

LEAD EXPERTS

A Lead Hazard Training Provider

THE LEAD ABATEMENT ADVISOR

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SPECIALIZING IN LEAD PAINT
ASBESTOS AND
MOLD TOPICS

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OUR SERVICES INCLUDE

- OSHA Programs: Emergency Action, Respirator, PPE, HazCom, Fall Protection
- Customized Safety Programs ● DOT HazMat Training ● Air and Noise Sampling

OSHA Training: Lift Truck, HazCom, PPE, Lockout-tagout, Confined Space, Emergency Evacuation, Fire Prevention, Spill Response, Lead Abatement Training, Electrical Shock & Arc Flash Protection, Bloodborne Pathogens, Excavation, Fall Protection, Scaffolding

- Respirator Training and Fit Tests ● Lead, Arsenic, Cadmium
- Consulting: Mock OSHA/EPA/DOT Audits ● Environmental Permitting and Reporting
- Lead Paint Risk Assessments and Clearance Reports ● Lead Abatement Consulting
- ISO 14001 EMS Training and Consulting
- Management Training: Supervisory Skills, Modern Safety Management Skills, Behavior Based Safety

The Lead Abatement Advisor is prepared by Lead Experts, Inc. to inform its clients and friends of developments in lead-based paint hazard evaluation and control, safety management, environmental compliance, and new developments in the environmental remediation field. The newsletter is available free of charge to interested parties. The articles appearing in this newsletter do not constitute legal or other advice or opinion. The views expressed in this newsletter are not necessarily those of Lead Experts, Inc. The application of various laws and regulations to your business operations may depend on many specific facts. Questions regarding your operation relative to the topics discussed in this newsletter should be directed to a qualified professional. For more information, call us at (800) 259-8930 or info@leadexperts.org

CALIFORNIA'S 17TH YEAR IN LEAD PAINT LITIGATION

California's Sixth District Appellate Court has upheld a more than \$1 billion ruling against three former lead paint manufacturers. For seven counties, and three cities, the verdict was just the latest in nearly two decades of litigation. The defendants intend to appeal the decision.

In 2013, Judge James Kleinberg, ordered owner of the Dutch Boy brand, N. L. Industries, former owners of Fuller paint, Sherwin Williams, and Conagra, to pay \$1.15 billion for their contributions to a "public nuisance." The judgment would fund a program for the investigation, and removal of lead paint from an estimated 4.8 million California homes.

In 2015 the manufacturers appealed. Paint makers argued their companies could not be held responsible under California law, and had no knowledge of lead's toxicity. They also argued that Kleinberg's order established a new lead remediation program and subsumed the authority of state lawmakers.

Attorneys for the California municipalities gave evidence that since the 1920s the manufacturers had known lead was a significant health threat. They argued that lead paint should be treated as environmental contamination, whose clean-up efforts are routinely ordered by state, and federal government.

2016 courts found Judge Kleinberg had not overreached. It was decided that the defendants, while knowing the health hazards, continued to promote lead paint for home use.

2017 saw California's Sixth District decide against a portion of Kleinberg's order. The court found the companies were not liable for homes affected after 1950. It was determined that at this time, manufacturers began directing consumers, against using lead paint indoors. Santa Clara County Court has been tasked to determine the remaining cost manufacturers are now liable for.

Following the ruling, the paint manufacturers issued a joint statement. "Even though the appellate court reversed the trial court's decision in part, it is at odds with California law and judicial decisions from seven other states that have uniformly rejected similar public nuisance claims."

OHIO DEPARTMENT OF HEALTH NEWS

Ohio Registry of Lead Safe Housing

The Ohio Department of Health (ODH) has drafted rules for the establishment of a Lead-Safe-Rental Registry. From [Am. Sub. H.B. No.49, Sec. 3742.41\(A\)](#) “The director of health shall establish and maintain a lead-safe residential rental unit registry in accordance with rules adopted under section 3742.45 of the Revised Code”.

At the urging of The U.S. Department of Housing and Urban Development (HUD), Lead-Safe-Rental programs can already be found around the country. Last year, Toledo enacted commensurate legislation. “A registry can ease the identification of lead-safe housing by the public and gauge progress on the part of governments in making housing lead-safe,” according to HUD guidance, for preventing childhood lead poisoning.

