

## ***SAFETY & TECHNOLOGY ORGANIZER***

JANUARY 2015

### ***ENCLOSED***

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**Safety Topic: Chemical Inventory Reporting**

Please contact GAWDA's DOT and Security Consultant, Mike Dodd for more information.

**Traffic Bulletin: *Post-accident Drug and Alcohol Testing (382.303)***

Please contact GAWDA's DOT and Security Consultant, Mike Dodd for more information.

**Medical Gas Bulletin: Frequently Asked Questions, Medical Gas Roundtable, Micro Audit.**

**Q – Do I really need to do the burning splint test for the Nitrogen, NF identity?**

Please contact GAWDA Medical Gas Consultant, Tom Badstubner for more information.

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*GAWDA is pleased to distribute this information to: Distributor and Supplier Key Contacts and all Compliance Manual Owners. Please carefully review this mailing and be sure the information is passed to the appropriate person within your organization. Timely Safety data is a benefit of Membership in GAWDA*



## January 2015 Safety Topic

### Chemical Inventory Reporting

#### Emergency Planning and Community Right-to-Know Act (EPCRA)

Do you own any bulk tanks at a customer site? An owner of bulk installations at a customer site has a duty under EPA regulations (Section 312) to notify the customer of their obligation to file Tier Form reports for each hazardous chemical that meets or exceeds the threshold planning quantities. The reminder must be mailed to an appropriate customer representative by February 15, each year. The supplier must document its efforts to notify its customers of these requirements.

If the customer owns the bulk unit, then you are not required to remind or notify them on their reporting obligations.

Hospitals are exempted from the notification and reporting obligations. (Section 311(e)(4) of EPCRA and 40 CFR 370.2 and 355.20 of the regulations exclude from the definition of "hazardous chemical" any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.)

### SARA Title III Reporting

March 1 is the filing deadline for your Hazardous Chemical Inventory Report. This report usually is submitted on a Tier I or Tier II Form. Keep in mind that your state may require one of these forms be used over the other or even have its own special form. Your state may even have different reporting quantities. Check with your State Emergency Response Commission (SERC) if you have questions regarding what form to use or other possible state requirements.

Please use the following website to check on your state reporting requirements:  
<http://www2.epa.gov/epcra-tier-i-and-tier-ii-reporting/state-tier-ii-reporting-requirements-and-procedures>

To download the Tier2 Submit 2013 software, and the Facility Submission Guide:  
<http://www.epa.gov/emergencies/content/epcra/tier2.htm>

If you submitted this report last year, use it as a guide. The report(s) must be submitted to your Local Emergency Planning Committee (LEPC), your SERC and the local fire department with jurisdiction over the facility. Use the above website to see how each state wants to receive their reports and get information on the SERC and LEPC.

You can also use this website to search for information on your LEPC. Contact your SERC to find out the contact information for your LEPC.

[http://www.epa.gov/emergencies/content/epcra/serc\\_contacts.htm](http://www.epa.gov/emergencies/content/epcra/serc_contacts.htm)



The EPCRA hotline for free help is 800-424-9346 or you can email them by going to this website: [http://www.epa.gov/emergencies/contact\\_us.htm](http://www.epa.gov/emergencies/contact_us.htm)

Here is the EPCRA Frequent Questions website:  
<http://www.epa.gov/emergencies/content/epcra/epcra-qa.htm>

Additional information related to SARA Title III can be found in the GAWDA EPA Manual in sections 5, 6, 7 and 8. (Remember, the GAWDA Reference Manuals are available to all members as a part of their membership.)

Feel free to contact me if you have any questions.

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# TRAFFIC BULLETIN

January 2015

Post-accident Drug and Alcohol Testing (382.303)

## Special Note

The following are the regulations about post-accident drug and alcohol testing. Please note that you must do the DOT testing format for accidents that meet the definitions in 382.303. You may do additional testing on your drivers per your company policies and your state guidelines but they must be done as non-DOT testing. Again, I want to emphasize that you do DOT testing on your CDL drivers only if the accident definitions in 382.303 are met but you may do additional testing if you wish but you must inform your testing company that the test is a non-DOT test and the records are kept separately.

