



Occupational Safety and Health Administration

The Application of HAZWOPER to Worksite Response and Cleanup Activities

Hazardous Waste Operations and Emergency Response (HAZWOPER) Menu

Workers' Rights

Depending on the activities being conducted and the hazards present, response activities at worksites may be considered "emergency response" activities under OSHA's Hazardous Waste Operations and Emergency Response (HAZWOPER) standard, 29 CFR 1910.120 and 1926.65. In addition, cleanup sites may be considered or may become hazardous waste sites, requiring specific training and control measures, if certain criteria apply. Furthermore, if HAZWOPER conflicts or overlaps with any other OSHA standard, the provision more protective of employee safety and health must be followed (e.g., Hazard Communication, 29 CFR 1910.1200 and 1926.59, Bloodborne Pathogens, 29 CFR 1910.1030, Permit-Required Confined Spaces, 29 CFR 1910.146, and other OSHA expanded health standards under Subpart Z).

This document explains the conditions in which a response or cleanup activity may fall under the requirements of HAZWOPER.

*This document is **not** a standard or regulation, and it creates no new legal obligations. This document is advisory in nature, informational in content, and is intended to assist employers in providing a safe and healthful workplace. Pursuant to the Occupational Safety and Health Act, employers must comply with hazard-specific safety and health standards promulgated by OSHA or by a state with an OSHA-approved state plan. In addition, pursuant to Section 5(a)(1), the General Duty Clause of the Act, employers must provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm. Employers can be cited for violating the General Duty Clause if there is a recognized hazard and they do not take reasonable steps to prevent or abate the hazard. However, failure to implement any recommendations in this Safety and Health Information Bulletin is not, in itself, a violation of the General Duty Clause. Citations can only be based on standards, regulations, and the General Duty Clause.*

Emergency Response

If OSHA considers a worksite response activity a "HAZWOPER Emergency Response," then employers with employees at the site performing emergency response must comply with HAZWOPER paragraph (q) and all other General Industry (1910) or Construction Industry (1926) standards. The term "emergency response" has a very specific meaning and application under HAZWOPER. Employers often apply this term to any activity requiring immediate attention. However, under HAZWOPER this term applies specifically to response activities where there is an uncontrolled release of a hazardous substance, as defined by HAZWOPER in paragraph (a)(3), or where an uncontrolled release is likely.

When the following conditions, or similar conditions, may develop **as a consequence of a release of hazardous substances or threat of release**, such situations would be considered emergency situations requiring an emergency response effort:

- High concentrations of toxic substances.
- Immediately Dangerous to Life and Health (IDLH) environments.
- Situations that present an oxygen deficient atmosphere.
- Conditions that pose a fire or explosion hazard.
- Situations that require an evacuation of the area.
- Situations that require immediate attention because of the danger posed to employees in the area.

As shown in Figure 1, response activities at worksites may be considered "emergency response" activities, if these conditions apply.

NOTE: The HAZWOPER standard does not cover the inevitable release of a hazardous substance that is limited in quantity, exposure potential, or toxicity, and poses no emergency or significant threat to the safety and health of employees in the immediate vicinity or to the employee cleaning it up. These incidental releases also do not have the potential to become emergencies within a short time frame. For example, an incidental release may include a spill at a tanker truck loading station in which the product can be contained by employees in the immediate vicinity and cleaned up utilizing absorbent without posing a threat to the safety and health of employees. Conversely, a release of chlorine gas that is immediately dangerous to life and health, obscuring visibility, and moving through a facility would require an emergency response under HAZWOPER. Although HAZWOPER may not apply to incidental releases, other OSHA standards may apply such as Hazard Communication, 29 CFR 1910.1200. Furthermore, the employer must provide the appropriate training and necessary personal protective equipment (PPE) in order to minimize the risks to employees when they are expected to handle incidental releases. *Appendix A of OSHA Instruction CPL 02-02-073* provides more information regarding how to differentiate between incidental releases from those that require HAZWOPER emergency responses.

Cleanup

A cleanup operation at a worksite may also fall under the requirements of the HAZWOPER standard. This may occur as a Post-Emergency Response Cleanup Operation as shown in Figure 1, or as a completely separate Hazardous Waste Site Cleanup Operation as shown in Figure 2. Again, there are specific conditions that must be met and those conditions are explained in the following sections and illustrated in the figures.

