

APR 27 1993



Mr. Paul D. Grimm
Acting Assistant Secretary for Environmental
Restoration and Waste Management
Department of Energy
Washington, D.C. 20585

Dear Mr. Grimm:

Public Law 102-579, the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act, requires that the Occupational Safety and Health Administration (OSHA) review emergency response training programs of the Department of Energy (DOE) that apply to WIPP for compliance with Part 1910.120 of Title 29, Code of Federal Regulations.

DOE's training program is not designed to be comprehensive emergency responder training as required of employers by 1910.120 but is instead specialized training designed to address the hazards from WIPP specific transuranic waste which would not normally be covered in basic hazardous materials emergency response training. Because of these design differences, OSHA cannot certify that DOE's training programs are "in compliance with 1910.120" regardless of the quality of the course materials, since the scope and focus are quite different and therefore cannot be compared. However, by focusing on the specific words of the Act in both paragraphs (b)(4)(A) and (B) of Section 6, "that apply to WIPP", we have determined that we can satisfy the requirements of the Act by reviewing DOE's emergency response training program from a quality and content standpoint consistent with the purpose for which it is intended.

Even so, we have major reservations with regard to the overall effectiveness of the training since there is currently no mechanism for determining whether the prerequisite training of the emergency responders was sufficient prior to taking the DOE training. Moreover, because DOE is not the employer of the trainees and therefore not responsible for developing the emergency response plan that specified individual duties, communication channels and procedures, it is impossible for DOE to know whether an individual responder is being given the particular courses appropriate for his or her responsibilities. OSHA's 1910.120 standard contains specific requirements for ensuring that an emergency responder is properly trained and that specific duties are clearly assigned and defined.

For this reason, OSHA requests that DOE establish a requirement that all trainees scheduled to take the basic First Responder Course submit certification from their employers that they:

(1) have completed specific basic training requirements;
(2) have completed comprehensive respirator training; and
(3) have no health problems that would preclude their taking the course and participating in any demonstration activities. Those trainees registering for advanced level courses would be required to verify the dates they completed the First Responder Course or submit credentials sufficient to warrant exemption from that requirement. In this case, the above certification from the employer will also be required.

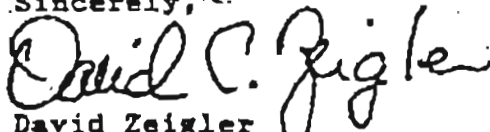
It is extremely important that the employers of emergency responders who take WIPP training courses realize that having their employees take WIPP courses in no way fulfills the requirements of 1910.120 which are far more comprehensive.

OSHA suggests that DOE work closely with the States to ensure that basic emergency responder training requirements and a certification system are developed and implemented, and that the States check certification of emergency responders in any organization which could be involved in an emergency response related to the WIPP program.

OSHA has reviewed both the original training manuals furnished to us in December 1992 and the draft revised manuals covering three courses (First Responders, Command and Control, and Mitigation) which we received in early February 1993. As previously stated, we have reviewed these materials only from the perspective of add-on training, rather than as training designed to meet the comprehensive emergency responder training requirements of employers under OSHA's 1910.120 regulation. We have met with members of your staff to suggest changes in the manuals and, pending completion of these revisions and our audit of model courses planned for May 4 and 5, we find the WIPP training courses to be of satisfactory quality and content consistent with the purpose for which they are intended, which is to serve as specialized training to address the hazards from WIPP specific waste which would not normally be covered in basic emergency response training.

We look forward to working with you in any way that we can to ensure the safety and health of emergency responders and all other employees involved in the WIPP program.

Sincerely,



David Zeigler
Acting Assistant Secretary

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210

Reply to the Attention of:



JUL 19 1993

Mr. Mark W. Frei
Director
Office of Waste Management Projects
Environmental Restoration and
Waste Management
Department of Energy
Washington, D.C. 20585

Dear Mr. Frei:

Pursuant to our May 20 meeting with you, and our previous staff attendance at your Waste Isolation Pilot Plant (WIPP) training courses on May 4 and 5 in Carlsbad, New Mexico, we are happy to inform you that we are pleased with the quality of both your training programs and the skill of your instructors.

We are also pleased to learn that the Department of Energy (DOE) intends to require certification of completion of appropriate basic training from the employers of trainees scheduled to take DOE's WIPP-related emergency responder training courses. This should be very helpful in relieving the concern we expressed in our April 27, 1993, letter.

We hereby certify that we have reviewed DOE's emergency responder training programs that apply to WIPP and concur that they are in compliance with the objectives of 29 CFR 1910.120 as they apply specifically to the WIPP program.

Sincerely,



Frank Frodyma
Acting Director of Policy

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210

Reply to the Attention of:



NOV 5 1997

Mr. Mark W. Frei
Acting Deputy Assistant Secretary
Office of Waste Management
Environmental Management
U. S. Department of Energy
Washington, DC 20585

Dear Mr. Frei:

This is in response to your request that the Occupational Safety and Health Administration (OSHA) provide its findings concerning the emergency response training programs of the Department of Energy (DOE) that apply to the Waste Isolation Pilot Project (WIPP). We have undertaken this review in keeping with the requirements of Public Law 102-579, the WIPP Land Withdrawal Act.

We have reviewed the training materials that were provided to us recently by your staff. These materials, which now include video tape and computer training modules, have been modified to a significant extent compared to the documents that OSHA had last reviewed in 1993. We noted then that we were pleased with the quality of your training programs, and we find that the latest modifications have further improved the training with regard to the identification of hazards associated with the shipment of transuranic wastes in the context of the specialized needs of the WIPP program. We are also pleased to learn from our conversation with Mr. Alton Harris of your staff and materials that he supplied to us that DOE has implemented OSHA's earlier recommendations to require certification of completion of appropriate basic training for those employees who are scheduled to take the WIPP-related training.

As we explained in our initial letter to you on this subject (April 27, 1993, copy enclosed) OSHA is unable to certify that the training program is in compliance with OSHA's standard for hazardous waste and emergency response (29 CFR 1910.120) because DOE is not the employer of the workers being trained. Moreover, the DOE/WIPP training is not designed to be comprehensive emergency responder training as required under the standard, but instead is

designed to address the hazards from WIPP-specific transuranic waste which would not normally be covered in the basic hazardous materials emergency response training. Nonetheless, we continue to believe that the DOE training materials from a quality and content standpoint, are consistent with the purposes for which they are intended. Thus, we are able to reaffirm that the WIPP training materials are in compliance with the objectives of 29 CFR 1910.120 as they apply specifically to the WIPP program.

If you have any questions, please let me know or contact Mike Turner of my staff at (202) 219-7056.

Sincerely,

Steven F. Witt
ydw Steven F. Witt
Director
Directorate of Technical Support