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SOUND SECURITY PRACTICES: ARE YOU LOCKED IN?

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What Do They See When They Knock On Your Door?

Ensuring Your Facility is Safe and Secure

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Let's say you're in the market for a new home. A number of factors come into play as you consider which one to buy. How are the location and school district? What is the price? How old is it? Where is it in relation to shops, restaurants and your workplace? You'll obviously answer those questions before you make an offer.

However, they take a backseat to an initial reaction you get when you first enter the home. That first look around often makes or breaks your opinion. More importantly, the appearance signifies the care and maintenance the owners have for what should be their most important material possession.

The same can be said when someone walks through the door of your facility for the first time. As the cliché goes, "You never have a second chance to make a first impression." The safety and security of your operation indicate how serious you are about being a successful business and treating your employees with care and respect. Attention to detail in workplace safety usually translates to how much effort you place in manufacturing and/or distributing your products.

Let's take a look at how to address these concerns by answering three basic questions:

How secure is the perimeter of your facility? Are your employees adequately trained on risk management and incident prevention measures? Do you know what to do if something does go wrong?

Perimeter Security

Obviously, since 9/11, the security of any well-populated workplace has become a critical area of concern. This type of anxiety is magnified exponentially when discussing facilities that deal with potentially hazardous materials.

One way to make sure your facility is safe is to identify how compliant you are with the Chemical Anti-Terrorism Standards (CFATS) established by federal government in 2007. Even though CFATS regulations apply only to what it calls "high risk" chemical facilities, it would be sensible to make sure your facility is in line with these highest of standards.

The Department of Homeland Security (DHS) alerts facilities that fall under the regulatory supervision of CFATS, and each facility must comply with a number of mandates set forth by DHS to be deemed a "covered facility."

Without going into the nuts and bolts of CFATS (the federal government will walk facilities deemed "high risk" through this process step by step), we would like to focus on the security protocol features of the regulations that all facilities can utilize to ensure their protection. Why follow regulations that don't necessarily apply to you? Because in this case, it's simply good business.

Facilities can evaluate their security measures based on the Risk-Based Performance Standards (RBPS) included in the CFATS request for a Site Security Plan (SSP). RBPS have several features including controlling access to your facility, credentialing of workers and visitors, instituting cyber-security measures, testing of security equipment, reporting of security incidents and suspicious activity, and deterring, detecting, and delaying intrusions so as to create sufficient time between detection of an attack and the point at which the attack is successfully thwarted..

Another key element of the RBPS is recordkeeping, training and emergency response, which we will cover in-depth later in this article. So now that we have addressed some more "front-door" related security issues, let's discuss what happens when you enter the building.

Risk Management/Process Safety Management Plans/ Chemical Protection

Locks are great, but plenty of hazards await you on the inside. As safe as the exterior of your building is, you end up taking one step forward and two steps back if you haven't trained your workers on how to avoid accidents, spills, exposure to hazardous chemicals or other potentially dangerous incidents.

Risk management/process safety plans apply to all facilities with processes that contain more than a threshold quantity of a regulated substance.

The major objective of process safety management (PSM) is to prevent unwanted releases of hazardous chemicals, including a highly hazardous chemical (HHC), into locations that could expose employees and others to serious hazards. A highly hazardous chemical (HHC) is any substance that is toxic, reactive, flammable, or explosive.

Refresher training should be provided at least every three years, and more often if necessary,

to each employee operating a process to ensure that the employee understands and adheres to the current operating procedures. The owner or operator, in consultation with the employees operating the process, can determine the appropriate frequency of refresher training.

The frequency of training can be based on several elements. For example, if the employees operating the processes have been employed at your facility for a period of time and know the procedures completely, refresher training may only need to be conducted every three years. However, if there is constant employee turnover, employees are hired at a young age or are inexperienced, then you may want to conduct refresher training more frequently. In addition, if any of your employees are working unsafely, you want to consider refresher training as a tool to correct the problem.

In lieu of initial training, an owner or operator may certify in writing that the employee has the required knowledge, skills, and abilities to safely carry out the duties and responsibilities as specified in the operating procedures.

Overall, the training requirements are very similar to those for OSHA's Process Safety Management regulation. However, each facility should develop a training program that reflects its individual situation.

Attention to detail in workplace safety usually translates to how much effort you place in manufacturing and/or distributing your products.

