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Hazardous Materials Regulations for New Jersey Emergency Responders

Public Employees Occupational Safety and Health Program

The New Jersey Public Employees Occupational Safety and Health (PEOSH) Act has adopted OSHA's "Hazardous Waste Operations and Emergency Response Standard" (29 CFR 1910.120). The New Jersey Department of Health and Senior Services (NJDHSS) PEOSH Program is responsible for conducting inspections and determining compliance with this regulation for New Jersey public workplaces.

What Types of Operations are Covered by the Hazardous Waste Operations and Emergency Reponse Standard?

This regulation covers operations at:

- hazardous waste sites;
- hazardous waste treatment storage and disposal facilities; and
- hazardous materials emergency response activities.

This information bulletin focuses on hazardous materials emergency response activities. The requirements for these activities are found in paragraph (q) of the standard.

Who is Covered?

The largest group of New Jersey public employees potentially affected by this standard are those involved in emergency response to uncontrolled releases of hazardous materials. This may include:

- firefighters;
- police officers;
- emergency medical services personnel;
- hazardous materials (HAZMAT) teams;
- public works employees, emergency management coordinators; and
- local/county health officers.

Emergency Response Plan

An emergency response plan (ERP) must be developed and implemented prior to the commencement of emergency response operations. It must include pre-emergency planning, protocols for personnel and lines of authority, site control measures, and procedures for handling emergency incidents including necessary air monitoring.

This plan must be in writing and be available for review and copying by employees, their representatives, and PEOSH inspectors. Every New Jersey municipality must develop an ERP. The plan for individual departments should be integrated into the ERP for the municipality. The PEOSH Program has developed an ERP guide to assist municipalities in complying with the ERP requirements.

The ERP is different from the Emergency Operations Plan (EOP) HAZMAT Annex required by the New Jersey State Police, Special Operations Section, Hazardous Materials Reponse Unit. The purpose of the ERP is to protect emergency response personnel. The primary purpose of the EOP is to protect the community and the environment.

Training for Employees

The employer must provide an appropriate level of training for employees involved in HAZMAT emergencies. Employees who are likely to witness an uncontrolled release of hazardous materials, and who are expected only to initiate appropriate notification procedures, must receive training (no minimum number of hours of training required) or demonstrate competency at the "First Responder Awareness Level."

Employees expected to protect nearby sites or personnel through defensive measures (such as diking), but who do not in any way handle or come in contact with the hazardous material, must receive training (minimum 8 hours of training required) or demonstrate competency at the "First Responder Operations Level."

Employees responsible for handling leaking containers and taking other actions to terminate the uncontrolled release of

a hazardous material must receive training at the “Hazardous Materials Technician” or “Hazardous Materials Specialist” level (minimum 24 hours of training required).

Employees who will assume control of an incident scene beyond the awareness level must receive training at the “On Scene Incident Commander” level (minimum 24 hours of training including operations level required).

Annual re-training or demonstrated competency is required at all levels.

How Can Training be Arranged?

Required training can be obtained through a number of sources. Consultants, in house training, or other means of obtaining required training may be used, provided that the training content meets the minimum requirements outlined in the standard.

One way of obtaining this training is through the New Jersey State Police. The New Jersey State Police, Special Operations Section, Hazardous Materials Response Unit, in cooperation with the New Jersey Department of Personnel, Human Resources Development Institute, has developed free training programs for emergency responders involved in hazardous materials incidents. To arrange training, contact the County HAZMAT Training Coordinator for your county. The telephone number for the County HAZMAT Training Coordinator may be obtained from your County Emergency Management Coordinator. The New Jersey State Police, Special Operations Section, Hazardous Materials Response Unit may be reached at (732) 721-4040 for further information regarding training.

Medical Surveillance

Under 29 CFR 1910.120(f) and (q)(9) employers are obligated to make medical surveillance and medical consultation available to specific employees. However, PEOSH does not require employees to participate. Employees who should be offered medical consultation and surveillance are:

- ▶ Employees who are members of HAZMAT teams responsible for stopping uncontrolled hazardous materials releases. In order to stop the release, these employees may approach the point of release in order to plug, patch, or otherwise stop the release of the hazardous material. These employees will have training meeting hazardous materials technician requirements.
- ▶ Employees who exhibit signs or symptoms which may have resulted from exposure to hazardous substances during the course of an emergency incident.

PEOSH requires that the employer adequately train employees on the benefits of medical surveillance and the potential risks to employees who wear respirators. PEOSH also requires that medical examinations be provided at no cost to the employee and at a reasonable time and place.

When an employee does not participate in the program, a record should be made in the employee’s personnel file indicating that the employee voluntarily chose not to take part in a medical surveillance program.

For members of a HAZMAT team, the medical requirements specify a baseline physical and ongoing medical surveillance as required in 29 CFR, 1910.120(f). The medical exam must include, among other things, a determination of fitness for duty including the ability to wear any required personal protective equipment (PPE) under conditions that may be expected at the work site. The employer must obtain from the examining physician a written opinion that includes any recommended limitations, such as respirator use, upon the employee’s assigned work.

Chemical Protective Clothing

Employees shall be provided with chemical resistant clothing and respiratory protection as appropriate to ensure protection from overexposure. Positive pressure Self-Contained Breathing Apparatus (SCBA) is to be used whenever there is a potential inhalation hazard, until air monitoring determines that a decreased level of respiratory protection will not result in hazardous exposures to employees.

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For More Information

For employee complaints, a copy of the Emergency Response Plan Guide and Appendices, a copy of the “Hazardous Waste Operations and Emergency Response” standard, or for other information, contact the PEOSH Program at (609) 984-1863. The Emergency Response Plan Guide and Appendices can be obtained from the PEOSH website at www.nj.gov/health/eoh/peoshweb.

This information bulletin provides a general overview of the New Jersey PEOSH Hazardous Waste Operations and Emergency Reponse Standard. Consult the standard itself for complete information.

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Occupational Health Service
Public Employees Occupational Safety and Health Program

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**Hazardous Materials Regulations for
New Jersey Emergency Responders**

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Which section did you find most useful?

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Other occupational health topics on which you would like to see the PEOSH Program develop an information bulletin:

Other comments and suggestions:

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