

## **NEWMOA Hazardous Waste Conference Call February 23, 2016**

### **Topic: Guidance on Health and Safety Training for RCRA Inspectors**

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**Participants:** CT DEEP (2 people); Mass DEP (3 people); NH DES (3 people); NJ DEP (4 people); NYS DEC (11 people); RI DEM (1 person); VT DEC (3 people); NEWMOA (1 person)

The lead state was MA.

### **Background**

From a recent EPA memo, it would appear that EPA may be requiring state RCRA inspectors to get a 24 hr. initial health and safety training with an 8 hr. refresher annually. What does each state do to meet this requirement, what training is required in each state, how frequently do inspectors get the refresher/what is required to be reviewed, are other states following EPA's new guidelines or has anyone been held to this new standard?

### **What does each state do for health and safety training?**

**MA-** has some variability in having their inspectors receive 40 hr. or 24 hr. initial HAZWOPER training; most inspectors are already 40 hr. trained when they come to DEP. They use hazmatschool.com for the Comprehensive HAZWOPER refresher, they cover slip, trip, and fall training in house as well as perform other on the job training. DEP staff sometimes do EPA inspector training. The training is more advanced RCRA and not so much health and safety, although it was covered in EPA's advanced course. Emergency response receives a higher level of training.

**CT-** In 1987 OSHA cited DEEP (then called DEP) for not having a health and safety plan; CT OSHA gave DEEP training (40 hr.) and DEEP subsequently attended EPA's response training.

In 1990-98, 8 hr. refresher and respirator training with Fire Academy was conducted. In 1998 DEEP no longer funded the 8 hr. refresher through the Fire Academy and started doing the refresher in house. In 2004, a new DEEP safety coordinator decided that inspection staff no longer needed training; decided that sites that the inspectors traveled to were already under remediation and no DEEP RCRA staff needed OSHA training any longer. The DEEP does not do basic training, no respirator training, no medical monitoring. In 2009, DEEP purchased new respirators but does not offer training. The respirators have been unused. DEEP no longer has a training plan because they determined it is not needed.

**NH-** Requires HAZWOPER 40 hr. for inspectors as well as an 8 hr. refresher, which is done in-house. This year the 8 hr. refresher will be all online. DES has a respirator/medical monitoring program for their spill response team. DES staff can go to other program's trainings. DES goes to FLETC training in GA when funds are available.

**NJ-** Has a fairly robust training program. Staff going to remediation or Treatment, Storage, or Disposal Facility (TSDF) sites for inspections require 40 hr. training. OSHA requires that the refresher is not to be conducted online. The refresher must be live and in person. Once a year medical monitoring is conducted for inspection staff. Staff can go longer than a year between appointments, depending on the frequency they travel into the field. NJ requires respirator training for inspectors and yearly fit testing. Staff that collect samples at sites are also required to have initial 40 hr. training, an 8 hr. refresher, and respirator training. Blood borne pathogen training is required for staff that interacts with biological waste. DEP has to take on some training functions themselves to meet their own requirements. DEP does trainings in-house based on employees skills, which include a review of: hazardous waste operations, hazcom, site characterization (i.e., air monitoring, devices, meters), site control (i.e., traffic and railroad), blood born pathogens, confined space, excavation, internal standard operating practices (SOPs), health and safety plan, work dog training, fall protection and heat/cold stress. DEP has an internal group that does a lot of the environmental, health, and safety training and related work. DEP uses apps to help them determine certain site conditions and other information. These apps can be used to identify humidity which applies to heat stress. DEP uses YouTube videos to break up internal trainings and strongly encourages other states to use OSHA's website for training examples and helpful information. DEP appropriates money for equipment yearly; this is something they take very seriously to prevent injuries. Need to replace hard hats regularly as well as boots, vests, and gloves. NJ agreed to share their training materials with the group.

**NY-** For the past 27 years DEC has had the remediation staff focused on being in compliance with 1910.120. DEC was not under the impression that their inspectors would need training. If there was required training it may need to be separate from what their remediation group gets. The 40 hr. initial training is done locally through private contractors. NY also sends certain people to supervisor training every three years. DEC performs baseline medical monitoring, fit tests for respirators, and they document a buddy system for new employees. The buddy system includes 24 hours of normal field experience as well as 16 hours of off-hour emergency response. Their team members must complete this training before they get their own work vehicle, and perform site visits without a team member. DEC also offers training in: first aide, CPR, defensive driver, emergency vehicles operator training (5 days), backing up a vehicle, air monitoring, rail car, confined space, lime disease, biological contamination, personal protective

equipment (PPE), and possibly hearing protection. NY provides operation technician training with fire department within the last three years for spill responders. That constituted training 110 people over 5 days for the hazmat technician role.

