

Overview of OSHA Requirements

As an employer you are responsible under the ***Occupational Safety and Health Act*** to provide a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm to your employees. You must comply with standards, rules and regulations issued by OSHA under the ***Act***. You must be familiar with the standards and make copies available to employees for review upon their request. OSHA's regulations are contained in ***Title 29, Code of Federal Regulations*** (CFR) Parts 1900-1910.

Copies of various OSHA standards are available for purchase through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (phone 202-512-1800) (fax 202-512-2250). Payment may be made by check payable to the GPO Deposit Account, or with VISA or MasterCard.

OSHA coverage of state and local government workers

Some transit systems may be part of a state or local government. As such, state and local government workers are excluded from Federal coverage under the Occupational Safety and Health Act of 1970 (the "OSH Act"). However, states operating their own state workplace safety and health programs under plans approved by the U.S. Department of Labor cover most private sector workers and are also required to extend their coverage to public sector (state and local government) workers in the state. Section 2 (11) of the OSH Act encourages states to develop and operate their own state OSH programs.

OSHA and Transportation Systems

As a transportation system, you have responsibilities under OSHA for both your vehicles and your facilities. OSHA requirements for bloodborne pathogens are covered in a separate section (please refer to the table of contents). Other OSHA areas are addressed below.

Facility Safety/Hazard Audit Checklists

Facility safety includes having exit lights in appropriate locations, the availability of first aid and bloodborne pathogen clean-up kits, eye-wash stations, and identifying chemical hazards. Hazard audits are an important part of your overall safety program, and will help you identify safety concerns before they become safety catastrophes. Although not required, a Hazard Audit Checklist



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will assist you in identifying areas that are in compliance and those areas that will require corrective action.

As you conduct your audit, be aware of, and address, the following fundamental safety areas:

- Basic Design Deficiencies;
- Inherent Hazards;
- Malfunctions;
- Maintenance Hazards;

- Environmental Hazards; and
- Human Factors.

While not covered by OSHA regulations, during your audit, look for areas that may contain mold spores. Mold spores can result in allergic reactions and cause health concerns to those exposed to mold.

The Hazard Audit Checklist areas that do not apply to your operation can be removed and discarded. Perform regular walk-throughs periodically depending on the size of your transportation system, at least once each quarter; inspections should be performed annually. Your hazardous material inventory should also be checked regularly; additions and deletions to the inventory should be made as they occur.

Fire Safety

Fire extinguishers should be checked regularly and maintained. As part of your overall safety program, regularly review the location of fire extinguishers in your facility with all of your employees, and review the procedures for their use. If possible, work with your local fire department for regular fire safety reviews, and drills. Smoke detectors should also be regularly checked and batteries replaced. At a minimum, replace the batteries in all smoke detectors in the spring and fall coinciding with the beginning and ending of daylight savings time.



Hazardous Material Storage

Another good management practice is to maintain an inventory of hazardous material(s). List all the areas where hazardous material(s) are stored. Inspect and record the condition of the storage area and its suitability for hazardous material containment.

Maintaining a record of the contents of storage areas will be particularly helpful in the event of an emergency. For example, if a fire were to occur at your facility, the fire department personnel responding to the call could be warned of dangerous conditions that might exist if the storage area were to be engulfed in fire. Your inventory of hazardous material(s) should be kept at three separate locations:

- at the storage area (posted outside);
- in the Administrative Offices (filed); and
- at the local fire station (filed with other emergency information).

Use a separate sheet for each storage location. On each form, list the hazardous substance, the type of danger it poses, and the amount that is stored for each location. The categories to be used in classifying a possible hazard are:

- Toxic (harmful if inhaled or swallowed);
- Flammable (catches fire easily); and
- Caustic (burns skin if touched).

To keep an accurate record of which hazards might be present in a storage area, the listing should be compiled on an annual basis. For this reason, the date on which the inspection was completed is crucial.

Each storage area should be evaluated. If the storage of the material(s) fails to meet the standard for the storage of that material, the problem should be noted in a comment section and resolved immediately. For example, flammables stored next to sources of flames (water heater/furnace). To ensure that the problem is fixed, another inspection should be scheduled within six weeks after the first evaluation.

All chemicals which employees may be exposed to under normal conditions of use or in a potential emergency must be evaluated for hazards. Chemical

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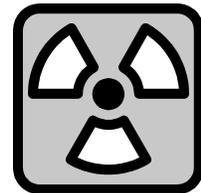
manufacturers and importers must evaluate chemicals they produce or import to determine if they are hazardous using available scientific evidence. Transportation systems are not required to evaluate chemicals unless they choose not to rely on the manufacturer or importer's evaluation. This chemical hazard information, as well as appropriate protective measures, must be communicated to employees of the transportation system by the following methods:

- a written hazard communication program in the workplace, including lists of hazardous chemicals present;
- proper labeling of chemicals in the workplace;
- preparation and distribution of Material Safety Data Sheets (MSDS); and
- employee training regarding hazardous chemicals and proper safety measures.

Commonly found hazardous materials include batteries, paint, lubricants, antifreeze, and cleaning materials, among others.

Written Hazard Communication Program

The Hazard Communication Standard written by the Occupational Safety and Health Administration (OSHA), also known as "Employee Right-to-Know," is designed to inform and train employees in the proper recognition, use and handling of hazardous chemicals or products. In order to comply, a company must prepare a written hazard communication plan, maintain an up-to-date inventory of hazardous chemicals or products at the workplace, and label containers of hazardous chemicals or products. In addition, Material Safety Data Sheets (MSDS) must be readily available to employees and training must be provided to employees working with hazardous chemicals or products.



