

OSHA's National Emphasis Program - Occupational Exposure to Isocyanates

Prepare for an Inspection Before OSHA Arrives on Your Doorstep

By: Donald P. Gallo & Carolyn A. Sullivan
Reinhart Boerner Van Deuren s.c.

As we summarized in our previous article [*insert link to Please Be Aware - OSHA's National Emphasis Program - Occupational Exposure to Isocyanates*] and as detailed in OSHA Directive Number CPL 03-00-017 (the "Directive"), https://www.osha.gov/OshDoc/Directive_pdf/CPL_03-00-017.pdf, the Occupational Safety and Health Administration ("OSHA") has started inspecting workplaces as part of its National Emphasis Program - Occupational Exposure to Isocyanates (the "Isocyanates NEP"). The purpose of the program, which took effect June 20, 2013, is to protect workers in general, construction and maritime industries from the serious health effects caused by occupational exposure to isocyanates. Isocyanates irritate mucous membranes and the gastrointestinal and respiratory tracts. Workers who are exposed to isocyanates can suffer serious health problems stemming from allergic cross-sensitization, occupational asthma, dermatitis, bronchitis, and hypersensitivity pneumonitis.

OSHA's program combines enforcement (inspection targeting) and outreach to employers (letters, speeches, training sessions, news releases, and compliance assistance) to raise awareness of the health effects associated with occupational exposure to isocyanates. The site selection system targets multiple industries and focuses on evaluating inhalation, dermal, and other routes of occupational exposure to isocyanates.

Because OSHA inspections can lead to fines and enforcement actions, PMA members should plan ahead to ensure that they are already in compliance when an OSHA inspector arrives at the door. PMA member Thombert, Inc. recently found itself in this position when an inspector from the Iowa Work Force Development visited on September 9, 2013. Fortunately, Thombert's management team was prepared and organized, thus faring very well in the inspection. Thombert has agreed to share its experience to help other PMA members prepare for their own inspections.

- The inspector started the visit by providing a letter from the Iowa Work Force Development, Division of Labor Services stating that the inspection was being conducted pursuant to OSHA's Isocyanates NEP. Facilities are selected for inspection based on their North American Industry Classification System (NAICS) or Standard Industrial Classification (SIC) codes, as referenced in the Directive. According to the inspector, Thombert was the first company in Iowa to be randomly selected for an inspection under the Isocyanates NEP.
- The inspector asked to see extensive documentation, including Thombert's: Hazard Communication Program; chemical lists; OSHA 300A forms for the last 5 years; isocyanates monitoring records; safety training plans – especially pertaining to HAZWOPER, chemical spills, and isocyanates; personal protective equipment assessments; Material Safety Data Sheets; and , fire-exit diagrams. Thombert also supplied the inspector with documentation of its Isocyanates NEP project plan. The inspector expressed surprise when Thombert's Manufacturing Manager, Dr. Maureen (Mo) Lockwood, supplied him with all the requested documentation.
- In addition to the document review, the inspector interviewed all employees who work in the molding area and returned two weeks later to perform air sampling. The sample results were

mailed to Thombert and were all non-detectable, except for one very low reading that was far below the applicable limit (Thombert is taking corrective action for the one detectable finding).

- Based on information gleaned from the inspector's interviews, Thombert will tailor future training and information sharing to address that: some employees did not understand the difference between the isocyanate ventilation that is engineered into production and the cooling ventilation that it provides for employee comfort; and, Thombert's production employees misunderstood negative air conditions and their potential adverse effect on isocyanate ventilation effectiveness.

Thombert's organized documentation and non-detectable air readings resulted in an inspection with no adverse findings. Thombert believes that this excellent outcome can be attributed to:

- Studying the Isocyanates NEP;
- Being prepared for an inspection;
- Training employees for awareness and understanding; and,
- Performing routine air monitoring and striving for all non-detectable readings.

Finally, in addition to preparing ahead of time for an Isocyanates NEP inspection, employers should assess their overall OSHA compliance status. OSHA's website contains a Compliance Assistance Quick Start for General Industry that uses a stepped process to help employers identify major OSHA general industry requirements and guidance materials and directs them to compliance resources on OSHA's website:

- Step 1: OSHA Requirements That Apply to Most General Industry Employers
- Step 2: OSHA Requirements That May Apply to Your Workplace
- Step 3: Survey Your Workplace for Additional Hazards
- Step 4: Develop a Comprehensive Jobsite Safety and Health Program
- Step 5: Train Your Employees
- Step 6: Recordkeeping, Reporting and Posting
- Step 7: Find Additional Compliance Assistance Information

https://www.osha.gov/dcsp/compliance_assistance/quickstarts/general_industry/index_gi.html.

We would like to extend our thanks to Dr. Maureen (Mo) Lockwood and Thombert President Richard (Dick) Davidson for granting permission to PMA to share Thombert's experience with other PMA members so that we can all benefit from the information.

If you have questions about OSHA inspections under the Isocyanates NEP or any other OSHA program, please contact Jennifer Rzepka/PMA at 414-431-3094 or Donald P. Gallo/RBVD at 262-951-4555 or Carolyn Sullivan/RBVD at 262-951-4536 or Mike Kocak/CUE at 724-772-5225.

References:

See also: Please Be Aware - OSHA's National Emphasis Program - Occupational Exposure to Isocyanates By Donald P. Gallo, Esq. and Carolyn A. Sullivan, Esq. Reinhart Boerner Van Deuren s.c. in prior Polytopics for more specifics about the OSHA's program.

OSHA: Isocyanates, <https://www.osha.gov/SLTC/isocyanates/index.html>.

OSHA Trade News Release,
https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=24273

OSHA Instruction, Directive Number CPL 03-00-017, National Emphasis Program - Occupational Exposure to Isocyanates, https://www.osha.gov/Postdoc/Directive_pdf/CPL_03-00-017.pdf.

Workplace Safety and Health Topics: Isocyanates, <http://www.cdc.gov/niosh/topics/isocyanates/>.

OSHA's NEP on Isocyanates, https://www.osha.gov/OshDoc/Directive_pdf/CPL_03-00-017.pdf.