for possible employee resistance to any new system. Be sure the benefits of the change outweigh the costs, and explain those benefits to all employees early on to get them on board.

### 4. Don't Make Promises that You Can't Keep

Over-promising is probably the leading cause of unreasonable expectations. It's also something you can prevent. For example, a massive new behavior-based safety program may very well reduce incident rates. But it won't necessarily bolster profits. So don't tell your CEO that it will.

### Conclusion

There's a lesson to be learned from media-savvy sports coaches who publicly praise their upcoming opponents, even if the team is terrible. The idea is to show some respect, to not anger the opponents and to manage the expectations of fans so they don't take victory for granted. These same tactics can pay off for safety executives like you. If you oversell benefits and undersell challenges, you're feeding unrealistic expectations and setting yourself up for a fall. On the other hand, if you make conservative predictions (under-promise) and deliver business solutions that exceed expectations (over-deliver), your CEO will see you consistently as a winner--and rightly so.

## EHS Consulting Services

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

- ◆ SPCC Certification and Planning
- ◆ Environmental Management Information Systems (EMIS) implementation and training
- ◆ Safety Management, Workman's Comp and Insurance Optimization
- ◆ EHS Auditing
- ◆ EHS Compliance Planning and Training Development
- ◆ Sustainability Planning
- ◆ Environmental liability assessments and financial reporting
- ◆ Site remediation technology and closure evaluations
- ◆ Integrated Contingency Planning—SPCC, Stormwater, RCRA
- ◆ Hazardous Waste Management and Cost Minimization
- ◆ ISO 14001 / OHSAS 18001 Management Systems / OHSA VPP
- ◆ ASTM Phase I/ BEA / Due Diligence

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.**

**FREE EHS Training Matrix**  
Need a comprehensive list of EHS training requirements with regulatory citations? EHS will provide you a FREE training matrix just for the asking. Simply email us your request.

**Are you transitioning your EMS to ISO 14001:2004?**

**EHS can:**

- ◆ Train your internal auditors with our 1-day program
- ◆ Update your Leal & other requirements and link these to your aspects
- ◆ Complete a compliance assessment

**Give us a call.**

To subscribe to this newsletter or information on any of these services contact:

**EHS Management Strategies**  
Suite 100  
5605 Kies St  
Rockford, MI 49341  
(616) 866-9152  
JimharlesPE@charter.net

## RMP Compliance

*When completing the off site consequence analysis for a Risk Management Plan, how does the owner or operator determine the worst case release quantity?*

For substances in vessels, the worst case release quantity is the largest amount present in a single vessel. For substances in pipes, the worst case release quantity is the largest amount in a pipe. Facilities may take into account administrative controls that limit the maximum quantity (Section 68.25(b)).

## DOT Empty (Continued)

An empty package must have all markings, labels, and placards removed, obliterated, or securely covered in transportation. However, this does not apply to packagings in a transport vehicle or freight container if the packaging is not visible in transportation and the packaging is loaded by the shipper and unloaded by the shipper or consignee.

Any packaging that is NOT empty must be offered for transportation and transported in the same manner as when it previously contained a greater quantity of hazardous material. That is, the packaging must have all of the appropriate marks, labels, placards, accompanying shipping papers, and emergency response information.

EHS Partners with  
**AMERICAN REMEDIATION**  
Through this partnership  
we can bring you  
innovative and patented  
**REMEDIATION**  
Technologies and Site  
Closure Services.

- ◆ Product Recovery  
[\(MAV Systems™\)](#)
- ◆ Soil Remediation  
[PER-PETUAL System™](#)
- ◆ Groundwater Cleanup  
[\(E-DOT™\)](#)

Contact us at  
[JimCharlesPE@charet.net](mailto:JimCharlesPE@charet.net)  
to find out how these  
systems can save  
significant costs for  
site clean-up.

