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Today

NIOSH Issues Chromium Assessment and New Limit

Provides New Recommended Exposure Limit (REL) of .20 ug/m3 for workplaces
On January 24, 2013, the National Institute for Occupational Safety and Health (NIOSH) posted a document entitled Criteria for a Recommended Standard: Occupational Exposure to Hexavalent Chromium in which NIOSH reviews the critical health effects studies of hexavalent chromium compounds to update its assessment of the potential health effects of occupational exposure to hexavalent chromium compounds and its recommendations to prevent and control these workplace exposures. The criteria document is available here.

New Chromium Electroplating Housekeeping Requirements
Deadline: March 19, 2013

By: Joelite Zak, NASF Government Advisory Committee / Scientific Control Laboratories, and Jeff Hannapel, The Policy Group

On September 19 2012, EPA finalized the residual risk and technology review for the national emission standards for hazardous air pollutants (NESHAP) for hard and decorative chromium electroplating and chromium anodizing tanks under 40 CFR Part 63. While NASF and the Sierra Club are litigating the rule in federal appeals court in Washington, as part of the final rule, EPA incorporated several housekeeping practices into 40 CFR 63.342(f), based on the 2007 amendments to California’s ATCM for Chromium Plating and Chromic Acid Anodizing Facilities. These measures are intended to reduce potential fugitive chromium emissions from chromium electroplating and anodizing operations.

Chrome plating facilities subject to the rule are required to implement new housekeeping practices no later than March 19, 2013. (The compliance deadline for revised emission limits and surface tension levels in the final rule is not until September 19, 2014.) Not only must facilities implement these practices pursuant
to the rule, facilities must also amend their Operation & Maintenance Plans to incorporate the housekeeping practices provisions.

The housekeeping practices are summarized below.

1. **Store substances that contain hexavalent chromium in closed containers.** This includes substances that have 0.1 percent or greater by weight, chromium trioxide, chromium (VI) oxide, chromic acid, or chromic anhydride.

2. **Minimize spills of bath solutions, including installing drip trays.** Where drip trays are not practical, facilities are permitted to collect dragout using other methods, such as pits and sumps. Although the original rule stated that dragout must be returned to the tank, EPA has clarified that returning dragout liquids to the electroplating or anodizing tank are not required.

3. **Install splash guards for spraying (i.e., rinsing) operations.** EPA has clarified that this applies only to substances used in an affected chromium electroplating or anodizing tank. Overspray from these operations must be returned to the process tank.

4. **Cleanup or contain spills within one hour of the spill.** Substances that fall or flow into drip trays, pans, sumps, or other containment or collection structure or device designed to collect electroplating tank liquid are not considered spills. In addition, EPA has also clarified that the cleanup must be initiated within one hour of the spill.

5. **Clean surfaces with HEPA vacuuming, hand-wiping, wet mopping, or hosing down and collecting in wastewater collection system.** This includes surface within the enclosed storage areas, open floor areas and walkways around the affected tanks that come into contacted with the materials used in the affected plating and anodizing tanks. EPA has clarified that this is required at least every 40 hours of operating time.

6. **Separate buffing, grinding and polishing operations from electroplating and anodizing processes with a physical barrier.** EPA has clarified that this includes only when there is a “line of sight” between the operations and that the use of plastic curtains are acceptable for meeting this requirement.

7. **Take measures to minimize fugitive dust emissions.** EPA has clarified that this should be wet cleaning and that dry sweeping and blowing dust with compressed air are not acceptable.

While the rule spells out the specific housekeeping practices that must be implemented, further clarification is needed to provide greater certainty for facilities and regulators on what activities would satisfy the regulatory requirements. NASF is working with EPA officials to develop a guidance document that more clearly outline what specific activities would be sufficient to satisfy these requirements. If you have any questions or would like additional information regarding these new requirements, please contact Jeff Hannapel at jhannapel@thepolicygroup.com.
OSHA Releases Updated Site-Specific Targeting Inspection Plan

Directive provides insight into inspection lists, procedures, and relationship to other OSHA programs. On January 4, 2013, a new directive implementing OSHA’s Site-Specific Targeting 2012 inspection plan became effective. Over 2,250 establishments have been selected — based on their CY 2009 injury and illness data and other criteria. For details about the inspection procedures and other information, visit www.osha.gov/OshDoc/Directive_pdf/CPL_02-13-01.pdf.

U.S. EPA Publishes Final Chromium Air Standards

The U.S. Environmental Protection Agency today published its final rule to significantly tighten air emission standards for chromium electroplating and anodizing operations.

The regulation, which was finalized to meet an August 15, 2012 court-ordered deadline, imposes new stringent air emission limits, lower surface tension levels, new housekeeping practices, and a ban of PFOS-based fume suppressants.