Process Safety Management of Highly Hazardous Chemicals

The main objective of process safety management (PSM) should be prevention of unwanted releases of hazardous chemicals, especially into locations that could expose employees and others to serious hazards.

Under the PSM standard, your facility needs to eliminate untrained workers in the workplace and ensure that everyone who needs training receives it.

All employees already involved in operating a process or set to begin operating a newly-assigned process must be trained.

An employer must provide training that emphasizes specific safety and health hazards, procedures, emergency operations that include shutdowns, safe practices applicable to your job, and any other significant changes in the process where you focus your business.

In addition, daily safety briefings, weekly inspections for unsafe conditions and behavior, and prompt accident and incident investigation all contribute to a more safe work environment.

Chemical Protection

Millions of workers are potentially exposed to chemical hazards each year. The nearly 600,000 existing chemical products can potentially pose serious problems for exposed workers and the general public. Chemical exposure may cause or contribute to many serious health effects such as heart ailments, kidney and lung damage, sterility, cancer, burns, and rashes. Some chemicals may also be safety hazards and have the potential to cause fires, explosions, and other serious accidents.

Providing protection from chemical hazards is a challenging task because of the range of hazards and operations in which they are used. The primary way for employees to get information on a chemical's physical

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Companies that qualify for the **Supplier Chemical Affiliate Program** are chemical supplier/manufacturer companies (not equipment/service providers) that do not qualify for NACD membership; companies must have greater than 50% of their annual revenue attributed to the manufacturing of chemicals. See NACD Membership Directory for Product Code definitions.

properties and health effects is through the Material Safety Data Sheet (MSDS). Under federal law, facilities are required to keep MSDSs on file for all hazardous chemicals in the workplace. MSDSs must be made available to employees, so workers can learn about chemical hazards and take necessary precautions.

Medical surveillance and recordkeeping to monitor employees' exposure to certain hazardous materials and other workplace hazards is also essential and mandatory under federal law, which requires that the employer provide employees with relevant medical records that must be kept for the employment of the individual plus 30 years.

Personal protective equipment (PPE) is used as a last resort to protect the worker, after engineering and work practices have been applied. Employers must demonstrate the types of PPE employees will be required to use and describe the jobs or tasks that require its use. They also must teach employees to care for their PPE by following a standard program for inspection, proper storage, and maintenance.

What happens if something goes wrong?

All the proactive precautionary measures in the world can't prevent every accident. Effective reaction and response can mean the difference between unfortunate and catastrophic incidents, both in terms of frequency and severity.

All employees should be familiar with and trained on your facility's emergency response plan so that they are prepared to respond quickly and appropriately to any potential incident.

Supervisors and managers must be trained to recognize and prevent hazards and be given a written certificate upon successful completion of that training. Employees at all sites must not perform any hazardous waste operation unless they have been trained to the level required by their job function and responsibility and have been certified by their

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instructor as having completed the necessary training.

Supervisors must identify the names of personnel and alternates responsible for site safety and health. Be familiar with safety, health, and other hazards present on the site, as well as safe use of engineering controls and equipment on site, including PPE. Review the equipment that will be used, and familiarize yourself with the training content. Also, review company policies, particularly those that go beyond regulatory requirements.

On-site management and supervisors directly responsible for hazardous waste operations must receive 40 hours of initial training and three days of supervised field experience. In addition, all employees working on-site who are exposed to hazardous substances, health hazards, or safety hazards must receive training.

Proper emergency planning and response are important elements of the safety and health program that help minimize employee exposure and injury. Employers must develop and implement a written emergency response plan to handle possible emergencies before performing hazardous waste operations.

In conclusion, let's not forget the human element. Empower your employees with the right to refuse to work in unsafe conditions. Listen to their suggestions as you foster an atmosphere of safety. Use positive reinforcement and not blame as a way to create a better workplace. Finally, be a hands-on leader who is present on-site and responsive to safety concerns. Effective leadership demonstrates how serious your company is about safety and security in the workplace.

Obviously, it is difficult to itemize in great detail every step that you should take to continue ensuring the safety and security of your facility and your employees. For a detailed review of your company's policies and procedures, contact an attorney familiar with the federal, state and local regulations that apply to your particular situation. ▪

Co-Chair of the Burns White Transportation Practice Group, **T.H. Lyda** represents transportation clients in a variety of business and legal matters across the country. He advises his clients on risk management and risk avoidance techniques, regulatory compliance issues and proposed legislation.

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