

24-Hr HAZWOPER Module 1

Introduction and Overview

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Section 1.1 Introduction to HAZWOPER

Improper management and handling of hazardous materials (HAZMATs) can have negative effects on the environment, cause harm to people's health, and even lead to fatalities. It's important for workers who handle HAZMATs to learn proper management and handling techniques in order to prevent incidents where these materials are released into the environment.

It can be challenging to define hazardous waste and the process of regulating it is complex. The Resource Conservation and Recovery Act (RCRA), passed in 1976, provided a framework for proper management of hazardous waste from "cradle to grave," including creation, transportation, treatment, storage, and disposal. The Occupational Safety and Health Administration (OSHA) developed the Hazardous Waste Operations and Emergency Response regulations (HAZWOPER) and the Hazard Communication Standard (HCS) to protect workers who may come into contact with HAZMATs during cleanup work, at hazardous waste facilities, or when responding to emergencies. HAZWOPER and HCS are published in the 29 Code of Federal Regulations (CFR) § 1910.120 and 1910.1200, respectively. Note that the HAZWOPER standard is the same for general industry as it is for the construction industry. Table 1.1 below summarizes how hazardous waste regulations have evolved over time.

Table 1.1 Hazardous Waste Regulations Have Evolved Over Time

1970	Occupational Safety and Health Act (OSH Act)	Established Occupational Safety and Health Administration.
1976	Resource Conservation and Recovery Act (RCRA)	This act set rules for how hazardous waste is created, moved, handled, and disposed of.
1980	Comprehensive Environmental Response, Compensation, and Liability Act. CERCLA (Also called the Superfund)	This act created a system for dealing with unexpected spills of hazardous waste and for addressing environmental harm caused by hazardous waste disposal sites that were not controlled or abandoned prior to the RCRA's establishment.
1983	Hazard Communication Standard (HCS)	HCS required manufacturers and importers of chemicals to evaluate the hazards associated with the chemicals they produce and distribute.
1986	Superfund Amendments and Reauthorization Act (SARA)	SARA title 1 required federal OSHA to issue regulations protecting workers engaged in hazardous waste operations
1990	Hazardous Waste Operations and Emergency Response Standard (HAZWOPER)	This Standard laid out guidelines for employers who work with hazardous waste or respond to emergencies involving the release of hazardous substances, in order to ensure the health and safety of those involved.
2012	HazCom2012 or HCS2012	Adopted the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) to improve safety and health of workers.

The HAZWOPER regulations apply to employers engaged in five categories of work operations mentioned in 29 CFR 1910.120(a)(1)(i-v), which are:

- i. Clean-up operations required by a government body, whether federal, state, local or any other involving hazardous substances that are conducted at uncontrolled hazardous waste sites.
- ii. Corrective actions involving clean-up operations at sites covered by the Resource Conservation and Recovery Act of 1976.
- iii. Voluntary clean-up operations at sites identified by governmental bodies as uncontrolled hazardous waste sites.
- iv. Treatment, storage, and disposal facilities operations that involve hazardous waste operations, for instance, a landfill that accepts hazardous waste.
- v. Emergency response operations that involve the release of hazardous substances, for instance, a chemical spill at a manufacturing plant.

Note that these can be grouped into three categories: clean-up operations, TSD facilities, and emergency response.

1.1.1 Hazardous Waste Sites and Generators

A hazardous waste site is an area (land or water) contaminated by hazardous waste that poses a risk to human health or the environment. Abandoned or uncontrolled hazardous waste sites that EPA identifies for cleanup are known as Superfund sites. Such sites can be on public or private property.

Many businesses produce hazardous waste as a byproduct of their operations, and they typically store it temporarily before sending it to a facility that specializes in treating, storing, or disposing of hazardous waste (known as a TSD facility).

The term "generator" refers to any individual or organization that produces hazardous waste as listed or characterized in part 261 of title 40 of the CFR. The amount of hazardous waste generated in a calendar month determines which regulations apply to the generator.