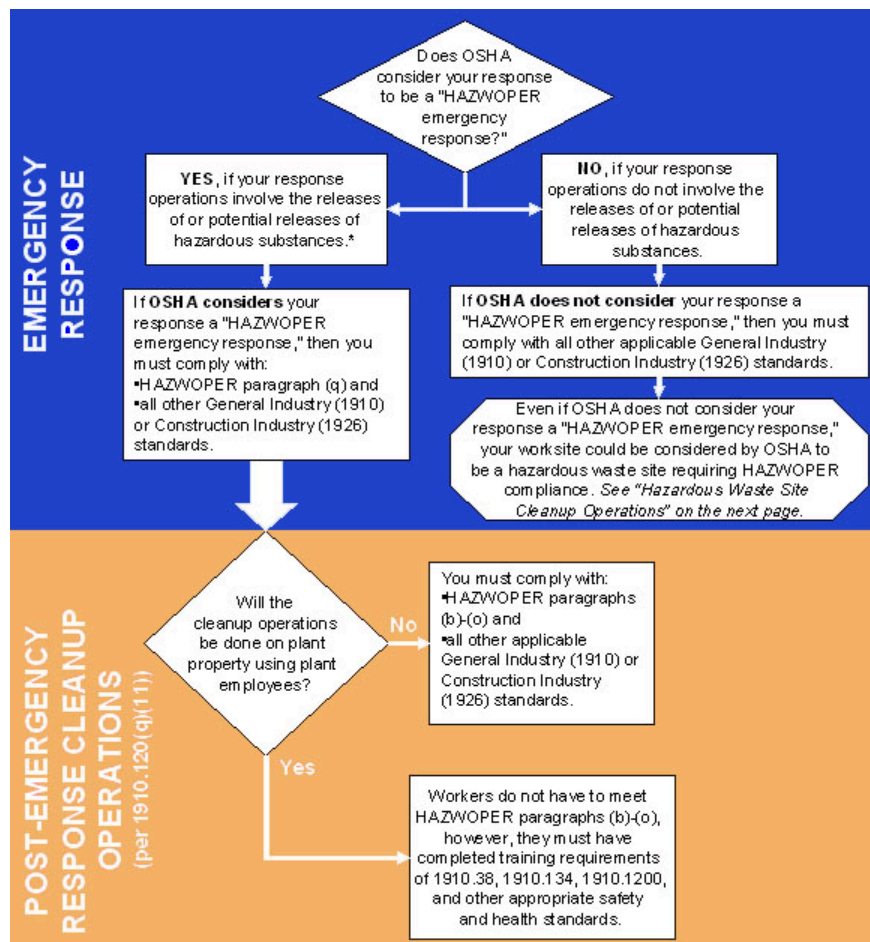


Figure 1. Emergency Response and Post-Emergency Response Cleanup Operations

[
Text Version
]

***Hazardous substance** means any substance designated or listed under (A) through (D) of this definition, exposure to which results or may result in adverse effects on the health or safety of employees.

[A] Any substance defined under section 101(14) of CERCLA.

[B] Any biologic agent and other disease-causing agent which after release into the environment and upon exposure., ingestion, inhalation, or assimilation into any person, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction) or physical deformation in such person or their offspring.

[C] Any substance listed by the U.S. Department of Transportation as hazardous materials under 49 CFR 172.101 and appendices; and

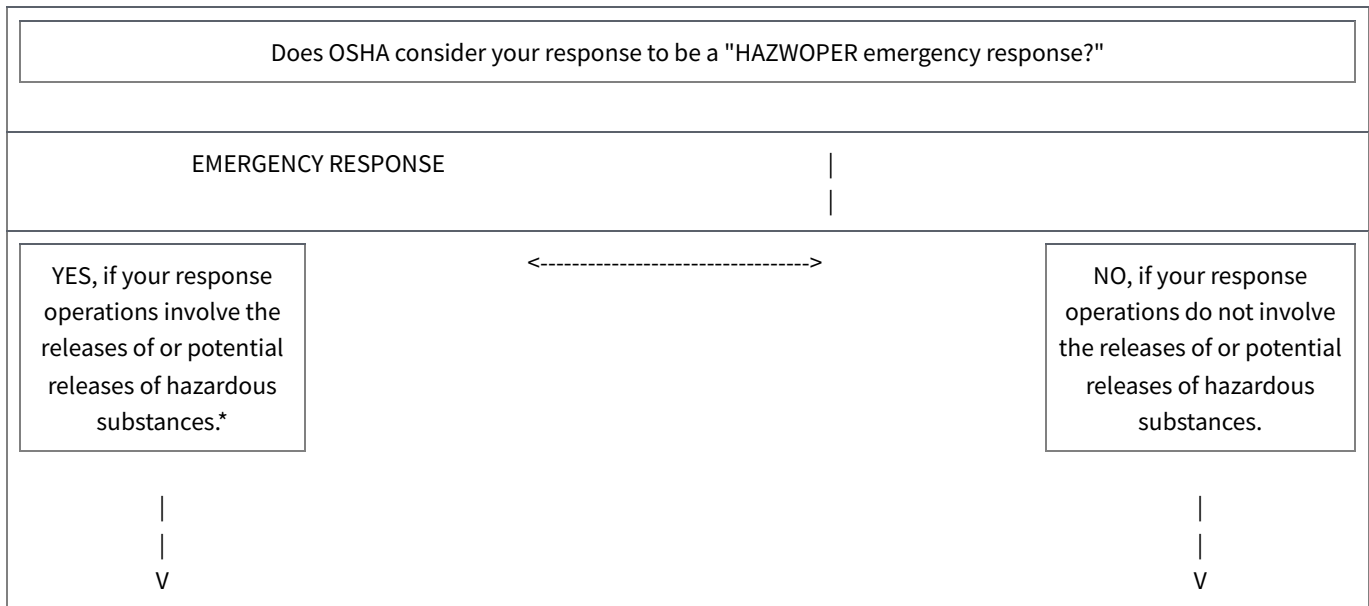
[D] Hazardous waste as herein defined.

Hazardous waste means -

[A] A waste or combination of wastes as defined in 40 CFR 261.3, or

[B] Those substances defined as hazardous wastes in 49 CFR 171.8.

