

# HTIS

Hazardous Technical Information Services

## BULLETIN



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### Affirmative Procurement Programs

*Abdul H. Khalid,  
Chemical Engineer, HTIS*

Congress, under Section 6002 of the Resource Conservation and Recovery Act (RCRA), authorized the Comprehensive Procurement Guidelines (CPG) program. In turn, RCRA Section 6002 requires EPA to consider several criteria so as to designate products that are, or can be made from recovered materials and to recommend practices for buying these assets. Furthermore, each procuring agency must establish an "Affirmative Procurement Program (APP)" that emphasizes the purchase of EPA designated items. RCRA's requirement to buy products containing recovered materials applies to procuring agencies that spend more than \$10,000 a year on that item. Procuring agencies are federal, state, and local agencies, and their contractors, that use appropriated federal funds. But RCRA does not authorize

EPA or any other federal agency to enforce the provisions of Section 6002 and the guidelines. However, Section 403 of the cited Executive Order (EO) 13101 requires EPA to include evaluation of RCRA 6002 compliance when conducting federal facility inspections. Furthermore, the Office of the Federal Environmental Executive has oversight of all EO requirements, including compliance with CPG. Recall that the above cited EO requires Federal Agencies, including the Department of Defense (DOD) and its components, to procure CPG designated assets published in the Federal Register. The EO also requires Agencies to track and report purchases, and to justify in writing the items

In an effort to promote the use of materials that are recovered from solid waste, EPA strives to designate items with the highest recovered materials content where practical. The purchase of recycled-content products ensures that the materials collected in

The HTIS Bulletin is designed to keep DOD personnel informed of technical and regulatory developments on the environmentally safe management of hazardous materials and wastes. For technical inquiries, call **DSN 695.5168** or commercial **804.279.5168** or toll free **800. 848.4847**

recycling programs will be used again in the manufacture of new products. Items designated in the CPG reflect one attribute – recycled content – although some products can address other attributes as well. To date, EPA has issued 54 items in 8 categories, and proposed 11 new items in August 2001. The 8 categories are:

- Construction Products
- Landscaping Products
- Non-Paper Office Products
- Paper and Paper Products
- Park and Recreation Products
- Transportation Products
- Vehicular Products
- Miscellaneous Products

The Defense Logistics Agency (DLA) has played a leading role with the Joint Group on Environmental Attributes in bringing an agreed upon protocol to the Federal Government with the introduction of environmental attributes in the Federal Logistics Information System (FLIS). The Defense Logistics Information Service (DLIS) has added an element known as “Environmental Attribute Characteristics code (ENAC)” which identifies environmental preferable products, and assists customers in purchasing green products from the Federal Government.

ENACs are based on the characteristics information that identifies items of supply that have desired environmental agreed upon attributes. Herewith are examples for some DSCR managed assets:

EB--Minimum re-refined oil content standard meeting the statutory requirements of RCRA Section 6002(c)(1), but no lower than 25 percent re-refined oil in accordance with EPA's recommended recovered materials content ranges.

EE--Reclaim engine coolants on site or contract for off-site reclamation services, in accordance with EPA's *Vehicular Products Containing Recovered Materials* Publication.

E4--Remanufactured toner cartridges or new toner cartridges made with recovered materials (unspecified percentage) from product vendors in accordance with EPA Recovered Materials Advisory Notice.

In addition to the ENACs, DSCR, in cooperation with DOD and EPA, identified a military specification, MIL-PRF-85570, Type II, as an environmentally preferable product. This evaluation was performed under a DOD Environmentally Preferable Product pilot project. The goal of the project was to test the Federal Acquisition Regulation, Part 23, allowance for using environmental attributes in the review, evaluation, and award of products in the acquisition process. The result was the award of a contract for two environmentally preferable products. The two items under this specification are identified with a star. Items listed as ODS alternatives are all EPA SNAP-approved.

DSCR's web based EP catalog is updated as required, and can be accessed at::

<http://www.dscr.dla.mil/environmental.htm>.