The written hazard communication program must be made available to a representative of the Assistant Secretary of Labor for Occupation Safety and Health (USDOL) or Director of the National Institute for Occupational Safety and Health (USDOHHS) upon request.

Labeling of Hazardous Chemicals

All containers of hazardous chemicals in the transportation system must be labeled in English with the identification of the chemical and appropriate hazard warnings. Portable containers for transferring hazardous chemicals do not need to be labeled. If the chemical is regulated by an OSHA substance-specific health standard, the labels must meet all requirements of that standard.

Material Safety Data Sheets (MSDS)

Material Safety Data Sheets (MSDS) must be maintained for each hazardous chemical used by a transportation system. Workers exposed to hazardous chemicals have the right to know the identities and hazards of those chemicals, as well as the appropriate means to protect themselves from adverse health effects. Any chemical that poses either a physical hazard (such as flammability) or a health hazard (such as causing damage to the skin or eyes) is covered by the OSHA rules. (Examples of hazardous chemicals they might use). There are several hundred

hazardous chemicals. Not all will be used in your system, the most common hazardous chemicals that you may encounter are diesel and gasoline fuel, cleaning supplies, batteries, and

OSHA does not require that MSDSs be provided to purchasers of household consumer products when the products are used in the workplace in the same manner that a consumer would use them, i.e.; where the duration and frequency of use (and therefore exposure) is not greater than what the typical consumer would experience. This exemption in OSHA's regulation is based, however, not upon the chemical manufacturer's intended use of his product, but upon how it actually is used in the workplace. Employees who are required to work with hazardous chemicals in a manner that results in a duration and frequency of exposure greater than what a normal consumer would experience have a right to know about the properties of those hazardous chemicals.

anti-freeze. Depending on the amount of exposure by the employee, you may need MSDSs for the hazardous chemicals. This includes hazardous materials used in administration, operations, and maintenance. Transportation systems will receive appropriate MSDS from the chemical manufacturer or importer with, or just prior to, an initial shipment of the chemical (or with the first shipment after a MSDS update). If it is not provided, the transportation system should obtain one as soon as possible. The information contained on the MSDS must accurately reflect all scientific evidence used when making the hazard determination. Any new information regarding the hazards of the chemical or ways to protect

against the hazards must be added to the MSDS within three months of discovery.

MSDSs must be readily accessible to employees when they are at their work areas. If work is carried out at more than one location, the MSDSs may be kept at a central location within the facility. MSDSs may be kept in any form, including operating procedures, and may cover groups of chemicals instead of individual chemicals where hazards of a process are particularly important. However, the required information for each chemical must remain readily accessible. In addition, MSDSs must be made available upon request of representatives of the Assistant Secretary of Labor for Occupation Safety and Health (USDOL) or Director of the National Institute for Occupational Safety and Health (USDOHHS).

Employee Information and Training

The transportation system must train and inform employees regarding hazardous chemicals when they are initially assigned to a particular area, or when a new hazardous chemical is introduced. This training and information sharing must include, at a minimum:

- a description of the transportation system's requirements;
- ways to detect the presence of a hazardous chemical in their work area, such as visual appearances, odor, etc.;
- physical and health hazards of chemicals;
- appropriate work practices, emergency procedures, and personal protective equipment to be used when dealing with hazardous chemicals; and
- the location, availability, and description of the overall hazard communication program, including an explanation of the labeling system, material safety data sheets, inventory sheets, site report sheets, and how employees can obtain additional information about hazardous chemicals.



Conducting a facility audit, identifying hazardous chemicals, and appropriate employee training is good management. Identifying and correcting hazardous conditions will result in a safer work environment for you and your employees.

Underground Storage Tanks

If your transportation system has an underground storage tank you need to be aware that on August 8, 2005, President Bush signed the Energy Policy Act of 2005. Title XV, Subtitle B of this act (entitled the Underground Storage Tank Compliance Act of 2005) contains amendments to Subtitle I of the Resource Conservation and Recovery Act - the original legislation that created the underground storage tank (UST) program. This new law significantly affects federal and state underground storage tank programs. Those who own underground storage tanks will be impacted by the changes EPA and states make in their tank programs as a result of the law. Further information on compliance with these requirements can be found at the U.S. Environmental Protection Agency (EPA) website, www.epa.gov/OUST/ustsystem/tanko&m.htm. Or, contact the West Virginia Department of Environmental Protection, Office of Waste Management; UST/LUST Section; 1356 Hansford Street, Charleston, WV 25301; phone, 304-558-6371; fax, 304-558-2387; or www.dep.state.wv.us/item

RESOURCES

- *Operating and Maintaining Underground Storage Tank Systems: Practical Help and Checklists.* (EPA 510-B-05-002). September 2005; this publication can be found at: <http://www.epa.gov/OUST/pubs/ommanual.htm>
- Current information concerning underground storage tanks may be accessed at: <http://www.epa.gov/OUST/ustsystem/tanko&m.htm>
- A good hazard audit check list is available at: <http://www.psm.act.gov.au/documents/checklist.pdf>
- Additionally, OSHA publishes the Small Business Handbook that will assist you in your audit. This may be downloaded at: <http://www.osha.gov/dcsp/smallbusiness/small-business.html#gather>
- West Virginia Department of Environmental Protection, www.dep.state.wv.us.