Public Health Lead Investigators

Beginning in February, public health lead risk assessments will be open to registered sanitarians, and sanitarians-in-training, who are lead risk assessor certified, or individuals under the supervision of a public health lead investigator, who have completed a training course, and a forty hour internship approved ODH director.

In November, the Joint Committee on Agency Rule Review approved changes to definitions (in [OAC 3701-30-01](#)) pertaining to public health lead investigators, and public health lead risk assessment reports.

Contact ODH, Environmental Supervisor, [Pam Blais](#) for more information.

Public Health Data Warehouse Publishes Information on Lead Hazardous Properties

In April, The ODH, Public Health Data Warehouse began publishing information on Ohio properties with Orders to Vacate, due to uncontrolled lead hazards. Updated periodically, ODH will now publish new information, as it becomes available. Additionally, The Public Health Data Warehouse now includes interactive search, and map features.

[Ohio Lead Hazardous Properties - Public Health Data Warehouse](#)

OSHA UPDATE

OSHA Releases Memorandum of Interim Enforcement Guidance for New Silica Rule

The OSHA Final Rule on Crystalline Silica became enforceable on September 23, 2017 for the construction industry. Full enforcement of the silica rule began on October 23, with OSHA issuing a [Memorandum](#) to serve as guidance on interim enforcement for the construction industry, until the directive becomes effective and available. Enforcement for general industry is set for June, 2018.

Crystalline silica is a common mineral found in the earth's crust. Materials like sand, stone, concrete, mortar, glass, pottery, ceramics, bricks, and artificial stone contain crystalline silica.

Respirable crystalline silica, which is at least 100 times smaller than ordinary sand you might find on beaches and playgrounds, is created when cutting, sawing, grinding, drilling, and crushing stone, rock, concrete, brick, block, or mortar.

Activities such as abrasive sand blasting; sanding or drilling into concrete; grinding mortar; manufacturing brick, concrete blocks, stone countertops, or ceramic products; and cutting or crushing stone, result in worker exposures to respirable crystalline silica dust. Industrial sand used in certain operations, such as foundry work and hydraulic fracturing (fracking), is also a source of respirable crystalline silica exposure.

2.3 million people in the U.S. are exposed to silica at work.

Workers exposed to crystalline silica are at increased risk for developing silica-related diseases, including:

- Silicosis, an incurable lung disease that can lead to disability and death;
- Lung cancer;
- Chronic obstructive pulmonary disease (COPD); and
- Kidney disease.

To help determine if worksite hazards are present, The Dell Group offers a free initial consultation. The Dell Group works with employers to correct identified hazards, provide advice on compliance with OSHA standards, and assists in establishing Injury and Illness Prevention Programs. For more information visit [The Dell Group website](#), or call 1-800-259-8930.

EPA UPDATE

Ohio Department of Health Transfers Asbestos Program to Ohio EPA

January 1st, Ohio Department of Health's (ODH) asbestos program will be transferred to the Ohio Environmental Protection Agency's (OEPA). Previously both ODH and OEPA must be notified of asbestos abatement projects, which are inspected by each agency independently. The purpose of the transfer, stated within the initial proposal, is to eliminate regulatory overlap.

Key changes

- A \$75 fee for a demolition project with no asbestos present. All other fees are relative to the amount of asbestos abated, or removed.
- To be accepted, all fees must be included with form submission.
- Multiple project locations may be submitted together using the merged notification form.
- Multiple projects submitted on a merged notification form, will only be charged one NESHAP notification fee.
- OEPA will have the authority to suspend & revoke licenses.
- OEPA will adopt rules under Ohio Administrative Code 3701-34.
- One form will be used for both building demolition, and asbestos abatement projects, requiring a 10-day notification (see the fact sheet for requirements).

Transition Dates

- December 22, 2017 - All hard copy forms must be delivered to: Asbestos Program, Ohio EPA, DAPC; P.O. Box 1049; Columbus, Ohio 43216-1049.
- January 3, 2018 - ODH project notification system will be retired. Online ODH training, certification, and license applications will continue until Summer 2018.
- Summer 2018 - All online asbestos-related business will be transferred to the OEPA's eBusiness Center.

For a complete list of changes review the Ohio EPA's [fact sheet](#).