Also the Defense Reutilization and Market Service's APP for EPA-Comprehensive Procurement Guideline Items Containing Recovered Materials (DRMS-I 4105.4) is available online at:

<http://www.drms.dla.mil/publications/4105.4/guide.pdf>

POCs for more information on chemicals, alternative refrigerants, petroleum products, reusable batteries accessories, and customer training at Defense Supply Center Richmond, Richmond, VA (S9G) are:

**Chemicals:** Clifford Myers, Chemist - Phone: 804-270-3995; FAX: 804-279-3653 (DSN prefix-695).

**Alternative Refrigerants:** Harry Broaddus, Chemist - Phone 804-279-4356; FAX 804-279-4370 (DSN prefix-695).

**Petroleum Products:** Harry Broaddus, Chemist - Phones: 804-279-4257/4356, FAX 804-279-4370 (DSN prefix-695).

**Reusable Batteries and Accessories:** Jesse James, Product Specialist, phone 804-279-3097, fax: 279-4245 (DSN prefix-695).

**Training Customers (Marketing):** Stephen Perez, Phone: 804-279-4245 or 800-279-3063; FAX 800-352-3291 or 804-279-5695 (DSN prefix-695).

**Bulk Petroleum or diesel fuel:** 703-767-8359; FAX: 703-767-8366 (DSN Prefix 427), Defense Energy Support Center, Fort Belvoir, VA (S9F)

**Dental chloroform or skin protection or barrier product:** Phone: 215-737-5539; FAX 215-737-8144 (DSN Prefix: 444), Defense Supply Center Philadelphia, Philadelphia, PA (S9M)

**Miscellaneous energy-saving devices etc:** Phone: 614-692-4249 FAX 614-692-1753 (Marketing: Phone: 614-692-7234 or 800-643-8827; FAX 614-692-7619 (DSN Prefix: 850), Defense Supply Center Columbus, Columbus OH (S9C/S9E)

HTIS, as always, is available to DOD customers having technical questions related to chemicals, or product containing hazardous materials, or on OSHA, EPA, and DOT statutes and regulations. Our HTIS helpline is: 800-848-4847, 804-279-5168 or DSN 695-5168

Reference:  
EPA's "Comprehensive Procurement Guideline" at <http://www.epa.gov/cpg/about.htm>

### **Report to the President on Federal Environmental and Energy Management**

*Tom McCarley, Chemist, HTIS*

In December 2002, a report was issued by the office of John Howard, Federal Environmental

Executive outlining the accomplishments of Federal agencies over 2000-2001 in the areas of environmental and energy management. This report is the second of such biennial reports called for by Executive Order 13101. The entire report is available online at <http://www.ofee.gov/whats/leadingbyexample.pdf> (39 pages). Titled, "**Leading by Example: A Report to the President on Federal Energy and Environmental Management**", the Federal interagency group that prepared the report also made suggestions on how the Federal Government could improve on its record of environmental stewardship.

The press release for the report highlights Federal achievements and progress that include:

- "More than 180 Federal facilities have developed and are implementing environmental management systems - strategic frameworks for ensuring compliance with environmental requirements, integrating environmental accountability into day-to-day decision making and planning, and urging continual improvement.
- The Federal government's energy intensity (BTUs per square foot) has decreased 23 percent since 1985, saving taxpayers \$1.4 billion.
- From FY 1990 to FY 2001, total carbon emissions from energy used in Federal facilities declined by 2.8 million metric tons of carbon equivalent. This is equal to removing almost 2.1 million cars from the road in a year.
- By using alternative financing mechanisms, agencies in FY 2001 implemented 125 energy projects through which the private sector invested approximately \$477 million, at no cost to taxpayers, for a life-cycle cost savings of \$1.2 billion.
- More than 250 Federal buildings have qualified as Energy Star buildings for their high energy efficiency (top 25%).

- From FY 2000 to FY 2001, Federal agencies tripled their purchase of electricity from renewable energy sources, to 632 gigawatt hours, enough to serve 60,000 households for a year.
- From FY 2000 to FY 2001, Federal agencies consumed 6 times more alternative fuels (such as ethanol, biodiesel, and compressed natural gas), from 1.3 to 8.6 million gasoline gallon equivalents. In FY 2000, Federal agencies purchased nearly 8,000 new alternative fuel vehicles, bringing the total Federal fleet of such vehicles to 55,000 (2001 figures were not yet available).
- An average of more than 650,000, or approximately 22%, of all Federal employees commute to work other than by single-occupancy vehicles, reducing traffic congestion and air pollution.
- In FY 2001, Federal agencies purchased nearly \$500 million in products containing recycled content. Over the last decade, the Federal government has purchased more than \$3.6 billion of such products. Federal agencies and government contractors now buy more than 50 types of recycled content products designated by the Environmental Protection Agency.”

