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Clean Air Act Violations Result in Prison Sentences

Elk City, Oklahoma's City Manager Guy R. Hylton, Jr. and Supervisor Chick Arthur Little have been convicted of violating the federal Clean Air Act.

In December 2008, the men were indicted for using Elk City inmates to renovate the Rock Island Railroad Depot in Elk City without providing respiratory protection, protective clothing, or taking other required measures used for the removal of asbestos.

An Oklahoma City jury found them guilty of negligent endangerment by allowing the release of asbestos in a way that created a danger of death or serious bodily injury to the inmates who were working for the city as part of a work-release program. Little was also convicted of felony false statements given to investigators.

EPA Special Agent in Charge, Warren Amburn said, "EPA will continue to vigorously enforce our

nation's environmental laws through a strong enforcement program. We must hold those accountable who endanger others and lie to federal officials to cover up their misconduct."

Hylton was fined \$15,000 and order to serve 6 months in a federal prison and Little was sentenced to 8 months in prison, 2 years supervised release and 104 hour community service.

What's New In TCEQ Rules

Get the latest news on TCEQ rules by visiting <http://www.tceq.state.tx.us/rules/whatsnew.html>. Find out the latest information on the TCEQ rulemaking. Items are posted for the last 3 months.

February and March 2009 items include:

- Pending Proposal for Repeal of De Minimis Permits by Rule.

- Petition, Utility Deposits Petition.
- Adoption of HB 3838, SBI604: Phase 2 Implementation of Radioactive Material Disposal and Source Material Recovery Requirement.
- Proposal for Consolidated Water Quality Fee, Public Health Service Fee, and Water use Assessment Fee.

- Adoption, Alternative Output-Based Monitoring Option for Engine and Turbines in the BPA and HGB Ozone Nonattainment Areas.
- Pending Proposal for One-hour Ozone Major Source Thresholds and Emission Offsets.
- Adoption of Remediation of Leaking Petroleum Storage Tank sites.

Should Bearded Respirator User be Forced to Shave?

Suffering from toxic disease that affects his lungs, a worker sues his employer stating that they intentionally exposed him to a significant hazard over an extended period of time.

When the employee complained fumes were making him sick, the employer made sure fume-producing jobs were always performed when he wasn't in the area. OSHA inspectors even commended them for their efforts to correct the problems.

The only problem cited by OSHA inspectors was related to employee himself, because his respirator did not fit properly because of his beard. Should the employer have insisted he shave his beard or should the employee had the common sense to shave his own beard?

The company challenged the lawsuit and won. The court ruled that the worker didn't prove that the company was negligent. The fact that the employee refused to shave his beard, which no doubt contributed to his illness, didn't help his case.

There are important steps that should be followed before allowing a respirator wearer to start a potentially danger job, whether or n t they have a beard.

1. After the safety device is on, make sure the wearer can breathe normally.
2. Ask the person to breathe slowly and deeply. Make sure he can turn his head from side to side, inhaling periodically.

3. A worker wearing a respirator should be able to move his head up and down, inhaling the whole time.
4. Finally, ask the person to talk loudly enough so that you can hear him.

OSHA Issued Revised Fit-Testing Procedures for Respirators

Current protocol for fit-testing either exposes respirator wearers to an airborne agent or uses machines to measure the amount of test agent that seeps into the respirator. The proposed modification would allow select machine-based tests to be performed faster and raise the passing score. For more info, visit www.osha.gov.

Home Safety Tips

January

Home Heating/Carbon Monoxide (CO) Safety

Have your heating system and chimneys professionally checked every year. Install a CO alarm in your home.

February

Burn Awareness

Store flammable liquids in containers with child-resistant caps.

March

Poison Prevention

Use containers with child-resistant caps for medicines and household chemicals. Keep them out of reach and out of sight of children, preferably in a locked cabinet.