Health and Safety Update

HOW MUCH IS THIS GOING TO COST?
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FEDERAL LABOR LAW

FEDERAL REGULATION OF OCCUPATIONAL HEALTH AND SAFETY

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NOMs STPS

NORMA OFICIAL MEXICANA – OFFICIAL MEXICAN STANDARD
NOM-002-STPS-2010, Safety conditions – Fire prevention and protection in the workplace.

• Published in the DOF December 9, 2010 – took effect June 9, 2011 and cancelled NOM-002-STPS-2000
5. Obligations of the employer

5.1 To classify the risk of fire of the workplace
Fire Risk Study

NOM-002-STPS-2000 had 3 classifications of risk

Ordinary, medium and high
Fire Risk Study

NOM-002-STPS-2010

Ordinary and High Risk
## Fire Risk Study

Criteria for the Risk Study is found in Appendix A of the Standard

<table>
<thead>
<tr>
<th>Concept</th>
<th>Risk of fire</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ordinary</strong></td>
<td><strong>High</strong></td>
</tr>
<tr>
<td>Constructed surface in square meters</td>
<td>Less than 3,000</td>
</tr>
<tr>
<td>Inventory of flammable gases in liters</td>
<td>Less than 3,000</td>
</tr>
<tr>
<td>Inventory of flammable liquids in liters</td>
<td>Less than 1,400</td>
</tr>
<tr>
<td>Inventory of combustible liquids in liters</td>
<td>Less than 2,000</td>
</tr>
<tr>
<td>Inventory of combustible solids, including furnishing of the workplace in kilograms</td>
<td>Less than 15,000</td>
</tr>
<tr>
<td>Pyrophoric and explosive materials, in kilograms</td>
<td>Does not apply</td>
</tr>
</tbody>
</table>
What does high risk mean?

- 2 fire drills per year
- Fire Brigades with equipment
- Annual Training
- Stationary fire prevention system – sprinklers, hoses, etc
Stationary fire prevention system (Sistema fijo)

Art. 4.9 Section 3

3) Stationary: Are those installed permanently and that can be of manual, semiautomatic or automatic operation, with extinguishing agents according to the class of fire for which they are intended. They include the systems of manual extinguishing based on water (hoses); automatic sprinkler systems; sprinkler systems; monitors; cannons and foam systems, among others.
Stationary fire prevention system (Sistema fijo)

- Inspection by the STPS
- A modification in your MIA (Environmental Impact Study)
- An accident or fire
5.2 To have a site plan, general plan or map of the workplace, or by areas that integrate it, updated and placed in the principal places of entry, transit, assembly points or common points of assembly or services for workers, that contain the following, as applicable:
a) The name, company name or corporate status of the workplace and its domicile;
b) The identification of the adjacent lots;
c) The identification of the principal areas or zones of the workplace with a fire risk due to the presence of flammable, combustible, pyrophoric or explosive material, among others;
d) The location of the means of fire detection, as well as the anti-incendiary equipment and systems;
e) The evacuation routes, including, at least, the exit route and the exit discharge, besides the emergency exits, emergency stairways and safe places;
f) The location of the personal protective equipment for the members of the fire brigades, and
g) The location of materials and equipment for rendering first aid.
5.11 To have one of the documents one of the following 3 documents, with respect to workplaces with a high risk for fire: (Jan 1, 2014)

a) Programa de Auto Gestión - Federal Certification - Self-Management Program of Occupational Health and Safety, or
b) The report of compliance by an accredited and approved Unit of Verification, or
c) Completed local civil protection Program
NOM-010-STPS-2014, Contaminating chemical agents in the work environment – Inspection, evaluation and control.

The standard cancels and replaces the NOM-010-STPS-1999, Contaminating chemical agents in the work environment – Inspection, evaluation and control.

The new standard requires a new study to be done in the workplace for the exposure to chemical substances that complies with the criteria in this new standard.
This standard was published in 2014 and it took effect 2 years after the publication in order to allow companies time to make the required new study and the adaptation necessary in the workplace to lower the exposure of workers.

The exposure limits have been reduced dramatically and more than 300 new substances have been added to the list of chemical agents.
The companies that are not compliant are liable for fines of 50 -100 times the UMA per employee. The current UMA is $73.04 pesos. That means a liability of fines of up to $400 USD per employee.

