

SAFETY & TECHNOLOGY ORGANIZER

FEBRUARY 2018

ENCLOSED

Safety Topic: Chemical Inventory Reporting

Please contact Mike Dodd, GAWDA DOT, Security, OSHA & EPA Consultant for more information.

Traffic Bulletin: Correcting Roadside Citations

Please contact Mike Dodd for more information.

Medical, Food/Beverage and Specialty Gases Bulletin

1. New FREE Training Resources

New medical gas and food/beverage gas CGMP video training programs are available to GAWDA distributor members. Well over 800 GAWDA distributor employees have already received this new training. The format generally includes a video, quiz and training certificate.

2. Medical Gas Roundtable (23 February 2018)

3. GAWDA Professional Compliance Seminars - 2018

4. Webinars: Internal Auditor Training

5. Micro Audit Suggestions

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.



Safety Meetings are important!

They: get your employees actively involved
encourage safety awareness
help identify problems before they become accidents
motivate employees to follow proper safety procedures

We are happy to provide you with a monthly topic for your agenda.

ROUTE TO:

- General Manager
- Safety Coordinator
- Supervisor Dept. _____
- Other _____
- Date of Meeting _____

Chemical Inventory Reporting

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

Bulk Storage Tanks or Bulk Trailers at Customer Sites

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.)

A letter from the EPA Office of Enforcement dated March 4, 1991 states that "industrial gas suppliers who retain ownership of gas storage tanks or bulk trailers located on the premises of their customers" must make a good faith effort to notify such customer of the annual inventory reporting requirement. **This language does not include notifying customers who merely store gas in supplier-owned cylinders on the customer's property, however.**

Where the supplier does have a gas storage tank or bulk trailer on the customer's property, a good faith effort to notify the customer includes the following:

1. **Contract Language.** All new, reopened, renewed, or modified gas supply contracts must explicitly state the following language:

It is a responsibility of the Buyer to comply with all relevant reporting obligations under the Emergency Planning and Community right-to-Know Act of 1986, 42 U.S.C. §§11001-11049 (EPCRA, also commonly known as Title III of the Superfund Amendments Reauthorization Act of 1986 (SARA Title III)) resulting



from the presence of the chemicals supplied under the agreement. Further, it is a responsibility of the Buyer to warn and protect its employees and others exposed to the hazards posed by the Buyer's storage and use of the product.

2. Customer Notification. Industrial gas suppliers must remind their customers by separate mail of the EPCRA reporting obligations the customer may incur from the presence of the chemicals supplied under the agreement, and provide in the reminder a source of EPCRA compliance information such as the EPCRA hotline (1-800-535-0202). The reminder must be mailed to an appropriate customer representative by February 15 of each year. The supplier must also document its efforts to notify its customers of these requirements.

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:

<https://www.epa.gov/epcra/state-tier-ii-reporting-requirements-and-procedures>

If your state requires the Tier2 Submit 2016 software, then you can use this link do download the software: <https://www.epa.gov/epcra/tier2-submit-software>

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 reporting procedures.

Contact your SERC to find out the contact information for your LEPC.

<http://www.epa.gov/epcra/state-emergency-response-commissions-contacts>

The EPCRA hotline for free help is 800-424-9346 or you can email them by going to this website: <http://www.epa.gov/epcra/forms/contact-us-about-emergency-planning-and-community-right-know-act-epcra>



Here is the EPCRA Frequent Questions website:
https://emergencymanagement.zendesk.com/hc/en-us#_ga=1.223967193.377971968.1446741998

Feel free to contact me if you have any questions.

Michael Dodd

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Traffic Bulletin

Traffic Bulletin

February 2018

Correcting Roadside Citations

One question is often asked – “how do I correct an enforcement action (ticket, citation or roadside inspection report) that I feel is wrong”? Officers make mistakes like everyone else and sometimes their understanding of the law is incorrect, and/or their application of the law is incorrect. The following are some options to correct what you may feel are a mistake.

1. You have the right to contact the officer or their supervisor directly. It is wise to ensure that your understanding of the law is correct. Please contact and provide me with a copy of the ticket, citation or roadside inspection report that contains the alleged violation. I can then review this information and help you determine if your business has been cited right or wrong. If it is determined that the officer is wrong, then you can move forward with contacting the officer or supervisor directly to correct the issue.
2. If some time has lagged since the issuance of the ticket, citation or roadside inspection and the information is already recorded on the FMCSA Motor Carrier Safety Profile, it is best to use the FMCSA DataQ system to challenge the alleged violation. The DataQ system is an electronic way for filing concerns about the Federal and State information contained on the Motor Carrier Safety Profile. Each State assigns an officer (usually a supervisor, Captain, Lieutenant, etc.) to review all DataQ challenges. The following link will take you to the DataQ site:
<https://dataqs.fmcsa.dot.gov/Default.aspx?enc=4orUr4VSakAIYsjxOmHrCeQ158IknHedB20QvgZJtcw=> . The DataQ program allows carriers and drivers to request review of information that resides in FMCSA databases. This information includes Federal and State-reported data such as crash and inspection reports, compliance review and/or intervention results, and enforcement actions. A carrier, driver, or other stakeholder can register for DataQs via the FMCSA Portal or through the DataQs system directly. Requests for data review require simple forms to be filled in with information from the relevant report, such as the report number, date and time of event, state, and an explanation for why the data should be changed. Documentation to support the request for review may also be submitted to the system. All information is routed to the organization responsible for the data. Electronic correspondence is used to communicate with the requestor when additional information is needed. DataQs is open to the public and the website provides an online help function to walk users through the process.