382.111: Other requirements imposed by employers.

Except as expressly provided in this part, nothing in this part shall be construed to affect the authority of employers, or the rights of drivers, with respect to the use of alcohol, or the use of controlled substances, including authority and rights with respect to testing and rehabilitation.

40.13 How do DOT drug and alcohol tests relate to non-DOT tests?

- (a) DOT tests must be completely separate from non-DOT tests in all respects. (You can read more details on non-DOT tests in 40.13.)

382.303 Post-accident testing.

- a) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers:
  - (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
  - (2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
    - (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
    - (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- b) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for controlled substances for each of its surviving drivers:
  - (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
  - (2) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
    - (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
    - (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- c) The following table notes when a post-accident test is required to be conducted by paragraphs (a)(1), (a)(2), (b)(1), and (b)(2) of this section:

Table for §382.303(a) and (b)

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
i. Human fatality	YES	





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NO YES

YES

ii. Bodily injury with immediate medical treatment away from the scene YES

NO YES

NO

iii. Disabling damage to any motor vehicle requiring tow away YES

NO YES

NO

d) (1) Alcohol tests. If a test required by this section is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

(2) Controlled substance tests. If a test required by this section is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

e) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

f) An employer shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

g) (1) The results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the employer.

(2) The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the employer.

h) Exception. This section does not apply to:

(1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or

(2) An occurrence involving only the loading or unloading of cargo; or

(3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in § 571.3 of this title) by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with § 177.823 of this title.

Feel free to contact me on any of these items if you have questions.

Michael Dodd

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# TRAFFIC BULLETIN

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# TRAFFIC BULLETIN

Medical Gas Bulletin

01/01/2015

Frequently Asked Questions

Q – Do I really need to do the burning splint test for the Nitrogen, NF identity?

A – The burning splint test for Nitrogen, NF identity is still the official USP test method. It's not a particularly good test since several other gases would also give a positive test result. Performing the test also raises personnel safety concerns.

USP has proposed using a gas chromatograph to replace the burning splint test, however the gas chromatographic test method has never been officially adopted. In the past, there have been conversations between CGA/GAWDA and USP about modernizing the test method, although there is presently no implementation schedule or agreement about the overall method.

Opportunity for GAWDA members – We are considering conducting a validation study that would be available to GAWDA distributors at no cost. Certain GAWDA members would agree to execute the validation protocol and share the results with all GAWDA distributor members. The objective of the validation study would be to eliminate the burning splint test as the Nitrogen, NF identity test. Along with this study, we would conduct a validation study to reduce/eliminate the Carbon Monoxide detector tube test requirement.

If you are interested in participating in the validation study to improve the test requirements for Nitrogen, NF, please contact Tom Badstubner directly ([tom@asteriskllc.com](mailto:tom@asteriskllc.com)).

January Medical Gas Roundtable (30 January 2015)

These GAWDA Medical Gas roundtables are excellent sources of CGMP training and the latest industry compliance news. On January 30, we will cover Subparts A & B - Organization and Personnel.

This presentation will include discussions about the responsibilities, authorities and procedures of the Quality Control Unit. We will also review the types of training required for operators, drivers and counter personnel.

For your information, we are also conducting the following webinars on January 30:

- Medical Device Gases (QSR) - Subparts A & B – Quality Systems Requirements
- Specialty Gas - Gas Chromatography Method Development

These and other webinars are available as a streaming recording at a time convenient to you. If you are unable to view the webinar live, just let us know and we will send you the link to the recording. If you would like to receive invitations to the training webinars, just send an email to [amy@asteriskllc.com](mailto:amy@asteriskllc.com).

Micro-audit

This section of the Medical Gas Bulletin lists small steps you can take each month to improve your medical gas management system. These steps are not designed to be a full audit, but rather small steps to sample your compliance.

For this month, simply do these items:

1. Quality Control Unit Training – Verify that your QCU has received CGMP training within the last year. This training should be documented. The GAWDA Medical Gas Roundtables are examples of CGMP training.
2. Personnel Training – Verify that your operations personnel and drivers have received documented CGMP and function specific training.

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