

## **RCRA-OSHA TRAINING REQUIREMENTS OVERLAP**

This document describes potential areas of overlap between RCRA and Occupational Safety and Health Administration personnel training requirements.

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## PERSONNEL TRAINING - RCRA/OSHA OVERLAP

### Affected Requirements:

40 CFR 262.34(a)(4) states that large quantity generator (LQG) waste management personnel must be trained in accordance with the requirements of 265.16.

40 CFR Parts 264.16 and 265.16 require facilities to train waste management personnel. Facility personnel must complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of Section 265. The program must teach facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. At a minimum, the program must ensure that employees are able to respond to emergencies and must include training on emergency procedures, equipment and systems. Personnel must complete the training within six months of employment and take part in annual refresher training. For each employee, the owner or operator must maintain documentation of the job titles, employee names, job description, and the type and amount of training provided.

Generally, RCRA training requirements for Part 265 facility personnel will include:

- Elements of the RCRA Contingency Plan
- Communications or alarm systems
- Standard operating procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment
- Key parameters for automatic waste feed cut-off systems
- Use and limitations of personal protective equipment
- Response to fires, explosions, groundwater contamination incidents and shutdown of operations.

The EPA small quantity generator (SQG) regulations do not specify or give additional guidance on training requirements. Training for SQG facilities is generally less detailed than for Part 264/265 facilities.

We believe that the burden associated with RCRA training could potentially be reduced by eliminating RCRA requirements that overlap with OSHA's.

Two types of OSHA requirements exist; those applicable to any facility and those establishing Hazardous Waste Specific Training. OSHA training requirements that may be applicable to *any* facility include the Hazard Communication Program (29 CFR 1910.1200), which requires training in the physical and health hazards of chemicals in the work area; protective measures including work practices and personal protective equipment; and an explanation of labeling systems and material safety data sheets (MSDSs). Also required is Safety and Health Hazards training, which can include training on:

- Confined Space Entry
- Lock Out-Tag Out
- Respirator Use
- Personal Protective Equipment
- Powered Vehicles
- Fall Protection

- Working with toxic chemicals
  - Arsenic
  - Lead
  - Cadmium

Facilities that have the potential for an emergency to occur due to an uncontrolled release of hazardous substances or hazardous raw materials are required to provide training required under HAZWOPER 29 CFR 1910.120 paragraph (q). Employers who have hazardous waste storage areas must provide training required under either 29 CFR 1910.120 (p)(8) or (q) for those areas. However, both paragraphs provide exemptions from the basic requirements if the employer intends to evacuate all employees in the event of an emergency and call in a trained emergency response team. In this case employers must provide an emergency action plan and training in accordance with 29 CFR 1910.38(a). The training requirements of 29 CFR 1910.38 are minimal, requiring the training of a sufficient number of persons to assist in the safe and orderly evacuation of employees in the event of an emergency.

The basic requirements of OSHA HAZWOPER paragraph (q) include the provision that all employees who work in and are where there is a potential for an uncontrolled release must have sufficient awareness training to recognize that the emergency response situation exists and to initiate emergency response procedures. This “Awareness Level” training typically takes 4 hours to complete and includes training in the following areas:

- (A) An understanding of hazardous substances and the risks associated with a release.
- (B) An understanding of the potential outcomes associated with an emergency created when hazardous substances are present.
- (C) The ability to recognize and identify the presence of hazardous substances in an emergency.

Other tiers of training are specified and may be required depending on the duties and function of the employee. For employees who may have to respond to a release to protect persons, property, or the environment, “Operations Level” training is required. This level typically takes 12 hours to complete and includes the training provided in Awareness Level plus additional training. Other training levels include Hazardous Materials Technician and Hazardous Materials Specialist.

Facilities that are required to provide training under RCRA can include this training with OSHA HAZWOPER training without an extension in the number of training hours (per an OSHA policy directive). The big difference is in how records are kept. For OSHA, records must merely show the employee name and date of training. For RCRA, the records required under 264.16(d) and 265.16(d) require much the same. However, permitted and interim status facilities must maintain documents as specified at 264.15(d)(1) through (3). EPA could consider providing detailed guidance regarding the crosswalk between OSHA and RCRA training requirements, taking into consideration the existing OSHA guidance and the need to ensure adequate training of personnel.

The following table provides a summary of RCRA training requirements and the corresponding OSHA 1910.120 requirements where they exist. OSHA has other job-specific training requirements that may apply, depending on job activity and function. As can be seen from the following table, the RCRA and OSHA requirements are very closely aligned. RCRA requirements are more stringent only in the following areas:

- Scope of employees covered,
- Scope of and length of time for training record retention,
- Recordkeeping regarding who has been trained,
- Scope of training on standard operating procedures, and
- Scope of training on automatic waste feed cutoff systems.

It is anticipated that burden reductions can be instituted through changes in the record retention and recordkeeping requirements. For almost all other RCRA training elements, it may be possible to defer specific requirements to those specified in OSHA regulations.

