INSURANCE LOSS CONTROL ASSOCIATION

eNews

MAY 2015

www.insurancelosscontrol.org

Founded by and dedicated to the professional insurance company loss control representative

INSIDE THIS ISSUE:

Mark your calendars!

ILCA 2015 Conference

The ILCA 2015 Annual Conference will be held October 5, 6, and 7 at the Cincinnati Marriott Northeast in Mason, Ohio.

The ILCA Board and Conference Planning Committee are in the process of building the agenda.

If you are interested in presenting during the conference, please contact Kristi Ruxlow at: administration@insurancelosscontrol.org.

Agenda details as well as registration information will be coming soon. Mark your calendar!

CALL FOR SPEAKERS

Call for Speakers / Presenters

The Insurance Loss Control Association (ILCA) invites those interested in presenting at its 2015 Annual Conference on October 5, 6, and 7, 2015, in Cincinnati, Ohio to contact the Conference Planning Committee.

Suggestions for presentations:
Identify key/specific issues facing Loss Control professionals
Expand their knowledge or improve professional skills
Identify challenges in the Insurance Loss Control field
Engage attendees in discourse concerning the profession (Round Table Discussions)

The committee is particularly interested in advanced, technically oriented and practical presentations.

Session levels:
Basic: 2 to 5 years' experience
Intermediate: 6 to 10 years' experience
Advanced: 10 plus years' experience
Executive: Executive level material

Length of Presentation: Conference sessions last 1 to 1 1/2 hours, including 15 minutes for Q & A.

If interested, please contact Kristi Ruxlow at:
administration@insurancelosscontrol.org

2015 ILCA ANNUAL CONFERENCE
OCTOBER 5—7
CINCINNATI, OH

SPONSORSHIP OPPORTUNITIES FOR THE 2015 ANNUAL CONFERENCE

ILCA is pleased to announce the following sponsorship and advertisement opportunities available during the two and a half day conference on October 5—7. 2015.

Any company participating in sponsorship and/or advertising in the 2015 Conference will also receive free advertising in ILCA eNews for one year.

Conference Partner—$1,500
Includes: Exhibit space and 2 full registrations. (Registrations must be in our hands by **9/4/15**)
We welcome you to make a ten minute "presentation" to the attendees during the conference. We will insert your 3 hole punched brochure into our conference binder. This fee does not include Hotel registration.

Exhibitor
1 Table—One day only—$200
1 Table—Entire conference—$350

Luncheon—$600
Includes: Announcements before and after lunch, signage, notation and thank-you in conference agenda, web link to your website, table for materials and a vendor's insert in the conference binder. Encouraged to have small logo giveaways and all the possible contacts you can create by networking. Luncheon sponsors will also receive a special mention and a 3.5"x5" advertisement space in the post-conference newsletter.

Break—$300
Includes: Announcement before and after break, signage, notation and thank-you in conference agenda, web link to your website and a vendor's insert in the conference binders. Get all of the possible contacts you can create by networking.

Vendor's Insert—$150—Insertion of your company brochure and information.
- ⇒ B&W advertisement—the company can either provide an electronic file which we can reproduce in black and white or the company can submit the pre-printed material (3-hole punched) to us for inclusion in the binder. Material must be submitted by **September 4, 2015**.
- ⇒ Color advertisement, brochure, or flyer—the company must submit the pre-printed (3-hole punched) material to us for inclusion in the binder. Materials must be submitted by **September 4, 2015**.

Sponsorship opportunities are on a first come, first serve basis. Sponsorship payments must be received no later than **September 10, 2015**.

Contact Kristi Ruxlow at 309-696-2551 or by email at administration@insurancelosscontrol.org for reservations and payment information.

Coffee Break Training - Fire Protection Series

Portable Fire Extinguishers: Extinguishing Agent Selection for Use Around Aircraft

No. FP-2015-17 April 28, 2015

Learning Objective: The student will be able to describe which extinguishing agents are appropriate for use in close proximity to aircraft (on vehicles or structures).