Recommendations for improvement fall into such categories as building partnerships, improving accountability, budgeting for sustainability, building sustainable infrastructure and continuing leadership as follows:

- “Agencies should consider the range of energy and environmental factors when making an acquisition. ‘Green’ or ‘sustainable’ purchasing should be broadly defined to encompass the wide variety of sustainable products, including recycled content products, ENERGY STAR® and other energy- and water-efficient products, environmentally preferable products and services, biobased products, and alternative fuels and vehicles.
- By July 1, 2003, DOE and EPA should prepare, through an inter-agency workgroup, consisting at a minimum of OFEE, DOD, GSA, and USDA, a government-wide, comprehensive green purchasing education and outreach plan. The plan should cover the requirements of the Greening the Government Executive Orders and consider the use of ‘e-training’ courses, the dissemination of case studies, and the identification of key acquisition related conferences and other educational information.
- Agencies should explore the feasibility of adopting the model of the Federal Network for Sustainability (FNS) in other geographic regions. FNS is an alliance of Federal agencies who share staff, authorities, and experience to collectively reduce waste, pollution, energy consumption, and implement other green practices.
- Agencies and facilities should inform states, local communities, tribes, and private sector entities about their agency/facility environmental management systems (EMS) actions, and as appropriate, work with them in partnership on EMS training, development, and implementation.
- EPA, DOE, and major procuring agencies should convene a green products trade fair for vendors and procurement officials in order to promote Federal purchasing of recycled content products, ENERGY STAR® and other energy- and water-efficient products, environmentally preferable products and services, biobased products, and alternative fuels and vehicles. The trade fair should highlight small, minority, and women-owned sources of these products and services, as well as products and services available through the National Industries for the Blind and the National Industries for the Severely Handicapped.
- The head of each agency should assure full compliance with statutory and Executive Order requirements addressed in this report by

establishing, by July 1, 2003, goals for meeting each requirement, developing affirmative procurement and/or action plans, and tracking and measuring progress.

- Building on the scorecards developed under E.O. 13123 and E.O. 13149, OMB and OFEE should develop measurement and tracking tools by July 1, 2003, to score agency progress in meeting each requirement.
- OMB should ensure that agency requests for appropriations for new construction and major modernization projects take into account life-cycle costs, including long-term energy, environmental, and operational costs.
- Agency chief financial officers should ensure that their annual budget submissions to OMB allocate funds for implementing the energy and environmental Executive Orders.

To improve the use of alternative fuels and to increase compliance with EPA Act and E.O. 13149, agencies should do the following:

- GSA Fleet Management Centers and agencies should work with area agency fleet managers to encourage local fuel providers to establish alternative fueling sites and negotiate better alternative fuel prices.
- By July 1, 2003, agencies' senior transportation officials should establish policies to require drivers to operate alternative fuel vehicles on alternative fuel, to the maximum extent practicable, in areas where alternative fuel infrastructure exists.
- By July 1, 2003, agencies' senior transportation officials should work with DOE and GSA to resolve alternative fuel use tracking issues with fuel providers.
- To build on current Federal sustainable building practices, OMB should issue guidance that would require that all new Federal buildings and total renovations of existing

buildings strive for a minimum rating of Silver in the Leadership in Energy and Environmental Design (LEED) or similar sustainable building rating system where life-cycle is cost effective.

- To enhance and coordinate green purchasing, OFEE and OMB should work with agencies to ensure that energy and environmental considerations are incorporated into contracting forecasts, service contracts, e-catalogs, and source selection factors, including past performance factors. OFEE and OMB also should encourage agencies to incorporate green purchasing into their environmental management systems.
- To promote sustainable practices, by July 1, 2003, OFEE and DOE should coordinate their awards programs to reward Federal agency progress for exemplary sustainable operations in waste prevention, recycling, affirmative procurement of the range of green products and services, energy efficiency, the use of environmental management systems, designing and constructing sustainable buildings, alternative fuel usage, and electronics stewardship.
- Federal agencies should continue to demonstrate leadership in sustainability through participation in such challenge programs as EPA's recently announced Resource Conservation Challenge, WasteWise, Waste Minimization, National Environmental Performance Track, and other related programs and partnerships.
- OFEE should work with EPA, other agencies, and leading electronics businesses to pursue a National Electronics Stewardship Challenge, inviting Federal agencies to commit to using their acquisitions to leverage the development of an integrated, closed-loop approach to the design, manufacture, de-manufacture, reuse, and recycling of electronic equipment.
- GSA should continue to expand the Federal workforce transportation initiatives, including parking limitations, to further improve air

quality and reduce traffic congestion, and better quantify the environmental benefits of this program.”