After three years of discussions and data review with NASF, EPA issued the tougher standard under the federal NESHAP (National Emission Standard for Hazardous Air Pollutants) program even though the agency concluded that the industry's emissions have dramatically improved since the original 1995 chromium air rule and do not pose a health risk to the public.

NASF reminded EPA at a recent meeting with White House officials that the
agency provided no credible rationale for lowering existing limits. NASF has prepared a brief summary of the rule below.

For more detailed information, please email Jeff Hannapel at The Policy Group or call (202) 257-3756.

**EPA's New Chromium Air Emission Requirements**

**Lower Surface Tension Levels**
The rule lowers the required surface tension levels from 35 dynes to 33 when measuring with a tensiometer and from 45 dynes to 40 when measuring with a stalagmometer. NASF does not view this change as a significant revision to the current requirement.

**Lower Emission Limits**
The new rule has tightened emissions limits to the lowest in the world for both existing and new decorative chromium plating, chromic acid anodizing, and hard chromium plating process. EPA reduced the emissions limits by a range of 25 to 50 percent for existing sources, and all new sources must comply with a new limit of 0.006 mg/dscm, which is 40 to 60 percent lower than the previous limits. Certain facilities are able to meet the new limits, while others may face significant compliance costs. Please see the table of changes below:

<table>
<thead>
<tr>
<th>Decorative Chromium Plating</th>
<th>New Limits</th>
<th>Previous Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Sources</td>
<td>0.007 mg/dscm</td>
<td>0.010 mg/dscm</td>
</tr>
<tr>
<td>New Sources</td>
<td>0.006 mg/dscm</td>
<td>0.010 mg/dscm</td>
</tr>
<tr>
<td>Chromic Acid Anodizing</td>
<td></td>
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<tr>
<td>Existing Sources</td>
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<td>0.010 mg/dscm</td>
</tr>
<tr>
<td>New Sources</td>
<td>0.006 mg/dscm</td>
<td>0.010 mg/dscm</td>
</tr>
<tr>
<td>Hard Chromium Plating</td>
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<tr>
<td>Existing Sources (small)</td>
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<td>0.030 mg/dscm</td>
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<tr>
<td>New Sources (small)</td>
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<tr>
<td>Existing Sources (large)</td>
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<td>0.015 mg/dscm</td>
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<tr>
<td>New Sources (large)</td>
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<td>0.015 mg/dscm</td>
</tr>
</tbody>
</table>

**Demonstrating Compliance with Emission Limits**
Facilities must demonstrate compliance with the new limits by conducting a performance or stack test. Facilities may use a previous performance test to demonstrate compliance with the new emission limits, provided that:

- the test was conducted after January 25, 1995
- the source is using the same emission controls that were used during the compliance test
• the source was operating under conditions that are representative of the conditions under which the source was operating during the compliance test
• the test was based on approval from a permitting authority

California Housekeeping Practices
Companies must implement the following housekeeping practices designed to minimize chromium emissions, in line with California's current requirements:

• substances that include hexavalent chromium must be stored in closed containers
• take measures to minimize spills of bath solutions
• install splash guards for spraying operations
• cleanup or contain spills within one hour of the spill
• clean surface with HEPA vacuuming, hand-wiping, wet mopping, or hosing down and collecting in wastewater collection system
• separate buffing, grinding and polishing operations from electroplating and anodizing processes with a physical barrier
• take measures to minimize fugitive dust emissions

PFOS-based Fume Suppressants Ban
The regulation bans the use of fume suppressants that contain one percent or greater of PFOS by weight.

Effective Dates
The final regulation is effective upon today's publication in the Federal Register. Facilities must comply with the following provisions of the new standard by the following dates: housekeeping practices - within 60 days of the date of publication in the Federal Register; surface tension levels - within 2 years of the date of publication in the Federal Register; emission limits - within 2 years of the date of publication in the Federal Register; ban of PFOS fume suppressants - within 3 years of the date of publication in the Federal Register

Process for Challenging the Final Rule
The NASF is reviewing the rule closely and is considering a legal challenge to the agency's action in the final rulemaking package. Petitions for judicial review of the final rule must be submitted to the U.S. Court of Appeals within 60 days of the date of publication in the Federal Register. This process can take up to a year or more to complete

In addition, NASF may have an option to submit a petition for reconsideration of the rule to EPA. Pursuing such an option may depend on the Agency's willingness to entertain such a reconsideration of the rule.

NASF's Government Advisory Committee is meeting this week to discuss the
industry impacts of the final rule. For any questions or additional information on the revised standard, please contact Jeff Hannapel at jhannapel@thepolicygroup.com or 202-257-3756.

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