Text version of flowchart:



If OSHA considers your response a "HAZWOPER emergency response," then you must comply with:
 - HAZWOPER paragraph (q) and
 - all other General Industry (1910) or Construction Industry (1926) standards.

If OSHA does not consider your response a "HAZWOPER emergency response," then you must comply with all other applicable General Industry (1910) or Construction (1926) standards.



POST-EMERGENCY RESPONSE CLEANUP OPERATIONS
 (per 1910.120(q)(11))

Will the cleanup operations be done on plant property using plant employees?

Even if OSHA does not consider your response a "HAZWOPER emergency response," your worksite could be considered by OSHA to be a hazardous waste site requiring HAZWOPER compliance. See "Hazardous Waste Site Cleanup Operations" on the next page.

NO
 ----->

You must comply with:
 - HAZWOPER paragraphs (b)-(o) and
 - all other applicable General Industry (1910) or Construction Industry (1926) standards.

YES ----->	Workers do not have to meet HAZWOPER paragraphs (b)-(o), however, they must have completed training requirements of 1910.38, 1910.135, 1910.120, and other appropriate safety and health standards.
----------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Post-Emergency Response Cleanup Operation

Upon completion of an emergency response, any subsequent cleanup involving hazardous substances must be performed in accordance with sections (b) through (o) of the HAZWOPER standard. If, however, the employees conducting the cleanup operations are employees of the plant property where the work is being performed, those employees may be trained according to OSHA's Emergency Action Plan standard, 29 CFR 1910.38 and 1926.35, OSHA's Respiratory Protection standard, 29 CFR 1910.134 and 1926.103, Hazard Communication standard, 29 CFR 1910.1200, and other appropriate safety and health training in lieu of complying with HAZWOPER (b)-(o).

Hazardous Waste Site Cleanup Operations

Even if the cleanup activity did not originate from an "emergency response" effort, the activity may fall under HAZWOPER as a hazardous waste site cleanup operation (Figure 2). A site is considered a hazardous waste site if it is:

- Identified or listed by a government agency as an uncontrolled hazardous waste site.
- Listed or proposed for listing on the National Priority List (NPL).
- Listed or proposed for listing on a State priority list.
- Regulated as a corrective action covered by the Resource Conservation and Recovery Act (RCRA).

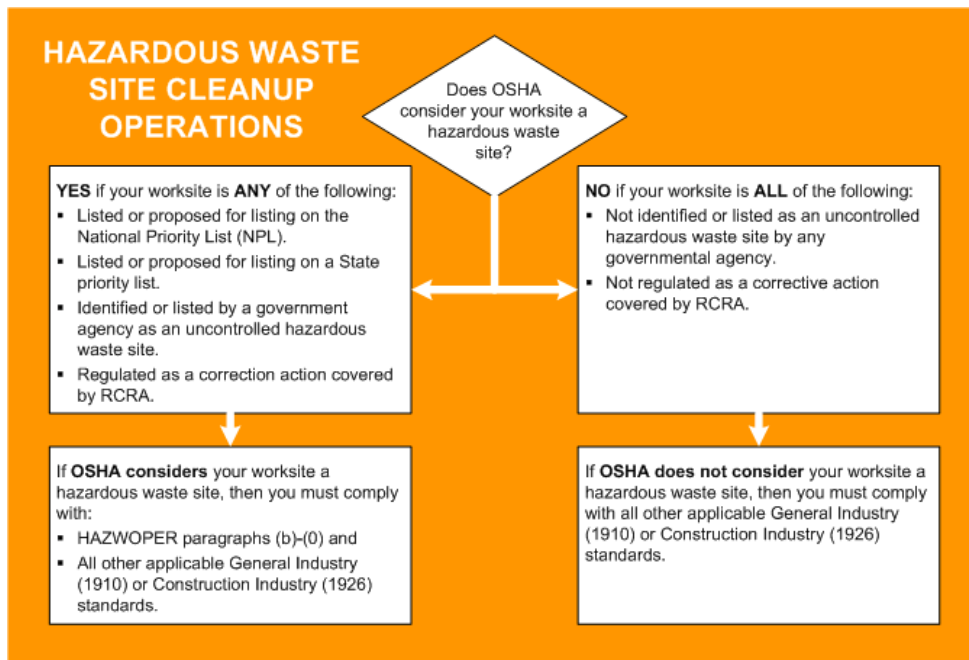
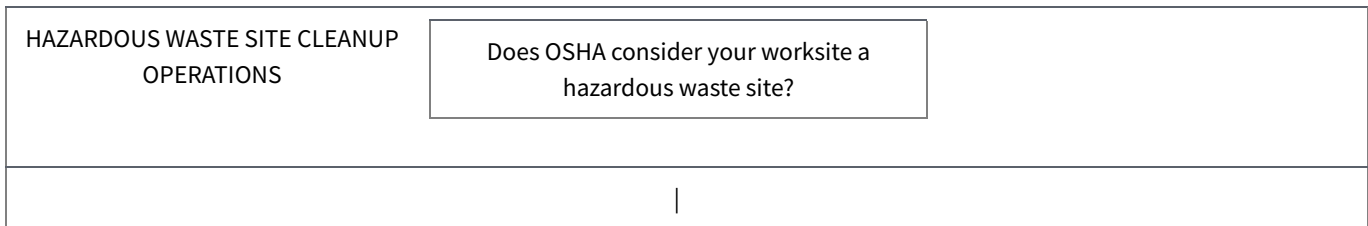