Hand-held portable fire extinguishers at airport ramps have come into significant focus recently with increasing concerns about the extinguishing agents' effects on aircraft.

While commonly used and the most economical option in terms of initial cost, Type A-B:C monoammonium phosphate-based dry chemical extinguishers can cause significant damage to aircraft. According to the 2009 International Fire Code Commentary in Section 11, Aviation Facilities, "This agent [A-B:C dry chemical] will melt and flow when it comes into contact with heated surfaces and, once it comes into contact with hot aluminum and works its way into the structural joints and crevices, it cannot be flushed out as the B:C-dry chemical agents [sodium or potassium bicarbonate] can."

The arrows in this picture highlight locations where portable fire extinguishers should be provided at aircraft ramps.

The National Fire Protection Association (NFPA) issued a Temporary Interim Amendment to the 2012 edition of NFPA 407, *Standard for Aircraft Fuel Servicing* on this matter. Temporary Interim Amendments are issued only when important changes are required that cannot be delayed until the standard's next revision cycle. For the NFPA 407 technical committee, the urgency was to stop the increasing use of Type A-B:C dry chemical on aircraft fueling vehicles, airport fuel servicing ramps, airport aprons, and airport fuel facilities.

A 2005 service letter[1] from a major aircraft manufacturer recommends the use of suitably rated water, carbon dioxide, aqueous film-forming foam, or clean agent fire extinguishers for use around aircraft because they do not damage aircraft and require either no cleaning or just a rinse with water. Type A-B:C dry chemical agents should be avoided.

While Purple K (potassium bicarbonate) is not endorsed by airframe manufacturers due to the level of cleaning and downtime required, its use around aircraft is common due to its effectiveness on aviation fuel fires. Purple K is the current recommendation by equipment manufacturers for fueling carts and other airport vehicles requiring 20B:C minimum rated hand-held extinguishers.

For more information, consider enrolling in the National Fire Academy course "Fire Inspection Principles" (R/N0220). Information and applications can be obtained at http://apps.usfa.fema.gov/nfacourses/catalog/details/47.

[1]Boeing Commercial Aviation Services, Service Letter, ATA 0300-00, 2620-00, Avoid Use of Dry Chemical Fire Extinguishers On Airplanes, August 16, 2005.

GET READY … GET SET … GO … HAZARD COMMUNICATION STANDARD ENFORCEMENT BEGINS JUNE 1, 2015

By Mark A. Lies II[1] & Patrick D. Joyce[2]

INTRODUCTION

Are you ready for the new safety data sheet (SDS) requirements? Failure to properly provide or respond to new Safety Data Sheet (SDS) information could open the door to an OSHA inspection and enforcement activities, including citations and significant penalties for violating the Hazard Communication Standard 2012 (HCS 2012) (29 CFR 1910.1200).

OSHA adopted new HCS 2012 SDS standards on December 1, 2013. The new standards were implemented to harmonize material safety information with the new Globally Harmonized System (GHS), created by the United Nations to ensure uniformity in communicating information about hazardous materials across the globe.

Most employers are aware that June 1, 2015 represents a major enforcement deadline of the new standard: manufacturers must stop sending the old material safety data sheets (MSDS) and send the new SDS instead. Chemical end users have until June 1, 2016 to respond to new SDSs passed down from up-stream suppliers and manufacturers in the workplace. This one year period presents a very short time frame in which an employer can respond to the new and updated information contained on potentially hundreds of SDSs and be compliant by June 1, 2016.

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SDS IMPACT ON EMPLOYER SAFETY PROGRAM

Employers should not be too quick to simply swap in a new SDS for an old MSDS and throw away the old MSDS. Previous MSDSs should be kept on file for several reasons.

- to provide proof that an employer was compliant with old HazCom standard.
- the prior MSDSs can be useful evidence in defending against worker's compensation claims by employees for occupational diseases alleged to have arisen from exposure to hazardous materials during the course of employment and
- the prior MSDS can be useful evidence in defending third party toxic tort claims alleged to have been caused by exposure to hazardous materials that the employer may have incorporated into products manufactured and sold by the employer or by products that are resold or distributed by the employer.

