



February 11, 2010

Send two hard copies of comments to:

OSHA Docket Office
Technical Data Center
Room N-2625
U.S. Department of Labor
200 Constitution Avenue, NW.
Washington, DC 20210

RE: Docket No. OSHA-2010-0004

(If we wish to submit comments electronically, submit via e-mail to:
stakeholder.meeting@dol.gov.)

Dear Sir or Madam,

In response to your federal Register Notice 75:2890-2891 entitled OSHA Listens: Occupational Safety and Health Administration Stakeholder Meeting, Clean Harbors Environmental Services, the leading provider of hazardous waste management services in the United States, is providing comments for inclusion into Docket No. OSHA -2010-0004.

On behalf of our greater than 7000 employees throughout North America, we appreciate this opportunity to provide meaningful feedback on how we believe OSHA can most effectively allocate your limited resources to improve the safety and health of our Nations workers. For your convenience we are providing our comments in the form of answering the questions contained in the Scope section of the Stakeholder meeting notice.

Question 1

What can the agency do to enhance and encourage the efforts of employers, workers and unions to identify and address workplace hazards?

Clean Harbors Response to Question 1:

We highly recommend you reallocate more resources for the Voluntary Protection Program (VPP) within your Cooperative Programs. VPP has been the single most effective tool we have ever seen in bringing workers and managers together to develop innovative ways to identify and address workplace hazards. To illustrate this point, a few years ago during our first VPP onsite evaluation at our Kimball, Nebraska incineration facility complex, the OSHA Team Leader identified several physical hazards during his walkthrough inspection; this was included in the final report as an area needing improvement. As a result of that finding, the Kimball employees put together a pictorial training program on hazard recognition, which essentially eliminated unsafe working conditions in the plant and is now used elsewhere throughout the Clean Harbors network.



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Question 2

What are the most important emerging or unaddressed health and safety issues in the workplace, and what can OSHA do to address these?

Clean Harbors Response to Question 2:

Given the vast variability in the types of workplaces across our Nation, workplace hazards vary tremendously and OSHA cannot possibly develop substance or occupation-specific standards to address them all. What OSHA can do is approach the oversight responsibilities from a management systems perspective and allocate more resources for VPP. The corner stone of VPP is the requirement for a customized safety and health management system that addresses the unique hazards of that particular operation and to constantly develop goals that allow for continuous improvement.

Question 3

How can the agency improve its efforts to engage stakeholders in programs and initiatives?

Clean Harbors Response to Question 3:

While we at Clean Harbors are genuinely appreciative of this opportunity to provide comments on programs and initiatives, we hope similar VPP companies will also be heard. We also ask OSHA to maintain adequate OSHA staffing in the various Cooperative Programs to support the increasing number of onsite VPP evaluations being requested.

Question 4

What specific actions can the agency take to enhance the voice of workers in the workplace, particularly workers who are hard to reach, do not have ready access to information about hazards or their rights, or are afraid to exercise their rights?

Clean Harbors Response to Question 4:

While the concept of empowering employees may scare some companies, we have discovered through the implementation of VPP, it is one of the most effective ways to develop a safety culture that works. Conversely, some workers, especially long term employees, will initially balk when asked to participate in VPP activities designed to improve their safety programs; however, once they see that their voices are genuinely being heard, the proverbial light bulb goes on.

Question 5

Are there additional measures to improve the effectiveness of the agency's current compliance assistance efforts and the on site consultation program, to ensure that small businesses have the information needed to provide safe workplaces?

Clean Harbors Response to Question 5:

If the appropriate incentives are provided for small businesses to participate in OSHA programs and develop a quality health and safety management system, the system will be created and implemented, and the business's employees will benefit from a safe workplace.



Question 6

Given the length and difficulty of the current OSHA rulemaking process, and given the need for new standards that will protect workers from unaddressed, inadequately addressed and emerging hazards, are there policies and procedures that will decrease the time to issue final standards so that OSHA may implement needed protections in a timely manner?

Clean Harbors Response to Question 6:

Unfortunately, streamlining the rulemaking process as set under the OSHAct would require Congressional approval. This is where VPP again demonstrates its value. The elements of VPP far exceed existing regulatory standards and require continuous improvement and goal setting. As a result, participants are constantly improving policies and procedures well beyond OSHA standards.

Question 7

As we continue to progress through a new information age vastly different from the environment in which OSHA was created, what new mechanisms or tools can the agency use to more effectively reach high risk employees and employers with training, education and outreach? What is OSHA doing now that may no longer be necessary?

Clean Harbors Response to Question 7:

The OSHA website www.OSHA.gov has been extremely helpful in terms of providing companies a user friendly reference for standards, letters of interpretation, and statistics. With regard to high risk employees, Clean Harbors suggests OSHA develop more outreach activities and incentives for employers currently identified in your Site Specific Targeting Program (SSTP) currently used to target inspections. While enforcement inspections are critical to assess basic compliance with safety and health standards at a given point in time, many of these employers need assistance to develop health and safety management systems that will ensure continued compliance.

Question 8

Are there indicators, other than worksite injuries and illness logs that OSHA can use to enhance resource targeting?

Clean Harbors Response to Question 8:

In addition to injury and illness rates, one objective rate commonly used to assess the relative risk experience of a company and to set worker's compensation insurance premiums is the Experience Modification Rate (EMR). Again, thanks in large part to our involvement in implementing VPP at key locations, Clean Harbors enjoyed a reduction in our EMR from 0.98 in 2004 when we began our VPP journey to 0.58 in 2009.



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Question 9

In the late 1980s, OSHA and its stakeholders worked together to update the Permissible Exposure Limits (PELs) (exposure limits for hazardous substances; most adopted in 1971), but the effort was unsuccessful. Should updating the PELs be a priority for the agency? Are there suggestions for ways to update the PELs, or other ways to control workplace chemical exposures?

Clean Harbors Response to Question 9:

Clean Harbors recalls OSHA's noble effort to update the PELs was unsuccessful due to the rulemaking process. Multiple PEL updates were attempted in mass without each individual PEL undergoing the rigorous rulemaking process. Modifications to ACGIH TLVs or NIOSH RELs do not have to meet this same standard. Due in large part to industrial hygiene evaluations during onsite VPP evaluations, Clean Harbors now requires our health and safety professionals compare sampling results to all of these standards, when making recommendations.

Thank you for the opportunity to provide comments to this worthwhile undertaking. As indicated throughout our answers to your questions, Clean Harbors is fully committed to the eradication of all injuries in our workplace and believe VPP is the most effective health and safety management system in the world to get us there.

Sincerely,

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