Figure 2. Hazardous Waste Site Cleanup Operations

[
Text Version
]

Text version of flowchart:



	Yes No <----- -----> ----->	
<p>YES, if your worksite is ANY of the following:</p> <ul style="list-style-type: none"> Listed or proposed for listing on the National Priority List (NPL); Listed or proposed for listing on a State priority list; Identified or listed by a government agency as an uncontrolled hazardous waste site; Regulated as a corrective action covered by RCRA. 	<div style="display: flex; justify-content: center; align-items: center; height: 100px;"> <div style="border-left: 1px dashed black; border-right: 1px dashed black; width: 20px; height: 100px;"></div> </div>	<p>NO, if your worksite is ALL of the following:</p> <ul style="list-style-type: none"> not identified or listed as an uncontrolled hazardous waste site by any governmental agency, not regulated as a corrective clean-up action covered by RCRA
V		V
<p>If OSHA considers your worksite a hazardous waste site, then you must comply with:</p> <ul style="list-style-type: none"> HAZWOPER paragraphs (b)-(o) and all other applicable General Industry (1910) or Construction Industry (1910) standards. 		<p>If OSHA does not consider your worksite a hazardous waste site, then you must comply with all other applicable General Industry (1910) or Construction Industry (1926) standards.</p>

Employee Training for Worksite Response and Cleanup Activities

The training necessary for employees involved in worksite response and cleanup efforts is dependent upon the hazards at the sites and the activities and tasks the employees will perform. OSHA's HAZWOPER standard and its training requirements apply to efforts that are "HAZWOPER emergency responses" and hazardous waste site cleanups. It is important to understand that the training required for emergency response workers is quite different than that required for hazardous waste site workers. Training for both types of workers is described in the following sections.

For worksite response and recovery efforts that are not covered by HAZWOPER, workers must be trained as required by any other applicable General Industry (1910) and Construction Industry (1926) OSHA standards. For example, if there is a need to enter a permit-required confined space such as a sewer manhole, the employer would need to assure that the entrant(s) and attendant(s) are properly trained according to the Permit-Required Confined Spaces standard, 29 CFR 1910.146, prior to entry into the manhole. Examples of training requirements that are likely to apply to workers involved in worksite responses include, but are not limited to, the following standards: Hazard Communication (1910.1200), Personal Protective Equipment, 29 CFR 1910.132, and Bloodborne Pathogens, 29 CFR 1910.1030.

Emergency Response Training

If it is determined that response activities are considered a "HAZWOPER emergency response," then training for workers must minimally meet the requirements of 1910.120(q). The training levels and content required for these workers is dependent on the workers' expected duties during the emergency response as shown in Figure 3. For example, workers who are likely to witness or discover a release and are expected only to initiate an emergency response by notifying the proper authorities must be trained to the first responder awareness level, 1910.120(q)(6)(i). Workers who respond in a defensive fashion without actually trying to stop the release (e.g., containing the release from a safe distance) must be trained to the first responder operations level, 1910.120(q)(6)(ii). Workers who are expected to approach the point of a hazardous substance release for the purpose of stopping the release must be trained to either the hazardous materials technician, 1910.120(q)(6)(iii), or the hazardous materials specialist level, 1910.120(q)(6)(iv). Alternatively, workers who are needed to temporarily perform immediate emergency support work (e.g., excavator operators) may be considered skilled support personnel (SSP). SSP must be provided an initial site briefing covering personal protective equipment use, the chemical hazards involved, and the tasks to be performed. Consequently, employers must evaluate the role and tasks workers will perform and train them appropriately.

Post-Emergency Response Cleanup Training

All workers performing post-emergency response removal of hazardous substances, health hazards, or materials contaminated with them must receive training as required by 1910.120(q)(11), as shown in Figure 3. Upon completion of the emergency response, workers involved in subsequent cleanup or removal of hazardous substances must be trained according to HAZWOPER paragraph (e), unless they are conducting the cleanup operations at the plant property where they work. These plant employees may be trained according to 29 CFR 1910.38, 29 CFR 1910.134, and 29 CFR 1910.1200 and other appropriate safety and health training in lieu of complying with HAZWOPER (b)-(o).