The new SDS presents an opportunity for an employer to update its training, hazard communication, and safety procedures for chemicals. The new SDS includes sixteen separate sections, some of which are similar or identical to the existing MSDS sections. There are, however, a number of significant changes and compliance challenges. These sections will be discussed below with recommendations.

When enforcement of manufacturers begins on June 1, 2015, OSHA will not only be looking to see that a manufacturer has properly prepared new SDSs, they will also be looking to make sure the manufacturer went through a process to identify **new risks** that may not have previously been known. When OSHA begins enforcement against employers on June 1, 2016 relating to the new SDSs, it will focus on whether the employee has reviewed the SDSs to identify any new risks as well as whether it has evaluated its existing compliance programs in light of the sixteen requirements in the new SDSs. Below are brief descriptions of each section of the new SDS, as well as some questions an employer should ask to ensure its employees are provided a safe place to work that it will be compliant its HAZCOM program as well as other OSHA compliance programs that relate directly to the hazardous substances identified in the SDS.

SDS CATEGORIES

Section 1—Identification of a chemical. Includes product identifier; manufacturer or distributor name, address, phone number; emergency phone number; recommended use; restrictions on use.

When updating to the SDS, use this as a chance to identify each chemical used and what it is needed for at the workplace. Make sure your inventory is up to date and includes the proper information regarding each chemical, including potential hazards and chemical interactions. It is important to keep information on the manufacturer and distributor of each chemical handy so questions regarding each chemical can easily be answered. Keep a list of all emergency phone numbers in an easy to reach area to help first responders in an emergency situation.

Questions an employer should ask:

- Is it clear what this chemical is and is used for?
- Do we know how to get in touch with the manufacturer of this chemical?
- Do we know who to call in an emergency?

Section 2—Hazard(s) identification. Includes all hazards regarding the chemical; required label elements.

When each new SDS is received, take note of each specific hazard identified and whether a comprehensive plan is in place to handle the hazard (fire, explosion, exposure) for each type of chemical. In addition to the traditional NFPA identifiers, the new SDS includes standardized pictograms identified in HCS 2012. Using the standardized pictograms should help speed up a response if someone is harmed or if there is a spill. Section 2 also includes information regarding the specific hazards of each chemical as well as required prevention and response measures, such as using non-sparking tools for flammable materials or flushing eyes if the chemical gets on the face.

Questions an employer should ask:

- Is it clear what hazards this chemical poses?
- Have we properly communicated the hazards of this chemical to our employees?
- Are containers holding this chemical properly identified and labeled?

Section 3—Composition/information on ingredients. Includes information on chemical ingredients; trade secret claims.

Use information from this section to determine whether a chemical or mixture could be potentially lethal to employees if mishandled. This section includes LC50 and LH50 information that should be carefully examined. Use each new SDS as an opportunity to identify chemicals to include in a Hazard Communication Plan.

Questions an employer should ask:

- Do we know what is contained in this chemical?
- Do we know the potential lethality of this chemical and how we can update our employee training to take that lethality into account?

Section 4—First-aid measures. Includes important symptoms/effects, acute, delayed; required treatment.

This section presents an opportunity to examine and update health and safety plans, specifically first-aid and CPR training plans. When transitioning to the new SDS, it is important to examine each SDS for new information regarding first-aid measures, as the first-aid measures recommended on the new SDS may differ

from the old MSDS. OSHA will closely monitor how companies update first-aid training in response to new information contained on each SDS.

Questions an employer should ask:

- Do our employees have proper training to deal with human exposure involving this chemical?
- Does the employer's PPE hazard assessment need to be updated to identify necessary PPE? (29 CFR 1910.134)
- Do we have the proper first-aid supplies to assist responders?)29 CFR 1910.120, 29 CFR 1910.151)
- Do we have the proper equipment easily accessible to rinse or flush should an employee be exposed to this chemical? (29 CFR 151(c))

Section 5—Fire-fighting measures. Lists suitable extinguishing techniques, equipment; chemical hazards from fire.

