

SECTION TWO – MIOSHA REGULATIONS

PART 2: MIOSHA HEALTH REGULATIONS

CHAPTER 23: Emergency Response

As an employer, you must comply with the emergency response provisions of the **Part 432, Hazardous Waste Operations and Emergency Response (HAZWOPER) Rule (R 325.52101-52137)** of the MIOSHA General Industry Occupational Health Standards if your work place contains hazardous substances in quantities that could require an emergency response if released.

An emergency response is defined by the **HAZWOPER** standard as a response effort by employees from outside the immediate release area or by other designated responders. This could be your hazardous waste hauler or local fire department responding to an occurrence which resulted in an uncontrolled release of hazardous substances. If employees are evacuated because of safety or health threats posed by an uncontrolled release of a hazardous substance, it is an emergency response. Considerations in determining an emergency response include:



- Properties of the hazardous substance such as type, quantity, toxicity, flammability, explosiveness, reactivity, vapor pressure, etc.
- Circumstances of the release such as quantity, location, etc.
- Mitigating factors in the work area such as engineering controls, training level of employees, number of employees, availability of outside resources, equipment available, pre-established standard operating procedures, etc.

Responses to incidental releases of hazardous substances where the substance can be absorbed, neutralized, or otherwise controlled at the time of release by employees in the immediate release area or by maintenance personnel are not considered to be emergency responses within the scope of these rules. An example of an incidental release is use of shop towels by an employee to soak up a small solvent or coolant spill.

If you are an employer whose work place has the potential for developing an emergency response, you have two choices in complying with the standard.

1. You can rely on an emergency action plan that complies with the federal OSHA Standard - Employee Emergency Plans and Fire Prevention Plans (29 CFR 1910.38 [a]) if you evacuate employees to a safe distance and contact an outside organization to mitigate the emergency release. This level of response basically requires employees to be trained to recognize an emergency response situation and understand the appropriate action to take when one is determined, such as a designated meeting location after evacuation. An employer must take monitoring steps to ensure that the work place is safe before allowing

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employees to re-enter the emergency response area to perform cleanup operations or continue normal work operations.

2. If you allow your employees to take either defensive (first-responder, operations level) or offensive (HAZMAT technician or specialist level) actions to mitigate the actual or potential emergency release of hazardous materials, you will need to develop a full emergency response plan.

Further information regarding this standard and providers of training for this standard can be obtained by contacting the MIOSHA, General Industry Safety and Health Division at (517) 322-1608. In addition, see Chapter 5 for more information regarding emergency response planning.