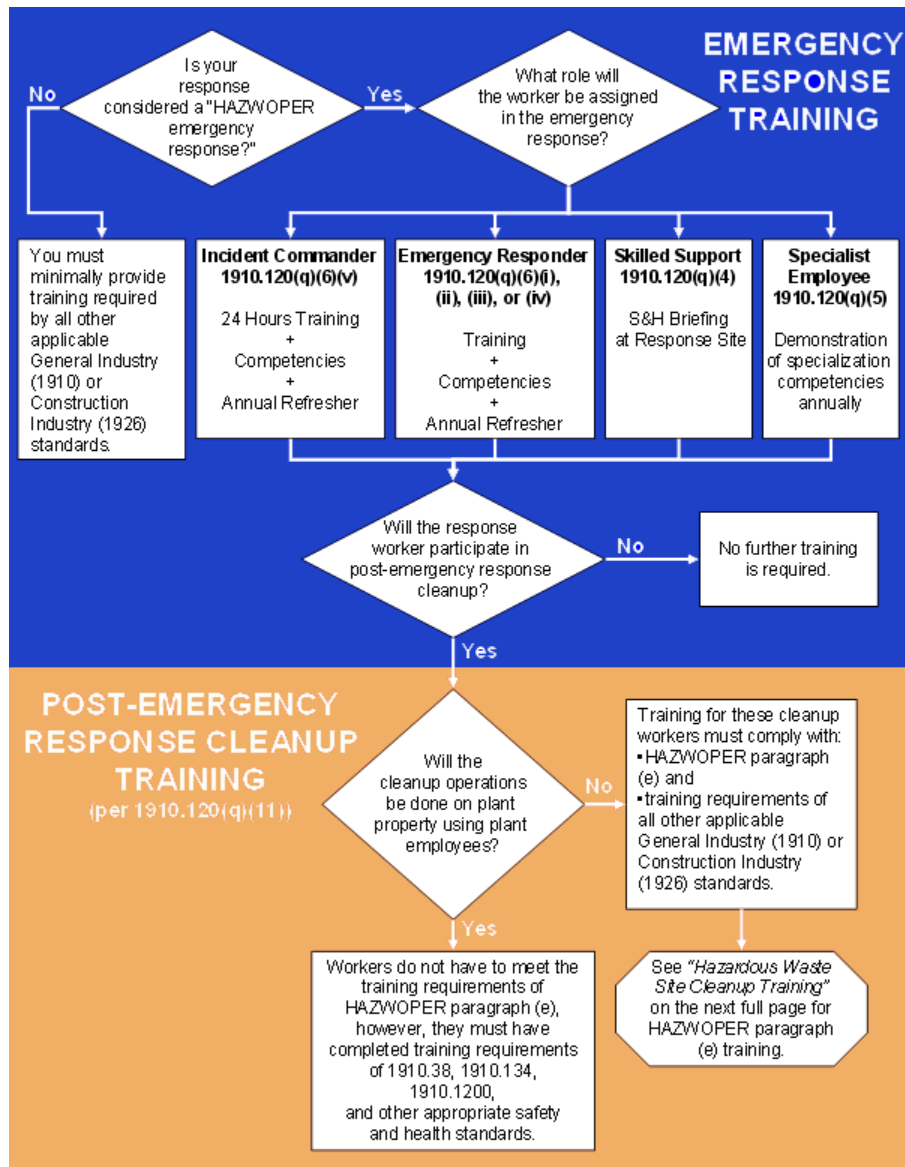
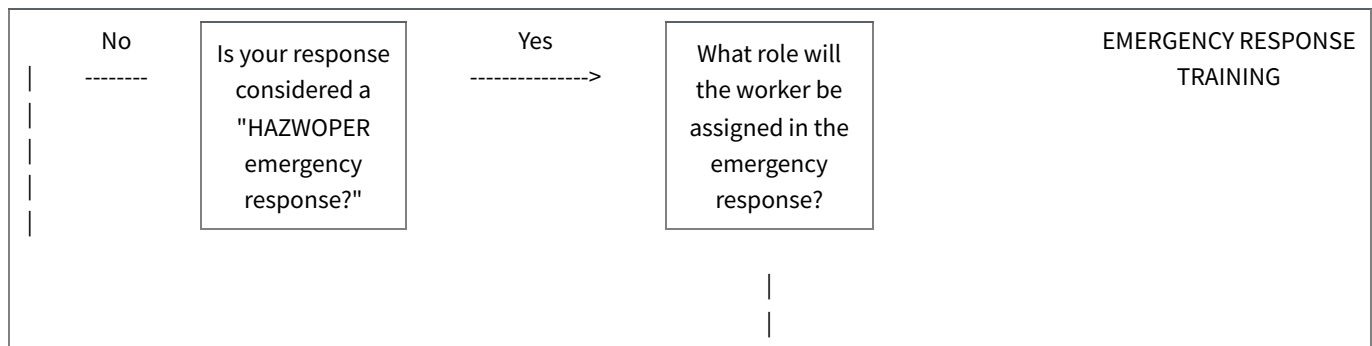
