

NEWS ADVISORY

FOR IMMEDIATE RELEASE

EPA DIVIDES PAINTERS INTO TWO CLASSES

January 10, 2011 – Today the U.S. EPA establishes two classes of painters by making it illegal for uncertified painters to practice their profession without restriction. Sign shop painters not certified under the National Emissions Standards for Hazardous Air Pollutants “NESHAP” regulations are prohibited from spray coating if they have not been trained in newly imposed spray coating requirements.

The prohibition, known as the HAPs 6H rule, makes it unlawful for untrained painters to use certain paint products if the shop owner has claimed “exemption” to the new rule. This provision creates two classes of painters, “Restricted” and “Unrestricted” along with discriminate health and safety implications.

According to Title 40 of the Code of Federal Regulations, “The spray application of surface coatings is prohibited by persons who are not certified as having completed the training described in paragraph (f) of Section 63.11173.” The new law provides that training must be established for activities that may reasonably require the use of five-compounds that appear in many paint products. A complete copy of the rule can be found at <http://www.epa.gov/ttn/atw/area/fr09ja08.pdf>.

There are numerous safety and health standards related to this new law that mandate training to prevent employee illness as well as environmental pollution. If as an employer you do nothing other than document training, you might be measurably safeguarded. With proof that HAPs 6H training was accomplished, you can better preserve a defensible position in the event you are ever cited for a violation or sued for negligence following an industrial accident or toxic exposure. It is very difficult to prove an individual has been adequately trained, when there is no evidence of required knowledge levels necessary to qualify for a specific job.

Most sign shop owners do their best to protect the environment and provide their employees with a safe and sound workplace. Few, if any, would intentionally disregard health or environmental regulations at the cost of the well-being of their workers or community.

In this era of restricted state and federal budgets, the uniform response from government agencies and civil attorneys has been to increase enforcement activities as a method to promote obedience. Not many years ago, emphasis was placed on educational and advisory activities. Now newspapers and late-night TV carry the message of fines, jail sentences and increased employee entitlement. These activities can be expected to become more intense, and while perhaps not an efficient method to achieve worker health or safety, it appears to be the most realistic projection for the start of 2011.

Don't let the lack of understanding of the implications in claiming EPA exemption or NOT training your painters according to the HAPs 6H rule lull you into inactivity. After considering the unpleasant risk-to-reward liability, most rational sign shop owners and operators would conclude that money spent on training and certifying their painters will not only result in a safer workplace but shield against personal injury lawsuits, and insure a better night's sleep.

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Steven E. Schillinger is President of GRC-Pirk, the authorized registrar under the Certified Spray Coating program that provides verification of painter training for the risks mentioned in this advisory.

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