

June 12, 1998

Don L. Unruh, Manager Internal Training
IT Corporation
312 Director's Drive
Knoxville, TN 37923

Dear Mr. Unruh:

Thank you for your letter dated May 28, 1998. In your letter you ask several questions pertaining to the 1910.120 Hazardous Waste and Emergency Response Operations (HAZWOPER) standard. I will attempt to answer your questions in the order they appear in your letter.

Q. In cases where an individual has completed a 40 or a 24-hour training course, by when must the refresher training course be completed?

A. OSHA's intent is that workers receive a minimum of eight hours of refresher training annually, and that this training be completed each year by the approximate anniversary date of the initial 40-hour training. This can be achieved in one eight hour training session, or in a number of shorter sessions at intervals over the course of each year.

Q. If an individual's work schedule will not allow him to get to a refresher course by his one year anniversary date, do you allow a "grace period"?

A. If the training does not take place by the anniversary date there should be a record in the employee's file indicating why the training has been delayed and when the training will be completed. OSHA expects this whether the training is performed in one eight-hour session or in several smaller segments throughout the year. OSHA does not rely solely on this documentation of refresher training in assessing compliance with the standard. OSHA compliance officers apply professional judgement and use a combination of employee and employer interviews, as well as observation of work practices to determine whether employers have met the intent of the standard. This is measured based on whether workers have the necessary knowledge and skills to perform their assigned duties. This can be achieved through annual refresher training as well as through informational programs. It is beneficial for employers to assess the training needs of workers on an ongoing basis and adjust both training schedules and training topics accordingly.

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Q. In cases where an individual has not worked in the hazardous waste industry for a period of time, how does the individual become eligible to return to work on a hazardous waste site? In cases where an individual (1) completes a 24/40-hour training course and also supervisory training, (2) leaves the field for a time, and (3) subsequently returns to assume a supervisory position, must the individual retake the supervisory training?

A. The time frame within which it would be necessary to provide extensive retraining for an individual who has not worked in the hazardous waste industry for some time must be determined on a case-by-case basis. Individual retention of information must be considered, which may be influenced by the duration of prior work in the hazardous waste industry. Workers who had very little work experience before leaving can not be expected to retain their skills to the extent a seasoned employee would. Another important factor is the applicability of past course content and work experience to the specific work activities and safety and health issues of hazardous waste sites to which the employee is to be assigned. Employees need not retrain in those training elements for which they can demonstrate competency. In many cases, a two year absence from hazardous waste work would not necessitate repetition of the course materials of the initial 24-hour or 40-hour training, and refresher training by itself could be sufficient. However, a seven year absence would clearly indicate a need for extensive retraining, with particular attention given to new technology. In such cases the employer may wish to consider repeating the initial training course. In some cases, for example an individual who has been away for three or four years, the employer may determine that, while repeating all of the training materials in the initial course is not warranted, more than eight hours of training would be required to refresh the employee's knowledge and skills. In all cases employees new to a site would need to be given appropriate site-specific training before site entry and be given supervised field experience at the site to which they are assigned.

If you have any questions regarding this letter or any other occupational safety and health issues, please contact Rodney Boast at ext. 503-378-3272. You are also invited to see the OR-OSHA pages on the Internet.

Sincerely,

Marilyn K. Schuster, Manager
Standards & Technical Resources Section
Oregon Occupational Safety & Health Division