

New Jersey Work Environment Council Fact Sheet

New Jersey's Mandatory Worker Training Program On Chemical Safety and Security

On July 25, 2006, New Jersey's Office of Homeland Security and Preparedness (OHSP) wrote **certain** chemical facility owners informing them that they were now legally **required** to train their employees about security.¹ This fact sheet explains the requirement.

What facilities does this requirement cover? This requirement covers 151 facilities² that must also comply with *Best Practice Standards* for certain chemical sector facilities. It includes those subject to the Toxic Catastrophe Prevention Act (TCPA) **or** the Discharge, Prevention, Containment and Countermeasure Program (DPCC) **and** are identified by any of these Standard Industrial Classification (SIC) major groups: 28 (chemical and allied products), 30 (rubber and miscellaneous plastic products), 5169 (chemicals and allied products, not elsewhere classified) or the corresponding North American Classification System (NAICS) codes (325, 326, and 424690). **This training requirement does *not* cover** oil refineries, bulk terminals, food processors, water and sewage treatment plants, or other facilities that use hazardous chemicals but are not in the specified above. Such training might be required in the future.



Contact your management to see if they have received the July 25, 2006 OHSP letter or the NJ Department of Environmental Protection at (609) 984-7573 to see if your facility is covered by the Best Practice Standards and this training requirement.

What is the program? The program is in two parts. First, employers are encouraged to send management representatives and employees to “train-the-trainer” programs coordinated by the NJ AFL-CIO and the Rutgers University Heldrich Center. The union should select a representative who will attend the class with a management representative. Second, the trained trainers are then expected to train all other employees at their workplace. Employers must cover the wages (and allow seniority and benefits to accrue) for employees at both types of training.

What is the content of the curriculum? To-date, the only curriculum approved by the State of New Jersey is the *Security Awareness and Preparedness Program for the NJ Chemical and Petroleum Sectors* developed by the NJ AFL-CIO with other organizations and industry representatives.^{3,4} This curriculum includes these components:

- *A Systems Approach to Safety and Security*
- *Personal and Institutional Security Awareness*
- *Systems of Security*
- *Security Hazard Mapping*
- *Emergency Planning*

Some Guidance for Unions

❶ **Unions should select their own representatives** to the training and not let the employer pick them. Under the National Labor Relations Act, the union is the exclusive representative of employees concerning working conditions.

❷ To teach the entire curriculum, it would take *at least* 5 ½ hours. Since there appears to be limited time for teaching this curriculum at the work site (without cutting short discussion), **unions should negotiate priority curriculum topics** given the available training hours. WEC believes that *A Systems Approach...* and *Security Hazard Mapping* are most important parts of the curriculum because they address underlying factors causing risks and identify potential hazards that should be corrected by management. These activities are based on curriculum developed by the United Steelworkers and the Labor Institute.⁵

❸ **Maintain your own training records** which should include the training date, daily sign-in sheet(s) of participants, the activities taught, and copies of evaluation forms. The chemical industry has argued that creating training documentation *after* training actually occurred is no big deal, so the union should keep its own current records.⁶

❹ **Monitor training enforcement.** In 2007, the Department of Environmental Protection Toxic Catastrophe Prevention Program will determine if training was conducted. If you have a question or complaint about this training in your workplace, call Paul Baldauf or Phil Polios of the DEP TCPA Program at (609) 984-7573.

❺ **Follow-up training to ensure that management acts to reduce risks and address hazards.** During training – and particularly during the hazard mapping activity – it is very likely that union members will identify potential risks and specific hazards. The local union should send a letter to management documenting these risks and/or hazards and asking them to address them. Copy the letter to your national union safety department. Contact WEC for consultation about strategies for a safer workplace.

❻ **Review key documents** including DEP inspection checklists and WEC's fact sheet on union participation in TCPA inspections. Contact WEC for details.

The New Jersey Work Environment Council supports government mandated training on chemical safety and security and environmental protection that addresses the root causes of risks to our workplaces and communities and encourages meaningful worker and union participation. WEC is pleased to have made an important contribution to the ongoing development and improvement of this program.

Issued by the New Jersey Work Environment Council (WEC).

WEC is a coalition of labor, environmental, and community organizations working for safe, secure jobs and a healthy, sustainable environment. WEC links workers, communities, and environmentalists through training, technical assistance, grassroots organizing, and public policy campaigns to promote dialogue, collaboration, and joint action. For more information about winning union and community participation in chemical safety and security, call (609) 695-7100 or go to www.njwec.org.

WEC, 142 West State Street, Third Floor, Trenton, New Jersey 08608

© WEC 2006
September 28, 2006

¹ Letter from Richard L. Canas, Director, Office of Homeland Security and Preparedness, July 25, 2006. Available from WEC.

² According to NJDEP as of September 25, 2006, there are 45 TCPA facilities and 143 DPCC facilities subject to the Best Practice standards in the chemical sector. (37 facilities are covered by both laws).

³ This curriculum was developed by the NJ Institute of Technology and the New Jersey AFL-CIO under a grant from the NJ Department of Labor and Workforce Development. John Alexander, Health and Safety Representative, and John Shinn, Staff Representative, of the United Steelworkers played a major role in curriculum revision. A list of the individuals on the NJ AFL-CIO curriculum advisory committee is on page 5 and 6 of the curriculum.

⁴ According to OHSP, "...this specific curriculum is not the exclusive training program which can be utilized to satisfy the worker training requirement. Any alternative training materials would need to be reviewed and approved by the OHSP and the NJ Department of Labor and Workforce Development." To our knowledge, these agencies have not yet set criteria for approval of alternative curriculum.

⁵ Parts of these activities are based on curriculum developed by the Tony Mazzocchi Center for Safety, Health and Environmental Education, a project of the United Steelworkers and the Labor Institute. This work was supported by grant number 3 U45 ES006175-14S1 from the National Institute of Environmental Health Sciences (NIEHS), NIH. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the NIEHS, NIH.

⁶ See WEC Update on Chemical Safety and Security, Issue Number 3, August 24, 2006.