The **report** also **contains** a handy **synopsis** of recent **Executive Orders** related to **environmental and energy management**, and a compilation of pertinent web sites.

References:

1. “Leading by Example: A Report to the President on Federal Energy and Environmental Management”, December 2002 – available at <http://www.ofee.gov/whats/leadingbyexample.pdf>
2. Press Release: “Federal Environmental Executive Reports to President Bush: Federal Energy and Environmental Management Making Strong Progress”
3. E-mail alert from Juan Lopez, EPA, with the Office of the Federal Environmental Executive.

## Training and HazMat Law

*Thomas McElwee,  
Environmental Protection Specialist  
HTIS*

HTIS receives numerous questions pertaining to training and the requirements of the HazMat Regulations. The following is excerpted from the RSPA website (<http://hazmat.dot.gov/>) under the “**Training Information**” placard and provides excellent generic guidance as to the requirements for training addressed in 49 CFR. **This article does not address training for certifiers of Military Air Shipments of HazMat. Requirements for certifiers of MILAIR HazMat Shipments were covered in a previous article in the HTIS bulletin (May-June 2002, Vol 12, No. 3, page 13).**

### DEFINITIONS:

**HAZMAT EMPLOYEE** means a person who is employed by a hazmat employer and directly affects hazmat transportation safety including:

- an owner-operator of a motor vehicle which

transports hazmat; a person (including a self-employed person) who:

- loads, unloads, or handles hazmat;
- tests, reconditions, repairs, modifies, marks, or otherwise represents packagings as qualified for use in the transportation of hazmat;
- prepares hazmat for transportation;
- is responsible for safety of transporting hazmat; or
- operates a vehicle used to transport hazmat.

**HazMat Employer** means a person who uses one or more of its employees in connection with:

- transporting hazmat in commerce;
- causing hazmat to be transported or shipped in commerce; or
- representing, marking, certifying, selling, offering, reconditioning, testing, repairing, or modifying packagings as qualified for use in the transportation of hazmat.

(The term “*hazmat employer*” also **includes any department, agency, or instrumentality of the United States**, a State, a political subdivision of a State, or an Indian tribe engaged in offering or transporting hazmat in commerce.)

**Training** means a systematic program (i.e., consistent approach, testing, and documentation) that ensures that a hazmat employee has knowledge of hazardous materials and the HMR, and can perform assigned hazmat functions properly. See § 172.700(b) through §172.704.

### Hazardous Material Regulations (HMR)

The Federal hazardous materials transportation law (49 U.S.C. § 5101 et seq.) is the basic statute regulating the transportation of hazardous materials (hazmat) in the United

States. This law requires the training of **ALL** hazmat employees. The purpose is to increase a hazmat employee's safety awareness and be an essential element in reducing hazmat incidents. The Hazardous Materials regulations (HMR) include training requirements in several sections of Title 49 Code of Federal Regulations (CFR) as follows:

**General** §173.1; **Specific** §172.704; **Modal:** Air §175.20; Vessel §176.13; Highway §§ 177.800, 177.816

### ***Training Requirements***

#### **Each hazmat employer must:**

- train and test,
- certify, and
- develop and retain records of current training (inclusive of preceding three years) for each hazmat employee (during the period of employment and 90 days thereafter).

#### **Hazmat training must include:**

- General awareness/familiarization,
- Function-specific,
- Safety, and
- Driver training (for each hazmat employee who will operate a motor vehicle).

#### **Frequency of training:**

##### ***Initial training:***

– a new employee, or an employee who changes job functions, may perform hazmat job functions before completing training, provided:

- the employee does so under the direct supervision of a properly trained and knowledgeable hazmat employee; and
- the hazmat training is completed within 90 days of employment or change in job function.

##### ***Recurrent training:***

- is required at least once every three years; **but every 2 years for DOD per DTR 4500.9-R- Part II.** The three year period begins on the actual date of training.

- Relevant training received from a previous employer or source may be used to satisfy the requirements provided a current record of training is obtained from the previous employer or source.