This section presents an opportunity to examine and update emergency response plans, especially fire-fighting measures and training. When transitioning to the new SDS, it is important to examine each SDS for new information regarding fire-fighting measures, as the fire-fighting measures recommended on the new SDS may differ from the old MSDS. For example, the MSDS may recommend a method that allows a particular type of extinguishing agent to be used, but the new SDS will recommend a different type of extinguishing agent. OSHA will closely monitor how companies update fire-fighting training and responses in response to new information contained on each SDS.

Questions an employer should ask:

- Does the employer have to update its Emergency Action Plan? (29 CFR 1910.38)
- Do our employees have proper training to deal with a fire involving this chemical? (29 CFR 1910.120, 29 CFR 1910 Subpart L)
- Do we have the proper fire extinguishers on hand? (29 CFR 1910.120, 29 CFR 1910.157)
- Do we have the proper protective clothing for fire-fighting operations? (29 CFR 1910.134, 29 CFR 1910 Subpart L)
- Do we know what effect a certain fire-fighting agent will have when used on this chemical?
- If the employer is subject to the Process Safety management regulation (29 CFR 1910.119) it may have to conduct a wide variety of actions, such as a PHA, to be compliant.

Section 6—Accidental release measures. Lists emergency procedures; protective equipment; proper methods of containment and cleanup.

Each employer should analyze this section of the new SDS to determine what new or additional emergency procedures, including methods of containment and cleanup, should be implemented at a facility. Also, it is important that employers identify new protective equipment that is to be used when responding to an accidental release of a listed chemical. OSHA will be looking to make sure an employer does not simply swap an old MSDS for a new SDS. Rather, each company needs to fully analyze an SDS to determine whether new measures or trainings need to be implemented.

Questions an employer should ask:

- Do we have the correct program and equipment to respond quickly and safely to a spill? (29 CFR 1910.120)
- Do we have the correct equipment to protect our first responders or outside first responders?
- Do we have the correct equipment and materials to prevent a release from spreading?
- Do we have the correct equipment to clean up a release?

Section 7—Handling and storage. Lists precautions for safe handling and storage, including incompatibilities.

This section presents an opportunity for an employer to review its handling and storage techniques to ensure each chemical is in its proper container, is handled in the proper manner, and is stored in a manner so as to not potentially expose employees to additional hazards. This section also identifies incompatibilities between the listed chemical and other chemicals and an employer should closely analyze this section to determine what other chemicals the listed chemical should not come in contact with.

Questions an employer should ask:

- Do we know what containers this chemical should be stored in (or not stored in)? (29 CFR 1910.106)
- Do we know how to properly move this chemical around our facility? (29 CFR 1910.178)
- Do we know how to properly store this material? (29 CFR 1910.176)
- Do we know what other chemical this chemical should not come into contact with?

Section 8—Exposure controls/personal protection. Lists OSHA's Permissible Exposure Limits (PELs); Threshold Limit Values (TLVs); appropriate engineering controls; personal protective equipment (PPE).

Companies should pay special attention to recommended engineering controls and personal protective equipment. When each new SDS is received, an employer should analyze the PPE required for a particular chemical to ensure PPE provided to employees is appropriate. It is vitally important that an employer not simply swap an old MSDS for a new SDS, as the recommended engineering controls and PPE may have changed significantly, leaving an employer open to OSHA enforcement and penalties should proper PPE not be provided. Companies should also note applicable PELs and TLVs and conduct regular monitoring to ensure employees are not overexposed to a particular chemical.