### Crosswalk Between OSHA and RCRA Training Requirements

RCRA Training Requirement	OSHA Training Requirement	Comment
264.16(a)(1) Basic Requirement-- Personnel must successfully complete a program of instruction or training which meets certain minimum requirements	1910.120 (p)(7)(I) Basic Requirement-- Personnel who are exposed to health hazards or hazardous substances at TSD operations must successfully complete a 24 hr initial training program which will enable the employees to safely perform their assigned duties.	OSHA requirement meets or exceeds RCRA. Note that non-exposed employees do not require OSHA 1910.120 training.
264.16(a)(1) Setting for instruction-- Program must consist of classroom instruction or on-the -job training.	1910.120 <i>App. E - Training Curriculum Guidelines - (Non-mandatory)</i> suggests that training should be conducted in a facility that has sufficient resources, equipment, and site locations to perform didactic and hands-on training when appropriate. OSHA does not address using on-the-job training to meet the requirements of initial training except at 1910.120 (p)(7)(ii) which allows employers who can show by an employee's previous work experience or training that the employee has had training equivalent to the initial training.	OSHA requirement may be more restrictive than RCRA which allows on-the-job training.
264.16(a)(2) Training director--The program must be directed by a person trained in hazardous waste management procedures.	1910.120(p)(7)(iii) Trainers must have completed a training course for teaching the subjects they are expected to teach or they must have the academic credentials and instruction experience necessary to demonstrate a good command of the subject matter and competent instructional skills.	OSHA requirement meets or exceeds RCRA.
264.16(a)(3) Program Design--The training program must be designed to ensure at a minimum that facility personnel are able to respond effectively to emergencies.	1910.120(p)(7)(I) Training should enable employees to perform their assigned duties in a safe and healthful manner so as not to endanger themselves or other employees.	OSHA requirement meets or exceeds RCRA.
264.16(c) Facility personnel must successfully complete the program within six months of their assignment to a facility.	1910.120(p) and 1910.120 App E - <i>Training Curriculum Guidelines - (Non-mandatory)</i> Initial training should be provided prior to beginning work.	OSHA requirement more stringent than RCRA.
264.16(c) Facility personnel must take part in and annual review of the training program.	1910.120(p)(7) Refresher training is required annually. OSHA specifies 8 hr training.	OSHA requirement is more stringent than RCRA.

RCRA Training Requirement	OSHA Training Requirement	Comment
264.16(a)(1) Employees Covered-- Training is required for Facility personnel. 1910.120(p)(7)	1910.120(p)(7) Employees Covered--Only employees exposed to health hazards or hazardous substances.	Some employees may require training under RCRA but not under OSHA..
264.16(d) Training Records Maintenance--The owner/operator must maintain documentation of training at the facility.	1910.120 App E - <i>Training Curriculum Guidelines - (Non-mandatory)</i> Records should be maintained by the training provider.	OSHA requirement is the same as RCRA.
264.16(e) Training Records Retention-- Training records on current personnel must be kept until facility closure; records for former employees must be kept for three years.	1910.120 App. E - <i>Training Curriculum Guidelines - (Non-mandatory)</i> Training records should be maintained for a minimum of five years after an individual participated in a training program.	OSHA requirement is generally less restrictive than RCRA
264.16(d) Recordkeeping--The owner/operator must maintain the following: (1)The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; (2) A written job description for each position; (3) a description of the amount and type of both initial and continuing training that will be given to each person; (4) documentation that required training was provided to appropriate facility personnel.	1910.120 App. E - <i>Training Curriculum Guidelines - (Non-mandatory)</i> Records should list the dates courses were presented, the names of attendees, names of those students successfully completing each course, and the number of training certificates issued to each successful student.	RCRA requires more detailed recordkeeping than OSHA.
Training Course Content 264.16 (a)(3) and <i>Permit Applicant Guidance Manual for General Facility Standards of 40 CFR 264.</i>  (See specific training core requirements/guidelines below)	Initial Training Course Content 1910.120(p)(7) and 1910.120 App. E - <i>Training Curriculum Guidelines -RCRA Operations Training for Treatment, Storage, and Disposal Facilities</i> and other OSHA regulations as specified  (See specific training core requirements/guidelines below)	See specific training core requirements/guidelines below. Note that OSHA allows employers who can show by previous experience or training that employees have had equivalent training do not need to reaccomplish initial training.

RCRA Training Requirement	OSHA Training Requirement	Comment
1. Elements of the RCRA Contingency Plan	1. Emergency response plan (RCRA Contingency Plan is acceptable) including emergency alerting and response procedures, emergency equipment, pre-emergency planning and review of emergency contingency plans.	OSHA requirement is generally the same as RCRA.
2. Communications or alarm systems	2. Emergency response plan including emergency alerting and response procedures	OSHA requirement is generally the same as RCRA.
3. Standard operating procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment	3. Emergency response plan including emergency alerting and response procedures, emergency equipment, pre-emergency planning	RCRA requires more detail than OSHA.
4. Key parameters for automatic waste feed cut-off systems	4. Not covered in training curriculum	RCRA requires more detail than OSHA.
5. Response to fires, explosions, groundwater contamination incidents and shutdown of operations	5. Emergency Response program training; review of fire and explosion hazards	OSHA requirement is generally the same as RCRA.
6. Chemical characteristics of wastes	7. Review of chemical and biological hazards; principles of toxicology	OSHA requirement is generally the same as RCRA.
7. Types and limitations of personal protective equipment	8. Review and hands-on exercise with personal protective equipment. Annual refresher training for respirator wearers is required.	OSHA requires more detail than RCRA.
8. Proper operation of industrial trucks and other machinery	9. Forklift and industrial truck driver training program (1910.178(l)(0)	OSHA requires more detail than RCRA.
9. Basic first aid	10. Emergency response plan and procedures including first aid	OSHA requirement is generally the same as RCRA.