The DataQ system will require you to register and obtain a User Name and Password to access the site. Once you have accessed the site you will follow their prompts to submit your challenge. Please remember that you could be challenging either a State



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or Federal allegation. If the officer was a Federal agent the FMCSA will review your challenge along with the State. If the officer was a State agent, the FMCSA will consider the States response to your challenge to be the final answer. The FMCSA cannot change the information on the Motor Carrier Safety Profile without the States consent.

You can view your company's record at the following website: <https://ai.fmcsa.dot.gov/SMS/> . Follow the directions for motor carrier users located in the middle of the webpage. You will need your DOT # and PIN to log into the system. If you received a warning letter, this information is included at the top of the letter. If you cannot locate your PIN or were never assigned one, please go to the link below and then follow the instructions to request a new one: https://i-public.fmcsa.dot.gov/LIVIEW/PKG_PIN_START.PRC_INTRO Once you complete the PIN registration process, a notification letter with your PIN will be generated and mailed to the address that was submitted on your most recent Form MCS-150. You should receive this letter within two weeks. Assistance with PIN issues can be obtained by calling FMCSA technical support at 1-800-832-5660 during normal business hours.

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

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Medical, Food/Beverage and Specialty Gases Bulletin

Medical Gas Bulletin
02/01/2018

New FREE Training Resources

New medical gas and food/beverage gas CGMP video training programs are available to GAWDA distributor members. Well over 800 GAWDA distributor employees have already received this new training. The format generally includes a video, quiz and training certificate.

Food Gas – Online Training Resources

Food Gas – CGMP Training for Pumpers

- 28 minute video presentation
- The FDA regulations (21 CFR 117)
- Allergen training
- Sanitation training
- Quiz
- Certificate of participation.

Food Gas – For Owners and Managers

This 62 minute video for food/beverage gas company owners and managers discusses how to set up a compliant food/beverage gas program....

Medical Gas – Online Training Resources

Medical Gas – CGMP Training for Pumpers

- 25 minute video presentation
- The FDA regulations (21 CFR 211)
- Quiz
- Certificate of participation.

Medical, Food/Beverage and Specialty Gases Bulletin

Medical Gas – CGMP Training for Drivers

- 23 minute video presentation
- The FDA regulations (21 CFR 211) pertaining to medical gas container deliveries
- Recognizing medical gas labels
- Medical gas tamper-proof connections
- Quiz
- Certificate of participation.

These are the automated programs we built for training food, beverage and medical personnel. contact tom@asteriskllc.com to get access to the training for your employees.

February Medical Gas Roundtable (23 February 2018)

These GAWDA Medical Gas roundtables are excellent sources of CGMP training and the latest industry compliance news. On Friday, February 23, we will cover Subparts C - Buildings and Facilities. A sample facility maintenance and cleaning record will be available for downloading during the training.

In addition, we will be conducting the following additional training on that date:

- Specialty Gas - Analytical Math (Precision, Accuracy, Linearity, Chromatography Performance) - Includes and Excel spreadsheet to help make the calculations easier.
- Food Gas Roundtable – the latest information about food gas regulations is reviewed – Allergen Awareness & Personal Hygiene Training
The new sample Food Gas SOPs are available for downloading during the seminar.

If you would like to receive invitations to the training webinars, just send an email to jodie@asteriskllc.com.

Medical, Food/Beverage and Specialty Gases Bulletin

GAWDA Professional Compliance Seminars - 2018

- March 20 - 22, 2018 - Ball Ground, GA (at Chart)

- October 16 - 18, 2018 - Aurora, IL (at Weldcoa)

[Click here for information or to register](#)

Internal Auditor Training
For Food/Beverage Gas, Medical Gas and ISO Compliance

This seminar is a live webinar on Feb. 7, 2018

[Get more information](#)

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. Cryogenic Hoses - Be sure that your cryogenic fill hoses are capped when not in use. (Homecare vans and large cryogenic containers)
2. Quarantine – Be sure you are quarantining cylinders that have been filled but not yet “released” by the Quality Control Unit.
3. Nitrous Oxide – Be sure that your nitrous oxide is secure. Download CGA P-50 for specific guidance on nitrous oxide security.

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