Under RCRA, hazardous waste generators are the first link in the hazardous waste management chain. It is the responsibility of generators to determine if their waste is hazardous and to ensure that it is properly managed and treated prior to recycling or disposal. Generators must document that the hazardous waste they produce is appropriately identified, managed, and treated. After generation, hazardous waste transporters can move the waste to a facility that can recycle, treat, store, or dispose of it. Treatment, storage, and disposal facilities (TSDFs) provide temporary storage and final treatment or disposal for hazardous waste.

Section 1.2 Worker's Rights and Protections

The Occupational Safety and Health Act of 1970 (OSH Act) was enacted to ensure the safety of workers and prevent workplace-related injuries and fatalities. Under this law, employers are required to provide a work environment that is free from known hazards. The OSH Act established the Occupational Safety and Health Administration (OSHA) to enforce safety and

health standards in the workplace, as well as provide training and assistance to employers and workers.

1.2.1 Workers' Rights under the OSH Act

1. Right to file a confidential complaint:
2. Right to information and training
3. Right to access work-related injury and illness records
4. Right to obtain test results and monitoring data
5. Right to access medical records
6. Right to participate in an OSHA inspection
7. Right to file a complaint against employer retaliation
8. Right to protection as a whistleblower

Employers must respect and uphold these rights to ensure a safe and healthy workplace for their employees. OSHA's ultimate goal is to ensure that every worker returns home unharmed at the end of the workday, which is the most important right of all.

1.2.2 Employer Responsibilities

Employers have a crucial responsibility to ensure a safe workplace for their employees. They must comply with all OSHA safety and health standards and provide working conditions that are free from known hazards. Here are the key responsibilities of employers:

1. Display the OSHA poster
2. Inform workers about hazards
3. Provide training
4. Keep records
5. Perform tests and monitoring
6. Provide protective equipment
7. Comply with OSHA citations
8. Notify OSHA of a workplace fatality or injury
9. Prohibit retaliation against workers for exercising their rights under the OSH Act

1.2.3 OSHA Worksite Inspections

OSHA conducts worksite inspections to enforce the law and protect workers' rights. Inspections are initiated without advance notice and are carried out by trained compliance officers. The priorities for inspections are based on various factors such as imminent danger, fatalities or hospitalizations, worker complaints, targeted inspections for specific hazards or high injury rates, and follow-up inspections.

During inspections, employers are not informed in advance, regardless of whether they are in response to a complaint or programmed inspections. Workers have the right to request an on-site OSHA inspection if they believe there are potential workplace hazards or violations. They

can file a complaint with OSHA to initiate an inspection. Workers are protected from employer retaliation for exercising their rights, including filing a complaint.

Complaints can be filed through different methods, including submitting the OSHA complaint form online, mailing or faxing the form, or calling the local OSHA regional or area office. During an inspection, workers have the right to have a representative accompany the inspector, engage in private conversations with the inspector, and participate in meetings before and after the inspection.

After the inspection, if OSHA determines there are violations of standards or regulations, they issue citations and proposed penalties to the employer. Employers must post a copy of the citation in the workplace. Workers and employers have the right to contest citations, and workers can contest the time given to correct hazards.

If OSHA decides not to conduct an inspection or issue a citation, workers have the right to request a review of the decision by the OSHA regional administrator. It's essential for workers to know their rights and protections against retaliation under the whistleblower provisions of the OSH Act.

Workers have the right to refuse to work in situations that present a risk of death or serious physical harm if there is not enough time for OSHA to inspect and the condition has been brought to the employer's attention. Workers should not leave the worksite solely because they filed a complaint.

OSHA's goal is to ensure safe and healthful workplaces, protect workers' rights, and address hazardous conditions promptly. Workers are encouraged to familiarize themselves with their rights and reach out to OSHA for assistance when needed.