EPA To Review Top 10 Toxic Threats

The Environmental Protection Agency (EPA) has [published a list of the next 10 chemicals](#) it will evaluate, for human and environmental harm. Since 2014 EPA has identified [90 chemicals](#) that may damage nerve tissue, cause cancer, or contaminate the environment. In a 2016 update to the Toxic Substances Control Act (TSCA), routine deadlines for chemical evaluation were mandated by congress.

[1 Bromopropane](#) is used in dry-cleaning, synthetic fiber and asphalt manufacturing, as a refrigerant, solvent, and as an adhesive lubricant. Animal studies suggest exposure is associated with toxicity to the liver, the reproductive & nervous systems.

1,4 Dioxane is used in paint stripper, varnishes, antifreeze, deodorant, greases, shampoo, cosmetics, adhesives, sealants, and other chemicals. It's sometimes found at low amounts, in drinking water. A known carcinogen in California, the chemical is classified by EPA as likely a human carcinogen, which may cause kidney, and liver damage.

Asbestos is used in some braking systems, roof coatings, gaskets, and chlorine manufacturing. Most applications of asbestos are illegal at the state, and local level. Asbestos is associated with lung cancer, and mesothelioma, a rare form of cancer, affecting the tissues surrounding vital organs.

Carbon Tetrachloride is in manufacturing petrochemicals, and illegal for most other applications. Exposure causes damage to the liver, kidney, nervous system, and can cause fatal brain damage.

Cyclic Aliphatic Bromide (HBCD) Cluster is a group of chemicals, used in some flame retardants, insulation, plastics, polystyrene foam, automotive upholstery & fabrics. Animal studies suggest reproductive, developmental, and neurological effects.

Methylene Chloride is found in many commercial products including: paint strippers, adhesives, metal cleaners, and aerosol solvents. The chemical is also used in polyurethane foam, and pharmaceutical manufacturing. In 2016, The EPA considered **banning its use** as a paint stripper, due a growing number of associated deaths. Exposure can be fatal, damage the central nervous system, liver, cause liver & lung cancer.

N-Methylpyrrolidone (NMP) is a solvent used in plastics, paints, inks, enamels, cleaning products, arts and crafts materials. The chemical is also used in electronics, and petrochemical manufacturing. Animal studies suggest delayed fetal development.

Perchloroethylene (PERC), is used in lubricants, dry-cleaning chemicals, cleaning products, greases, adhesives, sealants, and paints. Exposure is associated with kidney, immune, and reproductive dysfunction, bladder cancer, myeloma, and non-Hodgkin lymphoma. EPA has classified the chemical as likely a human carcinogen.

Violet 29 (Pigment) is in widespread use. The chemical is found in paints, inks, upholstery, pharmaceuticals, solar cells, paper, sporting goods, appliances, carpeting, food packaging, household, and industrial cleaners. Preliminary studies suggest reproductive damage, and developmental effects.

Trichloroethylene (TCE), found in refrigerants, degreaser, dry-cleaning chemicals, and found in many consumer products. Last year the EPA **proposed a ban** for its use in aerosol degreasers, and dry-cleaning chemicals. It's associated with leukemia, lymphoma, liver & kidney cancer. Animal studies suggest it may cause leukemia, lymphoma, birth defects, testicular, and lung cancer.

CITATIONS & PENALTIES

Framing Contractor Faces Penalties Continuing To Expose Workers To Safety Hazards

OSHA inspectors cited City Framing LLC with willful and repeated safety violations after observing employees working at heights of up to 22 feet without fall protection. The company was also cited for allowing workers to use nail guns without eye protection, not having a ladder for workers to access roof trusses, and failing to ensure workers had head protection. The agency conducted the inspection as part of its Falls in Construction Program. Penalties total \$359,878. Since 2012, City Framing has been cited four times, for the same violations.

Nursing Home Fined \$243K after Workers Are Exposed To Asbestos And Other Hazards

Five workers were admitted to the hospital after suffering from carbon monoxide poisoning, as they renovated a nursing home. Responding OSHA inspectors discovered, that carbon monoxide, was not the only hazard workers had been exposed to. Employer, A&A Environmental Services Inc., also exposed workers to asbestos. "A company like A&A Environmental Services that specializes in asbestos abatement should be setting the standard in employee protection while handling known carcinogenic material," said Ann Grevenkamp, OSHA's area director. A&A was issued four willful, and nine serious health violations. Proposed fines total \$243,716.