#### **Training Records must include:**

- Hazmat employee's name;
- Completion date of most recent training;
- Training Materials (Copy, description, or location);
- Name and address of hazmat trainer; and
- Certification that the hazmat employee has been trained and tested.

DOD employees should review **Chapter 204 of Defense Transportation Regulation (DTR) DOD Regulation 4500.9-R-Part II Cargo Movement, Dec 2000** and titled “**Hazardous Materials**” since it contains the policies, procedures, and responsibilities applicable for movement of HAZMAT by all modes of commercial transportation and military surface transportation operated by military, DOD civilian personnel, and DOD contractor personnel. Theater CINCs may apply more stringent requirements. This regulation is maintained at the following site: <http://www.transcom.mil/J4/j4lt/Chp-204.pdf> with paragraph D of Chapter 204 addressing training.

#### **DOD’s Chemical and Biological Defense Office – Research That Will Help Us All**

*Tom McCarley, Chemist, HTIS*

Much of military research has a long history of eventually benefiting us all – military and

civilian population alike. Although research into protecting today's US warfighter against the threats of deadly chemical and biological agents has been ongoing for many decades, such research takes on a very stepped up importance and urgency for us all in the aftermath of the September 11, 2001 terrorist attacks and follow on October anthrax-by-mail incidents and fatalities. These attacks on our homeland soil brought into focus the realization that chemical and biological agents can be especially devastating in a mobile, free, and open society. In interesting presentations at recent 2002 national meetings of the American Chemical Society, a leading Pentagon official in the area of chemical and biological agent defense highlighted some of the research activities in this area.

Dr. Anna Johnson-Winegar, Deputy Assistant to the Secretary of Defense (Chemical-Biological Defense) highlighted some of following points.

Concerns with protecting the civilian population:

- Unlike the military, civilian populations are unorganized and have no chain-of-command,
- They are not likely to have specific training and may be less aware of the threat,
- The civilian population has limited equipment for detection and protection against chemical and biological agents,
- In contrast to the military population, the civilian population contains large pediatric and geriatric segments and immune-suppressed individuals that may be more susceptible to chemical and biological agents,
- The civilian population is susceptible to target delivery systems of such chemical and biological agents including building ventilation, food, water, [and as we have experienced, the US mail].

The DOD Chemical and Biological Defense Program was established by the FY1994 Defense Authorization Act and now works with a more than billion dollar annual budget. That budget includes not only research and development but also acquisition of new equipment for detection and protection of the warfighter. With a goal of having our military be the best equipped to handle the unforeseen future battle space that may be chemically and biologically contaminated, this office is overseeing a number of important projects to better protect our fighting men and women.

Some sobering realities about the dangerous world neighborhood to which we have now all moved:

- Over 20 countries are working on chemical warfare agents, many of which are cheap and readily obtainable,
- Over 10 countries are known to be developing biological warfare agents. Since even small amounts of certain biological warfare agents can have devastating effects, there is no need for a country or terrorist group developing them to have a large stockpile and they are, as a result, very easy to hide. And the same facilities that produce vaccines and medicines on one day can just as easily be producing biological weapons the next,
- Over 25 countries have delivery systems for chemical or biological agents or are developing them.

Special concern is now also focusing on those emerging agents that may not fall neatly into the classic chemical (nerve agents, vesicants etc) or biological pathogen agent (anthrax, smallpox etc.) classification. A number of concerns now look at those "gray" areas in-between that can include various toxins and bioregulators. Attention is also being focused on Toxic Industrial Chemicals and the legitimate global trade in substances which are either dangerous in themselves or are precursors to weapons of mass destruction

agents. Such substances that may have regulations and reporting schemes (e.g. EPCRA and RCRA) domestically can be very difficult to track and control internationally.

Selected DOD programs in these regards include:

- Development, improvement, and deployment of the Joint Chemical Agent Detector
- Portable analyzers have now been fielded to 27 National Guard units around the country for their Weapons of Mass Destruction Civil Support Teams
- The BIDS biotetection system which can identify 8 agents in 45 minutes using immunoassay technology
- JSLIST – the Joint Service Lightweight Integrated Suit Technology - this protective personal protection suit offers 45day protection and is launderable. New research programs will look towards incorporating enzymes into the suit matrix material so that chemical and biological agents will be neutralized and not just blocked by absorption.
- Replacement of corrosive DS2 as a decontaminating agent. DS2 can peel paint off vehicles and equipment and can ruin the sensitive optical and electronic equipment needed for detection and monitoring of chemical and biological agents.
- Improvement of the mathematical models used to predict dispersion of chemical and biological agents. Such computer models have traditionally assumed open battlefields. Now they must take into account urban settings as well.
- Replacement of the M8/M9 detection paper with standoff and non-contact monitors and detectors for the identification of liquid chemical agents; attempt to get away from the concept of a human having to actually collect a potentially dangerous sample.