I have made a comparison of the old standard NOM-010-STPS-1999 and the new standard NOM-010-STPS-2014 to point out the changes that are now required.
"NOM-018-STPS-2015, Harmonized System for the identification of hazards and risks from hazardous chemical substances in the workplace"

(It was published October 9, 2015 and takes effect October 9, 2018 - at that time companies in Mexico must be fully compliant)
This new hazard communication standard is the standard for the implementation of GHS in Mexico and contains the instructions for preparing Mexican compliant SDS.

The lapse between the publication in the Official Daily of the Federation and its taking effect is to allow companies time to adapt their hazardous communication systems, labels, signs, and SDS to the GHS.
GHS stands for the Globally Harmonized System of Classification and Labelling of Chemicals. GHS defines and classifies the hazards of chemical products.

Companies that import or export, transport, store and use chemicals in their production and generate wastes must adapt their procedures to GHS.
If your foreign suppliers are providing GHS compliant SDS in Spanish, they may still not be compliant with the new standard.

The new standard requires the maximum permissible exposure limits from NOM-010-STPS-2014 to be included on the SDS.

This standard was published in the DOF on April 1, 2016 and took effect October 1, 2016. This new standard requires a new study for static electricity in the workplace with different criteria.

This standard was published in the DOF on Aug. 31, 2015 –and was effective November 30, 2015.
This is the new standard for confined spaces. If you have not updated your documentation, it is unlikely that your company is compliant.

- A List of Confined Spaces.
- A risk study for each confined space, that classifies as I, II, or III based on the risk criteria in the standard.
- A permission to work procedure in place and document all work performed in confined spaces.
- Retain documentation for the work performed by third parties to assure that they are following the standard.
What is coming?
PROY-NOM-005-STPS-2017, Handling of hazardous chemical substances or their mixtures in the workplace – Conditions and health and safety procedures.

June 22, 2017 – The Project of NOM-005-STPS-2017 was published for its 60 day comment period. This is one of the most important projects of standard this year. This new Standard will cancel the NOM-005-STPS-1998
The “Field of Application” states that “This Standard regulates in the entire national territory and applies in all workplaces where hazardous chemical substances or their mixtures are handled.”

There are new requirements for risk studies and additional requirements for each substance with 2 exceptions.
Companies involved in the commercial distribution of hazardous chemical substances in containers, packages or original containers and there is no transfer to another container;” are exempted from the risk studies and some of the other requirements in this standard.
Businesses that handle, store, use chemical substances are exempted, “If the content of the hazardous chemical substances that they handle in containers or packages does not exceed five kilograms or five liters.” They must comply with labeling and SDS requirements.
This standard was published in October 2016 for its 60 day comment period. The responses to this project were published May 26, 2017.

The Regulation for Occupational Health and Safety has new requirements for ergonomic and psychosocial elements in risk studies.

This standard was redacted to detail the obligations of Employers to include psychosocial elements in the risk studies they are required to make for every job position.
Storage of petroleum products, LP Gas, and chemical substances
For storage tanks:

Floors and permeable dykes, with industrial drainage that avoids the filtration of spills to the subsoil, a slope of 1% to permit the free runoff of liquids to the drainage registers. The volumetric capacity of the containment dyke that houses a single tank for storage of petroleum products, additives and bio-fuels must be 1.2 times its capacity. The containment dyke when several tanks are housed inside must be a minimum of 1.2 times the nominal capacity of the storage tank with greatest capacity plus the volume occupied by the other tanks up to the height of the containment wall.
WAREHOUSES FOR STORAGE OF CHEMICAL SUBSTANCES IN THE WORKPLACE

PROY-NOM-005-STPS-2017,
Storage areas must have dykes or containment walls that must comply with the following:
Contain the nominal capacity of the container and contain at least 1.25 times the nominal capacity of the largest container when there are two or more containers in the same area; NOM-005-STPS-2017, Art. 9.2.5.1 section b).
HAZARDOUS WASTES

When liquid wastes are stored, floors must have an incline and trenches or small canals that carry the spills to retention tanks with a capacity to retain 20% of the total volume of wastes stored or the volume of the largest container.

(Regulation of the General Law for the Prevention and integral management of wastes, Art 82, section I, clause d).
PROBLEM AREAS
TRAINING DOCUMENTATION
RESPONSE TO AN AUDIT
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