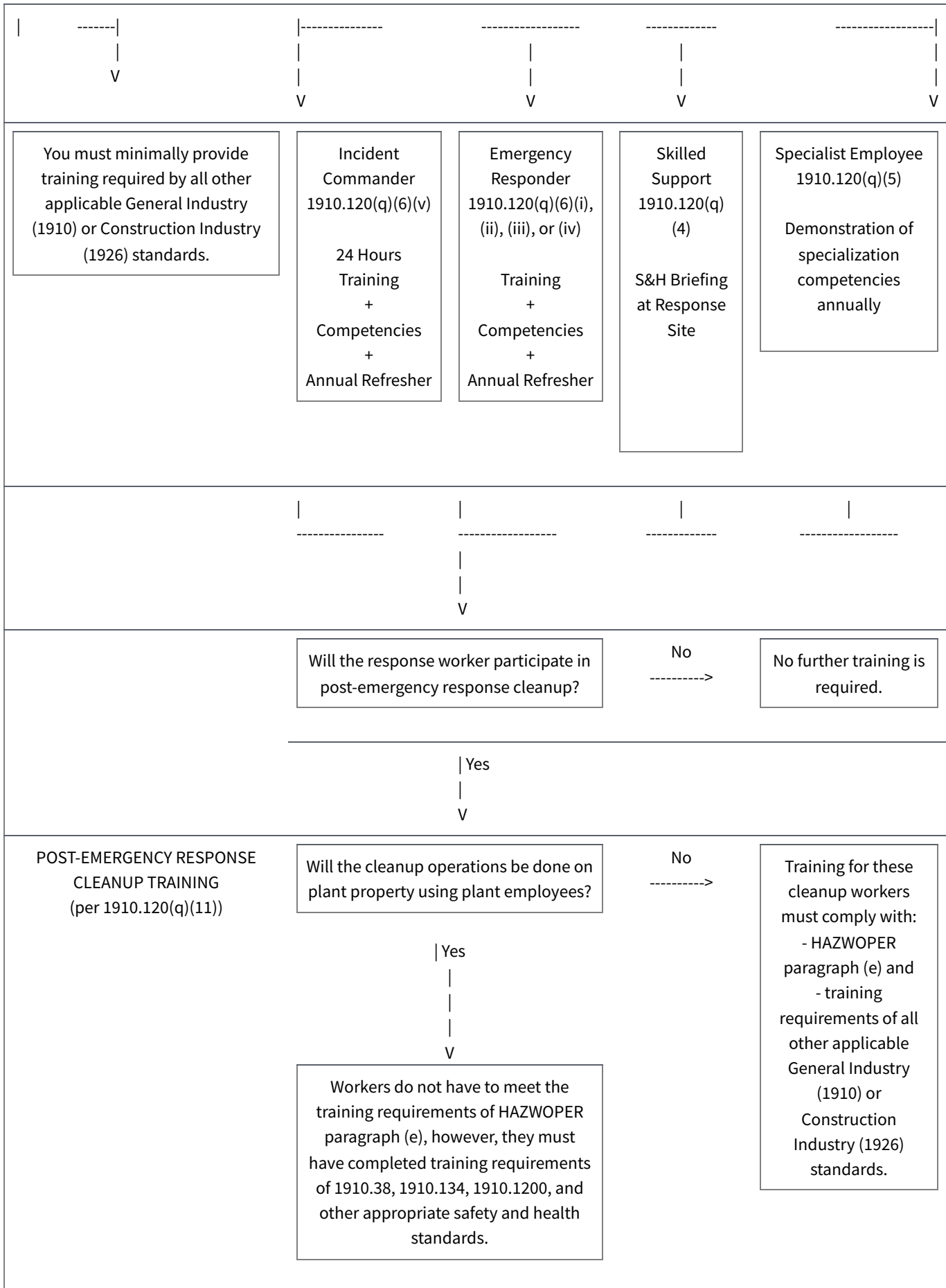