Remediation using good old American ingenuity, new ideas, and experience.  
*Three Highly Effective & Low Cost Remediation Technologies*

**PER-PETUAL SYSTEMS**  
Patent # 6,517,388

**MAV SYSTEMS**  
Patent # 6,517,388

**E-DOT SYSTEMS**  
Patent # 6,517,388

## How Cost Effective are these systems?

	Average Installation Capital Cost	Time Average Operational Cost	Estimated Average Clean-up
<b>E-DOT System</b>	\$ 25,000 - \$ 35,000	\$ 250 / month	2 years
<b>PER-PETUAL System</b>	\$ 28,000 - \$ 38,000	\$ 1,000 / month	1.5 years
<b>MAV System</b>	\$ 28,000 - \$ 38,000	\$ 180 / hour	100 - 150 hours

<b>Compliance Programs</b>	<b>Cost <sup>(1)</sup></b>
<b>DOT Training <sup>(2)</sup>:</b> EHS 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.	\$1,599
<b>Advanced EMS Auditor Training <sup>(2)</sup>:</b> EHS will deliver a one day training program to your internal auditors to provide an update of the ISO 14001:2004 Standard and review of advanced auditing materials. The last portion of the program will be evaluating conformance scenarios relative to the revised standard.	\$1,599
<b>Environmental Compliance Assessment:</b> EHS has developed a risk based approach to conducting environmental compliance assessments needed 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 days onsite audit, and preparation of an audit report. A draft assessment report will be issued with a detailed list of findings and finalized upon approval from the client.	\$3,400 (1-day) \$4,600 (2-day)
<b>IT EHS Compliance Assessment:</b> EHS has developed this program for companies looking for ways to stream line their EHS compliance systems using IT Tools. This program includes an initial review of your EHS programs to determine data flow and reporting needs. We will then meet to review options for optimizing your systems and reducing the man-hours needed to maintain compliance and develop recommendations for your site.	\$1,699
<b>ISO 14001 Internal Auditor Training <sup>(2)</sup>:</b> EHS 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.	<b>\$3,500</b> <b>\$3,200</b>
<b>ISO 14001:2004 JumpStart:</b> This is a one day program design for those that need to upgrade their EMS to meet the ISO 14001:2004 standard. This program includes 2-hour training sessions for the plant's EMS team on the revised standard, review of the EMS, and development of detailed action plan. The action plan will include detailed tasks, responsibilities, and schedule for completion.	\$1,599
<b>ISO 14001 or OHSAS 18001 QuickStart:</b> This is program designed for those getting ready to implement an ISO 14001 or OHSAS 18001 management system. EHS will meet with plant management to identify the goals, help establish the implementation team, review of existing management systems, training for implementation team, and prepare a detailed implementation plan.	<b>\$3,500</b> <b>\$2,900</b>
<b>Integrated Contingency Planning:</b> Many sites have multiple contingency plans required under various regulatory programs. EHS has developed this program to allow sites to develop a single integrated contingency plan (ICP). A PE will review the existing contingency plans and site operations to determine which regulations are applicable. EHS will then prepare a boiler plate ICP under the applicable regulatory programs and coordinate data collection with plant personnel and preparation of a draft ICP. Once the draft plan is completed, EHS will review the ICP, provide detailed list of discrepancies, and certify the final plan.	<b>\$3,450</b> <b>\$3,200</b>
<b>In Plant Services:</b> Many times a plant EHS manager needs temporary help to get a project completed or EHS expertise to help resolve a compliance issue. EHS will provide a senior level professional to support your projects – permitting, EHS reporting, waste water optimization, site remediation, or any others.	<b>\$599/day</b> <b>\$499/day</b>
<b>SPCC Upgrade Program:</b> This is a two day program designed to update and certify your existing SPCC plan to meet the requirements under the revised regulations. A professional engineer will spend two days at your location to complete the following tasks – review your existing SPCC Plan, verify current oil/chemical management procedures, identify plan updates, development of a detailed action plan, and presentation of needed changes to plant staff. This program includes a 1-1/2 hour presentation to plant personnel on the regulation changes and certification of the updated plan. The second day will be spent developing a detailed action plan that includes all changes needed, assigning responsibility, and a schedule for completion.	<b>\$2,400</b> <b>\$1,799</b>
<b>SPCC Review/Certification:</b> A PE will spend one day at your facility reviewing your updated SPCC plan and providing certification. Any discrepancies be discussed and PE will complete a final review and issue certification of your plan.	\$1,199

(1) The above pricing is all inclusive plus travel costs. Travel time is billed one-way at \$40/hour plus expenses. Pricing is based on pre-payment of services and can be made using a procurement or credit card, or check.

(2) Training courses provide training materials and documentation for up to 8 people. Additional students billed at \$200.

**(3) DISCOUNTED** pricing for work booked in October, November, and December 2005.