- Continuing research into warning and reporting systems, reconnaissance vehicles, masks and clothing, filters and shelters, and vaccines and drugs.

Other presenters at this symposium also discussed work that Departments of Defense and Energy are doing via their laboratories or are sponsoring via university or contractor research. For example, a major project is underway to replace the M291 detector kit by FY06; DOD's vendor for the M291 is no longer manufacturing it.

During the time frame from October to December 2001, DOD solicited research ideas for combating terrorism and over 12,500 proposals were received. The interest in this area is justifiably enormous.

#### References.

1. 223<sup>rd</sup> American Chemical Society national meeting; Committee on Science symposium: "*National Security and the Homeland Defense*", 7 April 2002.
2. 224<sup>th</sup> American Chemical Society national meeting; division of Toxicology sponsored symposium on Chemical and Biological Terrorism, August 2002
3. Presentation information from the Office of the Deputy Assistant to the Secretary of Defense (Chemical-Biological Defense)

#### **EPA's OECA: Compliance with the Nation's Environmental Laws**

*Abdul Khalid*  
*Chemical Engineer, HTIS*

The Office of Enforcement and Compliance and Assurance (OECA) provides compliance assistance to the regulated community and works in partnership with EPA's regional offices, state governments, tribal governments and other federal agencies. The OECA desires that the EPA regulated community both understands and as well as meets its

compliance obligations. Furthermore, OECA will provide Statute-specific assistance if requested.

The OECA and its partners seek to maximize compliance, and reduce threats to public health and the environment by following an integrated approach of compliance assistance, compliance incentives as well as innovative civil and criminal enforcement. Compliance and enforcement information is available at: <http://www.epa.gov/compliance>. The nine broad topic areas, noted below, are described in detail. Numerous very useful RCRA guidance documents are also available.

- Planning and Results
- Compliance Assistance
- Compliance Incentives and Auditing
- Compliance Monitoring
- Civil Enforcement
- Cleanup Enforcement
- Criminal Enforcement
- Environmental Justice
- National Environmental Policy Act (NEPA)

Reference:

EPA's web site, Compliance and Enforcement at: <http://www.epa.gov/compliance/>

### Decon Runoff – Liability Concerns

*Tom McCarley, Chemist, HTIS*

With our heightened concern over terrorist attacks with chemical and biological agents, an issue has been raised concerning the liability first responders may face from the contamination caused by runoff of decontaminating chemicals used in their response work. This is of no small concern with the provisions under some environmental statutes for citizens to bring suit against "polluters". Even though anything prior to September 11, 2001 may seem like ancient history now, as early as April 1999, the U.S. Army's Soldier and Biological Chemical Command (SBCCOM) raised the liability

issue with the Environmental Protection Agency.

In response to that concern, EPA's Chemical Emergency Planning and Preparedness Office issued a July 2000 Chemical Safety Alert entitled "*First Responders' Environmental Liability Due to Mass Decontamination Runoff*"; EPA 550-F-00-009, available at [http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/onepage.pdf/\\$File/onepage.pdf](http://yosemite.epa.gov/oswer/ceppoweb.nsf/vwResourcesByFilename/onepage.pdf/$File/onepage.pdf)

The short article (3 pages) briefly discusses issues of liability including state tort laws and the "Good Samaritan" Provisions under Section 107(d) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

**The bottom line is to seek legal advice if one is unsure about these issues.** And keep in mind that **an actual response** to an incident potentially involving chemical and biological agents, and **training** for those contingencies **may be two separate issues of liability.**

Reference:

EPA 550-F-00-009 "*First Responders' Environmental Liability Due to Mass Decontamination Runoff*", July 2000 – available online at the URL noted in the article.

### CDC Releases Most Extensive Assessment Ever of Americans' Exposure to Environmental Chemicals (reprint)

*Beverly Howell,  
Industrial Hygienist, HTIS*

The Centers for Disease Control and Prevention (CDC) has released the second *National Report on Human Exposure to Environmental Chemicals*, the largest and most extensive assessment of the U.S. population's exposure to environmental chemicals. The report presents exposure information for 116 environmental chemicals

measured in blood and urine specimens. The blood and urine specimens came from a sample of people who represent the U.S. population for the years 1999 and 2000.