Figure 3. Emergency and Post-Emergency Response Training

[
Text Version
]

Text version of flowchart:





|
-
-
-
-
-
V

See "Hazardous Waste Site Cleanup Training" on the next full page for HAZWOPER paragraph (e) training.

Hazardous Waste Site Cleanup Training

For worksite cleanup activities that did not originate from a "HAZWOPER emergency response" but are determined to be hazardous waste site cleanups, workers must be trained according to 1910.120(e). As with emergency response training, the level and type of training is dependent upon on the workers' expected duties and level of exposure as shown in Figure 4.

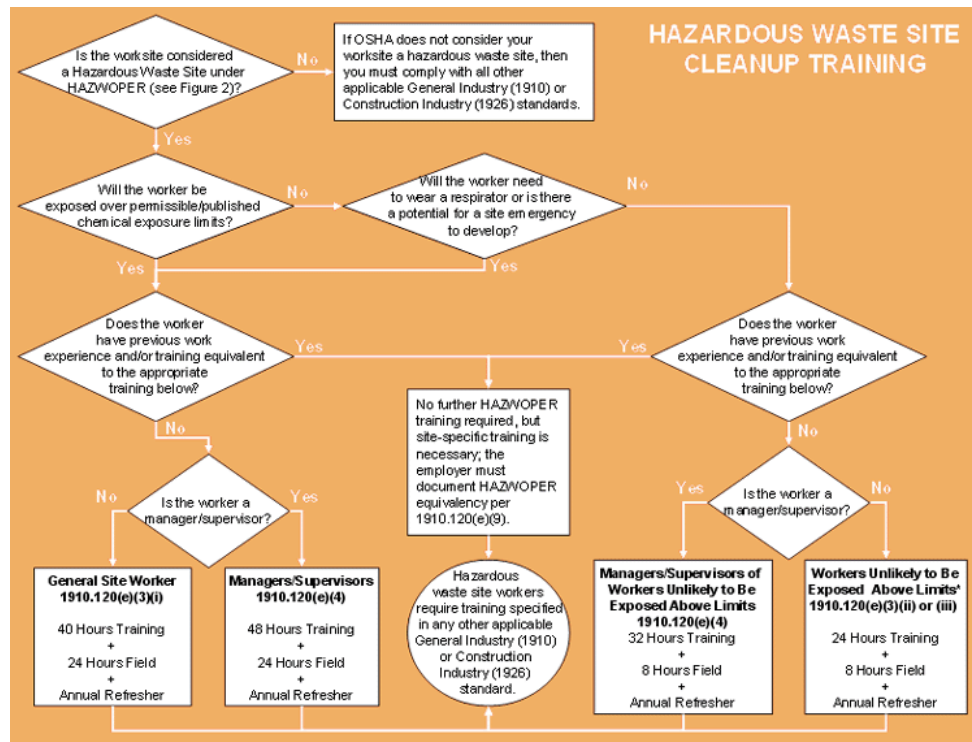
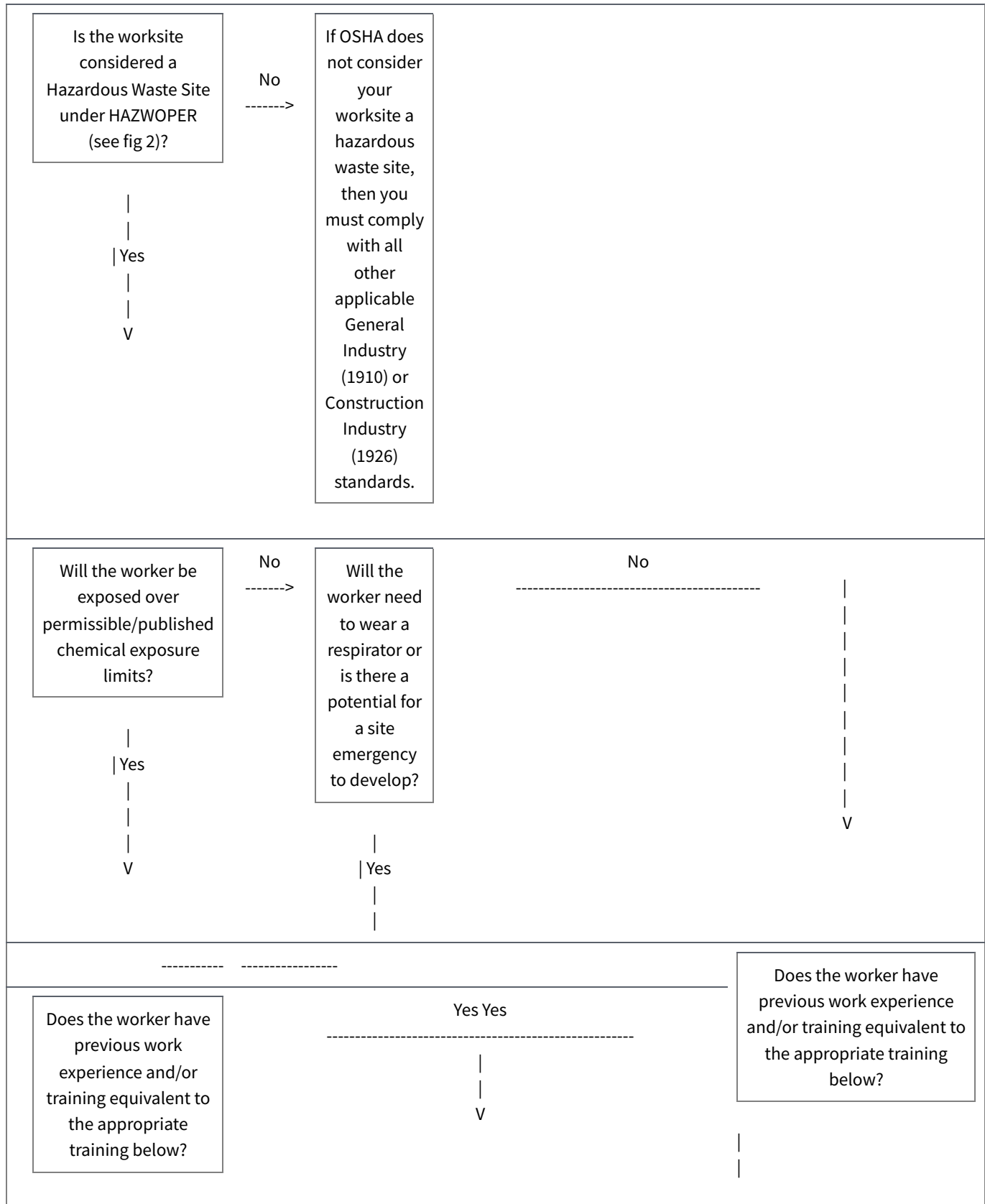


