

PUBLICATION

OSHA Web-Based Resources Provide Updated Guidelines to Hazardous Materials Exposure; Compliance is Voluntary...For Now

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The Occupational Safety and Health Act of 1970 requires that employers provide safe and healthful workplaces for their employees. Many of the standards relating to hazardous substances were issued that same year and are no longer sufficient to adequately protect worker health, according to Dr. David Michaels, the Occupational Safety and Health Administration's (OSHA) assistant secretary of labor. In an attempt to update its guidelines without going through the lengthy rulemaking process required to establish new mandatory regulations, OSHA issued a statement on October 24, 2013, offering employers two web-based programs to guide them in reducing employee exposure to dangerous substances.

First, OSHA released a toolkit which allows employers to identify safer chemicals to use in place of more hazardous ones. Both employers and employees can use the toolkit's information, methods, tools and guidance to eliminate hazardous substances, or replace unsafe substances with a less harmful chemical, material, product or process. Go to the toolkit at http://www.osha.gov/dsg/safer_chemicals/index.html to check it out.

Second, OSHA issued the Annotated Permissible Exposure Limits (PEL) tables. In its full-form PEL tables, OSHA already sets mandatory limits on the amount or concentration of a substance permitted. However, many of these were adopted more than 40 years ago, and new information suggests that the old mandatory levels are not protective enough to ensure worker safety. The Annotated PELs reflect more recent trends and scientific data, and accordingly are more restrictive in what kind and the amount of substance to which workers can be exposed. The Annotated PELs can be accessed at <http://www.osha.gov/dsg/annotated-pels/index.html>.

While employers are not required to use the toolkit, or to comply with the limits set in the Annotated PELs, OSHA encourages employers to voluntarily adhere to these more restrictive guidelines as a means of providing additional worker safety. However, this may be a precursor to the next phase of OSHA rules regulating employee exposure to hazardous substances. Accordingly, employers should make themselves familiar with the current suggested practices, and be on the lookout for OSHA to formalize the rules, making compliance with the guidelines mandatory.