“This report is by far the most extensive assessment ever of exposure of the U.S. population to environmental chemicals,” said CDC Director Dr. Julie Gerberding, “This kind of exposure information is essential, it helps us to lay the critical groundwork for future research in ensuring that exposures to chemicals in our environment are not at levels that affect our health.”

The report contains new data on declines in blood lead levels in children; decreases in adults’ exposure to environmental tobacco smoke, and for the first time, extensive data on many other chemicals that will help public health physicians and scientists identify and prevent health problems from exposure.

Blood and urine samples were collected from some 2,500 participants for each chemical tested in CDC's National Health and Nutrition Examination Survey (NHANES)—an ongoing national health survey of the U.S. population. CDC’s Environmental Health Laboratory developed special analytical methods and measured the chemicals and their metabolites (breakdown products) in these blood and urine samples.

### **Selected Findings – Some Progress, Some Concern**

#### **Lead**

New data on blood lead levels in children aged 1-5 years allow us to estimate the number of children with elevated levels. For 1999-2000, 2.2 percent (95 percent confidence interval of 1.0 to 4.3 percent) of children aged 1-5 years had elevated blood lead levels (levels greater than or equal to 10 micrograms per deciliter). This percentage has decreased from 4.4 percent for the period 1991-1994. “The continued decline of elevated blood lead levels in America’s children is a public health success

story. However, exposure of children to lead in homes containing lead-based paint and lead-contaminated dust remains a serious public health concern,” said Dr. Richard Jackson, Director, National Center for Environmental Health.

#### **Exposure to environmental tobacco smoke**

Compared with levels measured during the period 1991-1994 for nonsmokers, cotinine levels have decreased 58 percent for children, 55 percent for adolescents, and 75 percent for adults. These declines support the effectiveness of public health efforts to reduce environmental tobacco smoke (ETS) exposure during the 1990s, which have mostly targeted adults,” Dr. Jackson said. “However, continued efforts to reduce exposure to environmental tobacco smoke are warranted, especially for children, adolescents, and non-Hispanic blacks.”

The second report presents extensive data for many other chemicals that include mercury, uranium, cadmium, thallium, and other metals; phthalates; organochlorine pesticides, herbicides, polycyclic aromatic hydrocarbons; carbamate insecticides; organophosphate pesticides, phytoestrogens. The report and an executive summary are available online at the following web site:

<http://www.cdc.gov/exposurereport/>. The report will continue to be released every two years, expanding the number of chemicals covered, providing physicians with reference levels of exposure so that they can recognize unusually high levels of exposure in patients and assessing the effectiveness of efforts to reduce chemical exposure.

Reference:

Center for Disease Control, Office of Communication, Media Relations, Press Release, 31 January 2003

#### **Clarification/Follow-up – “EPA Memo on Waste Generation”**

In our cover article for January-February 2003, <http://www.dscr.dla.mil/htis/janfeb03.pdf>, we

Defense Supply Center Richmond  
8000 Jefferson Davis Highway  
Richmond, Virginia 23297-5609

**FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
TEMPLE HILLS, MD  
PERMIT NO. 4004**

discussed EPA's August 16,2002 Memorandum on Hazardous Waste Generated in Laboratories.

<http://www.dscr.dla.mil/htis/janfeb03.pdf> .

In its summary of that Memo <http://yosemite.epa.gov/osw/rca.nsf/23e68e459512b15f85256bf000632213/e56a8c54abe32885256c6700700ee1?OpenDocument> , EPA clearly states that "Generators can transfer HW between *accumulation units*", where our article used the term "*accumulation points*". In fact at this point, we need to make a distinction between generator ("90 day") accumulation points and "Satellite accumulation" areas. There is no general prohibition between moving waste from one conforming 90 day area to another or between "units" in a 90 day area but there **IS** a prohibition between moving wastes from one Satellite area to another (see the February 1999 RCRA Hotline report -

<http://www.epa.gov/epaoswer/hotline/99report/feb99.txt>.

As always, we advise our readers to follow the policies of their Service/Installation,

or State regulatory agency concerning such matters. As stated at the end of our article, States can be and are more stringent in their interpretation of such issues.

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