Questions an employer should ask:

- Does the employee have to conduct industrial hygiene monitoring if the PELs or TLVs have changed? E.g., (29 CFR 1910.1000 Tables Z-1, Z-2, and Z-3; existing requirements for a substance; General Duty Clause, Section 5(a)(1))
- Do our employees have the proper PPE to use this chemical?
- Can we feasibly implement the recommended engineering controls?
- Are we doing proper testing to see if PELs and TLVs are exceeded?
- If levels are exceeded, how can we bring PELs and TLVs below applicable limits? Using engineering controls?
- If engineering controls are not feasible, what administrative controls or PPE must be utilized?

Section 9—Physical and chemical properties. Lists the chemical's characteristics.

This section presents an opportunity for an employer to update the training of all employees regarding properties of a particular chemical. Employees should be aware of physical properties of a chemical to help identify whether a release has occurred and allow employees to immediately know steps to take.

Questions an employer should ask:

- Have we conducted proper training?
- Is our documentation of training adequate?

Section 10—Stability and reactivity. Lists chemical stability and possibility of hazardous reactions.

This section identifies incompatibilities between the listed chemical and other chemicals. An employer should closely analyze this section to determine what other chemicals the listed chemical should not come in contact with. This section also presents an opportunity for an employer to modify its storage and handling procedures, also identified in Section 7.

Questions an employer should ask:

- Do we know what other chemicals this chemical will react with in a negative manner?
- Do we know how reactive this chemical is on its own?
- What precautions should we take to ensure this chemical does not react?
- How should this chemical be stored to avoid reactions and maintain stability?

Section 11—Toxicological information. Includes routes of exposure; related symptoms, acute and chronic effects; numerical measures of toxicity.

This section presents an important opportunity for an employer to train its employees to recognize symptoms of exposure to a particular chemical. Training should be updated to include new information regarding a particular chemical gathered from the new SDS. Training should also be updated to inform employees as to the routes of exposure and to help employees understand how to avoid exposure to a chemical.

Questions an employer should ask:

- How can our employees be exposed to this chemical?
- What symptoms will an employee show if they are exposed to this chemical?
- How can we pass this information to first responders and treating physicians to ensure proper treatment?
- Does our training adequately inform employees of all potential routes of exposure and symptoms?

Section 12—Ecological information. *

While OSHA will not be involved in enforcing this section, EPA or a local environmental agency will actively monitor companies to ensure any new or updated information on ecological impacts for a particular chemical are taken into consideration and changes are made to the way an employer handles, stores, and uses a chemical.

Section 13—Disposal considerations. *

While OSHA will not be involved in enforcing disposal techniques, EPA or a local environmental agency will actively monitor companies to ensure any new or updated disposal requirements contained on the SDS are met.

Section 14—Transport information. *

While OSHA will not be involved in enforcing transport requirements, other agencies will actively monitor companies to ensure any new or updated transport and labeling requirements contained on the SDS are met.

Section 15—Regulatory information. *

This section contains valuable information regarding specific or general regulations that address a particular chemical. It is not enough that an employer simply review this section. Each company should be familiar with the specific regulatory information contained in this section to be able to identify particular hazards and areas of potential enforcement exposure.

Section 16—Other information. Includes the date of preparation or last revision.

OSHA will look to this section to ensure that all information contained on an SDS is up to date based on current understanding of a chemical's characteristics and current regulatory standards. Each company should be sure to regularly analyze chemical characteristics or contact a chemical's manufacturer to ensure an SDS is current.

Questions an employer should ask:

- Is our SDS up to date?

RECOMMENDATIONS

The Hazard Communication Standard affects nearly every employer, from chemical manufacturers to retailers to hotels whose employees work with cleaning agents. Employers need to be aware of their obligations to communicate hazards of chemical substance, and must have a process for updating existing labels, SDS, hazard assessment, and training programs to comply with HCS 2012. To that end, it is recommended:

- Employers should review the new SDSs in a timely fashion upon receipt.
- If the employer does not receive the SDSs in a timely fashion, it should promptly communicate with the manufacturer to obtain the SDSs.
- Employers should evaluate the workplace using the SDSs to identify hazardous chemicals and how their employees may be exposed.

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