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CollisionWeek Feature

Compliance with New OSHA Cr(VI) Regulations Deadline May 30

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All repair facilities need to be in compliance with new OSHA Hexavalent Chromium regulations. The process of compliance does not have to be difficult, but needs to be done.

On May 30, 2007, all collision repair facilities in the country will be required to comply with new OSHA regulations regarding employee exposure to Hexavalent Chromium. Until now, only shops with 20 or more employees were required to be in compliance with the regulations that have been in effect since May 30, 2006.

All shops need to prove to an OSHA inspector that their employees' exposure has been assessed.

Hexavalent chromium is a compound that was widely used in pigments for automotive and other coating products. Most automotive refinish paint manufacturers have either eliminated or severely reduced the amount of this compound in their products- but the compound can also come from other sources in the shop, including sanding and welding.

In order to be compliant, a shop must be able to show, upon inspection, that their employees are not exposed to Hexavalent Chromium (Cr(VI)) levels that exceed the newly lowered OSHA limits.

The new OSHA regulation drops the permissible level of employee exposure to Cr(VI) by more than 90 percent, from 52 micrograms per cubic meter over an 8-hour day to just 5 micrograms. In addition, other requirements of the regulation go into effect if exposure levels are even half that of the new requirement (2.5 micrograms), referred to as the Action Level.

According to Colette Bruce with Team Safety LLC, personal protective equipment (PPE) worn by collision repair employees exposed to minimal amounts of Cr(VI) is the same as that already in use to protect them from exposure to isocyanates and solvents. In addition, Colette's experience so far through actual air sampling, is that most shops whose employees are using up to date equipment and best work practices, are not exposed to CR(VI) in amounts that even come close to the new lower limits set by OSHA.

Colette says, "Unless we had Hexavalent Chromium lab results that were coming back skyrocketing then we would have a different situation. But we're not. It's all based upon the fact that their spraying in a paint booth, have the proper ventilation, are using HVLP spray guns, dustless sanding systems, and all of the other regular control measures that a good shop would already have in place to comply with other regulatory requirements."

"We've conducted several types of sampling. We sampled an individual during only the sanding process and another individual during only the painting process," explained Colette. "In one of the shops I tested, we sampled an individual that was only welding and did not do sanding or painting, and he still came back with minimal exposure levels."

But knowing all of that is not enough. Shops need to prove to an OSHA inspector that they have done either the required testing, called a hazard assessment by OSHA- which involves air monitoring, or the objective data research.

"Most shops are not doing the testing," according to Colette. "In the OSHA regulations, they will accept what is called objective data- that is one of the methods of gaining compliance, through the use of objective knowledge, effectively they are saying shop A was actually tested to be below the permissible levels and Shop A is a representative sample of my shop, therefore my shop is below the permissible levels."

"There are many variables involved, and that is why it is ultimately the shop owner or management that must make the final decision to conduct the air sampling or use objective data for their compliance. We have what's called our Collision Care Compliance Program specifically for the collision repair industry and this issue is one of the area's we assist shops all over the country with."

"Considering I am in the middle of an OSHA Local Emphasis Program for Body Shops in the Kansas City Area, I don't recommend any shop taking a wait and see approach," Colette advised.

"Fines are averaging around \$1,000.00 for not having conducted the respiratory hazard assessment and this was under a Local Emphasis Program, so the fines are usually not as severe," explained Colette. "The primary goal of an OSHA Local Emphasis Program is to protect employees by helping shops get in compliance, not discipline them, although it may seem that way to some shop owners."

If a shop feels that it may not be in compliance, Colette recommends they begin by contacting either their 3M Representative, or other respiratory protection supplier, who can conduct some of the required hazard assessment testing for Solvents. Shops also can call a professional safety company, such as Team Safety LLC in order to get in compliance. Either method would likely cost half of what the possible cumulative fines for non-compliance would be.

"One recommendation I can make is that the paint reps could locally organize sampling at a few shops, and make the data available to their local clients, so each shop can make a decision on their own compliance [through the objective data method]. A local rep here [in Kansas City] is doing this," Colette said.

Another possibility would be for associations on a local or regional level to do the same. "The smaller the group the better," Colette noted. "If a shop is using objective data, they should ideally have first hand knowledge of the shop they are comparing themselves to. A national-sized group cannot objectively cover everyone."

"Shops or associations could even call us and we could point them in the right direction," Colette offered.

Taking the time to get in compliance is very important Colette explained. "That's so much further ahead than the majority of shops out there. A shop's intent to protect the health of its employees says a lot. You can see in a shop what the intentions are, from the ownership and the management, as to whether they are even concerned. Having made the effort to comply is very strong in the eyes of OSHA," Colette noted.

Colette Bruce can be reached by e-mail at Colette@teamsafety.us or visit the Team Safety Website at www.teamsafety.us.

OSHA currently has several Local Emphasis Programs going on which affect the collision industry, and specifically Isocyanates, in the following OSHA Regions:

Region II - New York, New Jersey

Region VII - Kansas City Area/Western Missouri and St. Louis Region

Region VIII - Denver

Shops in these area's should especially beware. These programs can change and add another Region at any time or even expand within a region.

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