**RI-** DEM requires the 40 hr. HAZWOPER training and annual 8 hr. refresher through the fire academy. Some RI employees do advanced inspector and emergency trainings too.

**VT-** At one point 40 hr. training was required for DEC inspectors, which included spill response training. The respirator program came and went. DEC is down to a barebones inspector training program now. Their last two hires already had 40 hr. training and subsequent refresher course. Last summer, DEC hired a new inspector, and they determined that the 40 hr. was not applicable/did not need to be conducted for that employee. VT OSHA and DEC collaborated and decided that HAZWOPER was not applicable to inspectors. They determined that only remediation staff would require the 40 hr. training. VT believes that the 24 hr. training including: hot/cold stress; vehicles operations; and slip, trip and fall was more applicable to what their inspectors would be involved in.

### **What is relevant to RCRA in terms of training requirements?**

**VT-** DEC is reliant on facility staff to direct inspectors towards health and safety requirements such as proper PPE when visiting a site. If a room requires more than level D, DEC staff does not go into that part of the facility. DEC instructs their staff to remove themselves from areas that they are uncomfortable entering. A few facilities do not think they need more PPE, but DEC staff may disagree and not enter those areas. DEC has no good way to address areas that would require respirators. DEC will ask facility personnel to take photos or do tasks that staff cannot safely do. DEC staff do not sample drums. Inspectors are response level trained but enter the site after remediation has begun.

**CT-** Interpreted 1910.120 as referring to sampling at an uncontrolled site or a spill response situation. Introduction to EPA memo was unclear. DEEP staff spoke with EPA contact, who said that the standards are required only for people who are doing work specifically on behalf of EPA. An example is performing a Phase I for EPA. Based on this conversation, the training requirement does not apply to all RCRA staff, even if they work in an authorized state. EPA system is capable of accepting state personnel. DEEP suggested that NEWMOA write a letter to EPA requesting clarification of their memo.

**NJ-** DEP staff have taken both 24 and 8 hr. classes provided by EPA. They believe they are good classes. Their Air Division is not required to take 40 hr. training so they suggested that Air take the 24 hr. training. DEP staff believe that the online courses through NETI are very good and to take some of the elective courses. When completed participants receive a completion certificate. These trainings are good for resource challenged groups. DEP believes there is little difference between the 40 hr. and EPA 24 hr. trainings, material is very similar. EPA has planes and boats, and their training discusses these, may not be relevant to states. The core topics covered by EPA were good. EPA training does cover everything in HAZWOPER. EPA 8 hr. is good in addition to what normally is required of inspectors.

**NY-** DEC is adjusting their 8 hr. refresher to incorporate more pertinent topics. They scale the programs/trainings to what DEC staff need. Would appreciate clarification from EPA about what is required.

General discussion showed that most states were unsure if the EPA training requirement pertains to them. State programs do not know if 1910.120 would even apply to inspectors. Is EPA trying to make 1910.120 apply to state inspectors? Some states have both remediation and RCRA inspectors under the same category and other states have the programs separated.

**Do states need to maintain credentials? Do the credentials need to be on the inspector's person? Will EPA be asking inspectors for EPA credential?**

**NH-** NH does have badges issued by the State. DES staff keep 40 hr. card and refresher card on them.

**MA-** Does not have state or EPA credential.

**VT-** VT does not have state or EPA credential.

**CT-** CT has a state issued credential.

**NJ-** NY's EPA credential cites 1910.120 and other training requirements.

**NY-** NY has badge showing they are compliant with EPA inspection training requirements. NY has EPA credential.

### **Follow-up**

The group discussed having NEWMOA send EPA a letter to request clarification on their health and safety memo. The letter would ask EPA if states need a badge/credential and if the training requirements outlined in their memo apply to state RCRA inspectors. State programs need clarification on EPA-issued credentials and how staff can maintain EPA credentials. Ross Bunnell, CT DEEP and Bret Putnam volunteered to work on a draft of a letter.

NJ DEP staff will share the training resources they have been using and found to be helpful.