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Subject: Unlabeled containers of hazardous materials - fee -
Date: October 10, 2014 at 10:12 AM
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Cc: Ricardo Jacquez rjaquez@nmsu.edu

Date: October 10, 2014

To: Department Heads of operations with hazardous materials use

Re: Unlabeled containers of hazardous materials fee

Our goal is to stop the proliferation of unlabeled containers of hazardous materials. This is to communicate new EH&S initiative that is focused on changing this unwanted behavior and improving overall safety and compliance with NMSU hazardous materials policies and procedures. This area of non-compliance is 100% preventable by following NMSU EH&S policy and procedure for hazardous materials and waste products. We have trained each individual working with hazardous materials on these policies and procedures in order to comply with the hazard communication standard, laboratory standard and RCRA hazardous waste management regulations. We are not passing on expense for routine waste disposal; we are recovering this analysis fee because this is a completely avoidable expense that is related to non-compliance. It is easily avoidable by following written EH&S policy and labeling procedures.

You are receiving this notification because your department has submitted unlabeled or inappropriately labeled containers for waste disposal in the past. You are asked to provide an index number so that when an unlabeled container is removed from an area under your control an analysis of the containers contents can be performed and the waste may be safely and properly disposed. That index number will only be used to cover the fee related to identification of container contents. Each time the index is used, EH&S will provide a list of containers that required the \$50 analysis. This list will be provided on an interdepartmental voucher that includes the following information: date received, building/lab location and name of individual as provided on the waste tracking form.

Immediately, EH&S will assess a \$50 per container fee to departments for each unlabeled container submitted to EH&S for waste disposal. This fee recovers expenses related to determination of container contents so that it can be appropriately characterized for disposal. Unlabeled hazardous material containers are a violation of OSHA hazard communication standard or EPA hazardous waste regulations. EH&S will remove the identified containers from the area and characterized them to prevent external inspection violations and expensive penalties.

This expense will need to be funded at the department level to ensure timely removal of the unlabeled waste container(s) and thereby avoiding potential EPA or OSHA violations for having unlabeled container(s) in the laboratory. The potential penalty from NMED regulators could be up to \$1000 per container/ per day. We must avoid those types of inspection findings and much larger expense that will ultimately be the responsibility of the department.

I ask for your cooperation so that we may make this initiative successful. It is up to you to decide how to convey this message to those directly responsible for this type of non-compliance.

K. Doolittle

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