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Headline Summary

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Sales and Use Tax Records

You must keep your sales and use tax records for four years unless the State Board of Equalization (BOE) gives written authorization to destroy them sooner. This applies to all records that pertain to transactions involving sales or use tax liability.

Moreover, if the BOE is auditing your records, you should retain all records for the period being audited until the audit is completed. If you appeal the findings of your audit or file a claim for refund, be sure to keep the related records until your case is resolved.

You must keep other accounting and business records for different lengths of time. You can find a Record Retention Guide under the Business/Technical link at www.piasc.org.

WatchDog

Guarding the Business of Print

February 2011

SCAQMD Proposed Rule 317

The South Coast Air Quality Management District (SCAQMD) will present revised Rule 317 to the Executive Board in February after over one year of negotiations with businesses, which opposed initial drafts of the rule.

Proposed Rule 317 (Clean Air Act Non-Attainment Fees) calls for facilities that have the potential to emit over 10 tons VOC and NOx per year to set baseline at 80 percent of 2010 actual emissions and pay fees (currently at near \$10,000 a ton) for emissions over the 2010 baseline.

Initially the SCAQMD proposed businesses, which are the cleanest in the nation, pay 100 percent of this fee. The new proposal, satisfying Section 185 of the Clean Air Act, establishes a "fee equivalent" approach.

The new proposal uses alternative funding from federal, state, and local sources to replace the fees that would have been otherwise paid by the regulated businesses on a dollar for dollar basis.

For more information, please contact Gerry Bonetto at (323) 728-9500, Ext. 248.

Stronger OSHA Enforcement

New Cal/OSHA legislation (AB 2774) took effect on January 1st, 2011. The law is important since, for the first time, it establishes clear steps to identify a serious violation. When an inspector follows those steps, major fines (up to \$25,000) are unlikely to be reduced upon appeal. In the past, this wasn't the case.

The legislation came after Fed-OSHA blamed Cal/OSHA for writing too few serious violations and for reduction in fines.

Now if an employer has an injury in the workplace or even allegations of a serious hazard, both inspectors and the Appeals Board have clearer rules to make it easier to establish that a violation was serious in the appeals process.

Once a serious violation is issued, it is a permanent black mark on an employer's safety record, no matter the outcome of the case. Those rules also provide a proper defenses to those violations--a proper Injury and Illness Prevention Program.

The rules provides for defense to those violations—an effective Injury and Illness Prevention Plan (or SB 198 plan as it is commonly known). No longer, however, will incomplete or canned plans be acceptable, with fines now beginning at \$5,000.

The key is employee training and communication. PIC has an Injury and Illness Prevention Plan, which can be adapted to meet your company needs. Please call Gerry Bonetto at (323) 728-9500, Ext. 248 for more information.

Green Chemistry Rule Delayed

Last December, a European Union Commission commented on California's Department of Toxic Substances Control's (DTSC) draft of "Safer Consumer Product Alternative Regulations" (green chemistry).

In a letter to DTSC they stated their belief that the draft regulations conflict with a Technical Barriers to Trade agreement within the World Trade Organization (WTO).

This issue has apparently been discussed between WTO members and the U.S. State Department. EU officials expressed concerns that the draft rules establish a number of direct obligations for producers of chemical substances when those substances, mixtures or articles are listed as a "priority product" and contain "priority chemicals" under the DTSC regulations.

In addition, they stated that DTSC "has not provided information on possible costs or other impacts on companies, nor any feasibility studies or considerations on whether or how the proposed regulations actually work in practice, nor quantitative or semi-quantitative estimates of any expected benefits."

The Regulation focused on "safer consumer products" is the result of two years of input and collaboration from stakeholders, scientists, environmental groups and the public. It is the nation's most comprehensive proposed regulation aimed at making consumer products less toxic.

In late December, Cal EPA Secretary Linda Adams put the Green Chemistry regulations on hold pending a review on February 3rd and 4th by the Green Ribbon Science Panel. Now, that panel meeting has been postponed.

Another cause of the holding pattern is that Adams will be leaving her post at Cal EPA at the end of this month and DTSC Acting Director Maziar Movassaghi has already left.

You can find more information on the Green Chemistry Initiative at <http://www.dtsc.ca.gov/>

Post OSHA Form 300A

OSHA requires that employers post from February 1 to April 30, 2011, a summary of the total number of job-related injuries and illnesses that occurred in 2010. Employers are only required to post the Summary (OSHA Form 300A), not the OSHA 300 Log.

The summary must list the total numbers of job-related injuries and illnesses that occurred in 2010 and were logged on the OSHA 300 form. Employment information about annual average number of employees and total hours worked during the calendar year is also required. Companies with no recordable injuries or illnesses in 2010 must post the form with zeros on the total line. All establishment summaries must be certified by a company executive.

The form should be displayed in a common area wherever notices to employees are usually posted. A copy of the summary must be made available to employees who move between work sites, such as construction workers, and employees who do not report to any one location on a regular basis.

Employers with 10 or fewer employees are normally exempt from federal OSHA injury and illness recordkeeping and posting requirements.

You can download the forms from the Cal/OSHA website at www.piasc.org under the Human Resources in the OSHA dropdown menu.

New Ventura/San Diego Air Rules

Ventura County Air Pollution Control District (VCAPCD) and San Diego County Air Pollution Control District have held workshops to amend their graphic arts rules—Rule 74.19 and Rule 67.16, respectively.

The proposed amendments to the Ventura rule are based on existing requirements for graphic arts operations in the South Coast AQMD, Bay Area AQMD, San Joaquin Valley APCD, and the Sacramento Metropolitan AQMD.

As proposed, the San Diego rule stray—for the better—from the above mentioned air districts. The proposed amendments will:

- Prohibit the use of alcohol in fountain solution
- Exempt digital printing operations from the rule, provided that new, specific records are maintained.
- Reduce the VOC content of cleanup solvents to less than 100 grams/liter (.83 lbs/gal) or a composite vapor pressure of less than 5 mm Hg at 20°C

If you have questions or want more information, please contact Gerry Bonetto at (323) 728-9500, Ext. 248.

Consumer Product Safety Act

On August 14, 2008, President Bush signed into law the Consumer Product Safety Improvement Act of 2008. The legislation, in large part a response to high-profile recalls of both imported and domestically-produced children's toys and products, greatly expands the authority of the Consumer Product Safety Commission (Commission) that regulates potentially hazardous children's products, among other things.

These new regulations include children's books and other printed materials as products subject to the new limits and testing requirements. While the lead and phthalates limits are currently in effect but testing requirements will not be in effect until February 10, 2011.

Printing Industries of America and allied associations has petitioned the Commission urging Chairman Tenenbaum to vote on the January 25th meeting to extend the stay until September 14.