Employer Pleads Guilty after Worker Fatality

The owner of A Rooter Man pleaded guilty to charges of willfully violating OSHA regulations, resulting in the death of a worker. At the direction of the company owner, Wayne George, an employee was replacing a sewer line, 11 feet below the surface, in unstable soil and without cave-in protection. The worker was fatally injured, when the trench they were working in collapsed. Sentencing, which could include prison, is scheduled for 2018.

State Cites Construction Company After Fatal Fall

The Division of Occupational Safety and Health (DOSH) issued penalties totaling \$115,740, to Sayde Construction Inc, after a worker installing roof trusses, fell about 20 feet to his death. DOSH inspectors determined that the company did not have a written fall protection plan, failed to provide appropriate fall protection and ensure that workers used it.

2017-2018 TRAINING SCHEDULE LEAD EXPERTS

Type, Length and Price	Location	Course Dates
<u>Contractor Initial - 40 Hour</u> \$795 Per Trainee	Toledo Cleveland Columbus	Mar 12–16 Feb 5–9 Apr 16–20 Jun 11–15 Apr 2–6
<u>Contractor Refresher - 8 Hour</u> \$195 Per Trainee	Toledo Cleveland Akron	Feb 23 May 8 Jan 23 Feb 13 Mar 20 Apr 24 May 15 Jun 19 Jan 5 Mar 6 Jun 8
<u>Worker Initial</u> \$595 Per Trainee	The Contractor Initial and Refresher courses shown above satisfy Ohio Department of Health's requirements for Worker Classes.	
<u>Worker Refresher</u> \$195 Per Trainee	A Worker enrolling in these classes will be charged the lower fee shown in this section. Please call if you have <u>any</u> questions.	
<u>Inspector Initial - 24 Hour</u> \$475 Per Trainee	Toledo Cleveland Columbus	Jan 15–17 Apr 30–May 2 Feb 26–28 May 21–23 Jun 25–27
<u>Inspector Refresher - 8 Hour</u> \$195 Per Trainee	Toledo Cleveland Columbus	**Risk Assessor Refresher classes shown below satisfy the Inspector Refresher** **requirements of the Ohio Department of Health**
<u>Risk Assessor Initial - 16 Hour</u> \$320 Per Trainee	Toledo Cleveland Columbus	Jan 18-19 May 3-4 Mar 1-2 May 24-25
<u>Risk Assessor Refresher - 8 Hr</u> \$195 Per Trainee	Toledo Cleveland Akron	Feb 22 May 7 Jan 22 Feb 12 Mar 19 Apr 23 May 14 Jun 18 Jan 4 Mar 5 Jun 7
<u>Renovation, Repair and Painting Certification Initial - 8 Hour</u> \$189 Per Trainee	Toledo Cleveland Akron	Dec 28 Feb 1 Apr 9 Jun 4 Dec 21 Jan 25 Feb 15 Mar 22 Apr 26 May 29 Jun 21 Jan 11 Mar 8 May 17
<u>Renovation, Repair and Painting Refresher (Grandfather) - 4 Hr</u> \$95.00 per Trainee	Toledo Cleveland Akron	Dec 29 Feb 2 Apr 10 Jun 5 Jan 26 Feb 16 Mar 23 Apr 27 May 31 Jun 22 Jan 12 Mar 9 May 18

IF YOU HAVE ANY SPECIAL NEEDS OR NEED A REASONABLE ACCOMMODATION, PLEASE CONTACT US IMMEDIATELY

EPA RRP accredited classes for certification under Section 402 of TSCA

YOU ARE NOT ENROLLED IN ANY CLASS UNTIL YOU RECEIVE WRITTEN CONFIRMATION FROM US. CERTIFICATES WILL NOT BE ISSUED IF YOU ARE LATE TO CLASS. CERTIFICATES ARE HELD UNTIL PAID IN FULL.

Licensing courses approved by the Ohio Department of Health
ODH Requires Refreshers Taken During Second Year of License Period

RRP CLASSES ARE ADDED AS CLASSES FILL UP – CALL FOR ADDITIONAL DATES

On Site Classes Available, Closed Enrollment - Your Location / Your Students - Priced per Day, Call for More Information

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