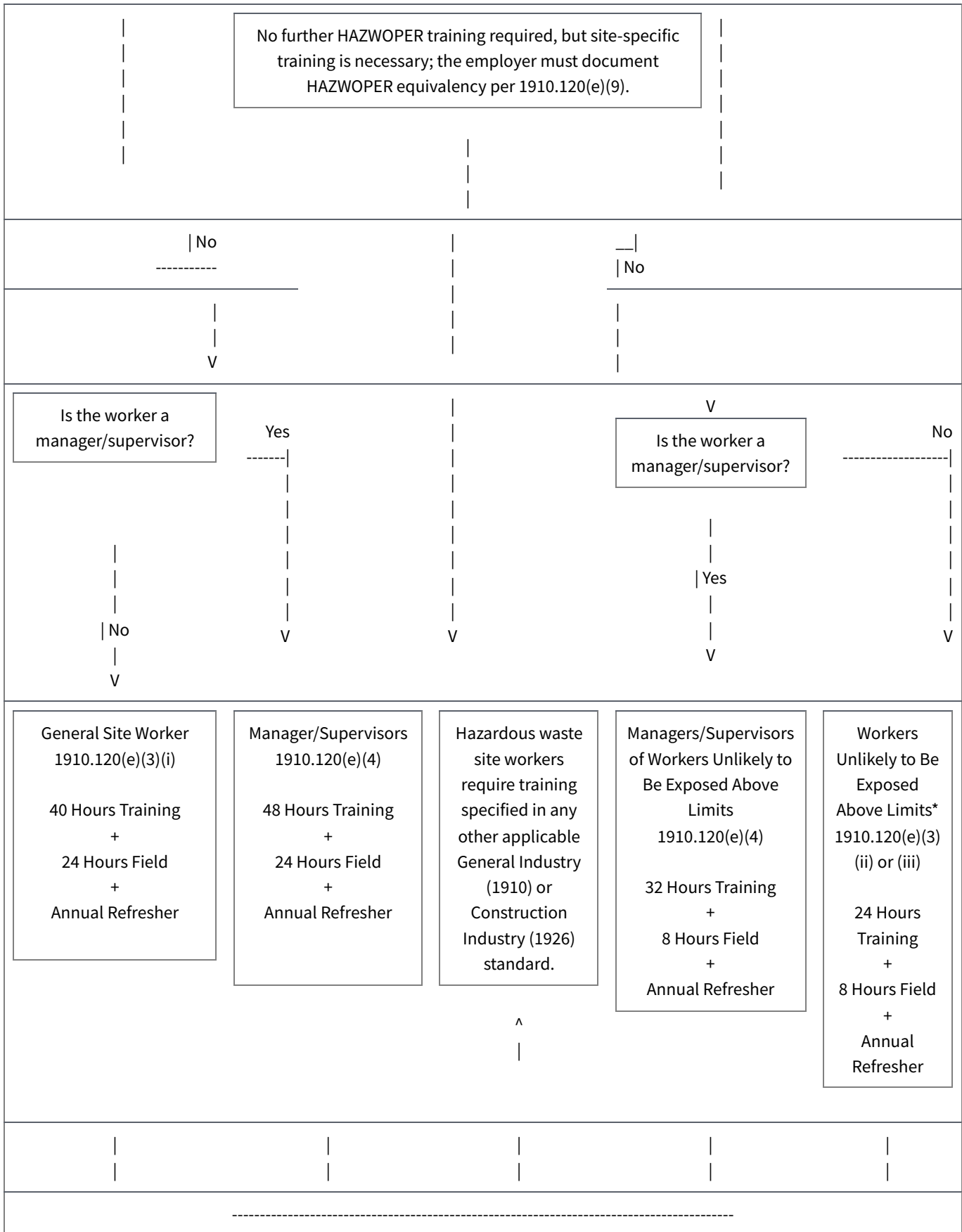
Figure 4. Hazardous Waste Site Training

[
Text Version
]

*Workers who are to be trained for a specific oil spill cleanup that involved task with minimal exposure (e.g., beach cleanup workers) may possibly be trained under a reduced OSHA training provision described in [OSHA Instruction CPL 02-02-051](#). This instruction applies only to oil spills and is limited in circumstances.

Text version of flowchart:





Appendix A

Reference Materials

1. [29 CFR 1910.120 and 1926.65 – Hazardous Waste Operations and Emergency Response \(HAZWOPER\)](#).
2. [OSHA Instruction CPL 02-02-051, November 5, 1990, Inspection Guidelines for Post-Emergency Response Operations Under 29 CFR 1910.120.](#)
3. [OSHA Instruction CPL 02-02-073, August 27, 2007, Inspection Procedures for 29 CFR 1910.120 and 1926.65, Paragraph \(q\): Emergency Response to Hazardous Substance Releases.](#)
4. [OSHA Instruction CPL 02-02-071, November 5, 2003, Technical Enforcement and Assistance Guidelines for Hazardous Waste Site and RCRA Corrective Action Clean-up Operations HAZWOPER 1910.120 \(b\)-\(o\) Directive.](#)
5. [Hazardous Waste Operations and Emergency Response, Revised 2008, OSHA Publication #3114.](#)

[Scroll to Top](#) 

OSHA **Standards** **Enforcement** **Topics** **Media Center** **Contact Us**



U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration
 200 Constitution Ave NW
 Washington, DC 20210
 ☎ 1-800-321-OSHA
 1-800-321-6742
www.osha.gov

FEDERAL GOVERNMENT  **OCCUPATIONAL SAFETY & HEALTH**  **ABOUT THE SITE** 

- | | | |
|------------------------------------------------|---------------------------------------------------|--------------------------------------------|
| White House | Frequently Asked Questions | Freedom of Information Act |
| Benefits.gov | A - Z Index | Disclaimers |
| Coronavirus Resources | Freedom of Information Act - OSHA | Plug-ins Used on DOL.gov |
| Disaster Recovery Assistance | Read The OSHA Newsletter | Accessibility Statement |
| DisasterAssistance.gov | Subscribe to the OSHA Newsletter | |
| USA.gov | OSHA Publications | |
| Notification of EEO Violations | Office of Inspector General | |
| No Fear Act Data | | |
| U.S. Office of Special Counsel | | |

Connect With OSHA



[Site Map](#) | [Important Website Notices](#) | [Privacy & Security Statement](#)