
CERBERUS EHS

FACT SHEET 14: OSHA HAZWOPER PLANS

1.0 INTRODUCTION

Emergency incidents arising from mismanagement of hazardous materials pose a significant threat to human health and safety. The Occupational Safety and Health Administration (OSHA) has issued a safety standard that specifically protects workers in certain occupations who are required to respond to emergencies that involve hazardous materials or wastes. This safety standard was promulgated as part of Title I, Section 126(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and became effective on March 6, 1990. The OSHA standard appears as 29 CFR § 1910.120. It is titled *Hazardous Waste Operations and Emergency Response*. It is commonly referred to as **HAZWOPER**. HAZWOPER was incorporated into the Construction Standards as 29 CFR § 1926.65 on June 30, 1993

2.0 SARA, TITLE III

Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 is a law designed to inform communities and responders about chemicals and chemical hazards present and transported in the community. The law involves the community in developing emergency planning and response plan and helps to identify facilities that might be subject to the law. SARA Title III is also known as the Emergency Planning and Community Right-to-Know Act (EPCRA). It is a key part of the amendments to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) laws¹.

3.0 HAZWOPER AND SARA

HAZWOPER and SARA, Title III were enacted to protect the health and safety of the population in the event of an uncontrolled release of hazardous materials. HAZWOPER protects the health and safety of employees and individuals who respond to hazmat emergencies. SARA is concerned with the protection of the community at large. HAZWOPER requires facilities to plan for emergencies whenever there is a potential for an emergency to occur that involves hazardous substances. SARA requires LEPCs and SERCs to coordinate emergency response organizations including fire departments, police departments, and hospitals and to utilize the information provided to them by reporting facilities.

¹ CERCLA laws are also known as Superfund laws.

4.0 APPLICABILITY OF THE STANDARD

The HAZWOPER standard applies to employees engaged in the following emergency response operations unless the employer can demonstrate that that the operation does not involve employee exposure or the reasonable possibility for employee exposure to safety or health hazards:

- clean-up operations involving hazardous substances that are voluntary or that are required by a government body (federal, state, or local) at an uncontrolled hazardous waste site;
- corrective actions involving operations at sites covered by RCRA;
- operations involving releases of hazardous wastes conducted at treatment, storage, or disposal facilities (TSDFs);
- emergency response operations involving the release or substantial threat of a release of hazardous substances without regard to the location of the hazard (must comply with § 1910.120 (q)).

These training requirements apply to employees working in general industry, such as commercial businesses and institutions. State, county, and municipal employees, including police, ambulance workers, and fire fighters are covered by these regulations in states that operate their own OSHA approved safety and health programs. Similar EPA regulations apply to such employees in non-plan states.

The EPA regulations are based on the HAZWOPER regulations detailed in 29 CFR, 1910.120. The EPA regulations were developed as Title I, Section 126(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and became effective on March 6, 1990. These regulations are entitled Worker Protection Standards for Hazardous Waste Operations and Emergency Response and are found in 40 CFR § 311.

5.0 WRITTEN EMERGENCY RESPONSE PLAN

5.1 APPLICABILITY OF THE WRITTEN PLAN

The employer is required to develop and implement a comprehensive, site specific, written health and safety plan under this OSHA standard (29 CFR § 1910.120). The health and safety plan must be accessible to all affected employees at all times.

If a facility does not have an emergency response plan or an emergency action plan, the employer must prove that the chemicals and the quantities used at the facility will not develop into an emergency incident if released in a worse-case scenario. If there is a potential for a hazmat emergency to exist, the employer must plan for it.

If employees are expected to handle only incidental releases and the release escalates beyond this level, employees are expected to evacuate. The employer must have a plan in place to describe these activities. If an employee is expected to respond beyond this level they must be trained to the level that is appropriate for their job duties and responsibilities.

5.2 EMERGENCY RESPONSE PROCEDURES

A hazardous materials emergency is a sudden and unexpected event that requires immediate and urgent action be taken to control, remediate, or minimize the danger to people, property, or the environment. The purpose of the written emergency procedures is to identify, quantify, evaluate, and control health and safety hazards at the emergency scene and to provide essential emergency response procedures for remediation. The basic emergency response plan may be broad and generally applicable to the site as long as it is supported by appendices that assure that the company is prepared for the particular hazards of specific likely emergencies. Proper pre-planned emergency response procedures are often essential to the success of an emergency response operation. The employer is required to have developed and implement a written emergency response plan prior to beginning hazardous waste operations.

The written plan cannot be expected to work unless all affected employees are thoroughly familiar with its implementation. Each individual at the emergency response scene should understand their role during emergency operations, even if the individual is only required to evacuate the area and is not directly involved in defensive or offensive emergency response activities. Information in the emergency plan must be reviewed periodically and amended when necessary to ensure that it remains applicable to existing site conditions. Emergency procedures described in the plan must be rehearsed regularly to ensure that employees remain familiar with them. Evacuation drills, mock spills, and tabletop exercises are beneficial methods to ensure that such familiarity is maintained.

The written emergency response program maintained by the employer is required to contain specific and detailed information on the following topics:

- pre-emergency planning and coordination with outside parties.
- personnel roles, lines of authority, training, and communication.
- emergency recognition & prevention, including site monitoring
- safe distances and places of refuge
- site security and control
- evacuation routes and procedures
- decontamination
- emergency medical treatment procedures
- emergency alerting & response procedures
- critiques of response & follow up
- PPE and emergency equipment
- information & training
- medical surveillance

The emergency response procedures in the plan should be compatible with the emergency response plans of other local, state, and federal agencies and should be compatible with the regulatory requirements of different agencies. The employer may make use of applicable portions of the state or local emergency response plans to avoid unnecessary duplication.

5.3 DISTRIBUTION OF THE EMERGENCY PLAN

Pre-emergency planning and coordination are essential to implementing a prompt and effective response to any emergency HAZMAT situation. Knowing who to contact and the proper emergency procedures to follow can save critical time during emergency situations. This is the reason that OSHA requires employers to maintain a comprehensive work plan for HAZWOPER operations.

- All persons and organizations with a designated emergency response role should be thoroughly familiar with the aspects of the plan which affect them.
- Copies of the plan should be provided to all emergency coordinators and the emergency response organizations that will play a role during the actual emergency.
- Copies of the plan should be made available to all other employees.
- All employees receive instruction relative to their designated response role - *even if that role is simply to evacuate the premises*. Training should include evacuation drills as well as verbal instructions. Whenever possible the drills should incorporate participants from local response organizations (fire, ambulance, police, spill contractors, etc.).