

GOVERNMENT AFFAIRS

WATCHDOG

PROTECT EMPLOYEES MEDICAL RECORDS

Here are three steps to follow in protecting employee medical records.

1. Keep medical records in a separate, confidential place. The federal Family and Medical Leave Act, the California Family Rights Act, and the Americans with Disabilities Act all require employers to protect the integrity of sensitive information.
2. Supervisors should have access to review records only if they need to make accommodations for disabilities.
3. If a disability insurance policy requires additional information, obtain a signed release from the employee or make a release part of the application process.

LITTLE THINGS MATTER

Periodically employers tell us that they have employees who refuse to comply with rules that seem inconvenient but might prevent “minor” injuries. If you’re in this position, you might want to tell them this story.

In 1911, Bobby Leach went over Niagara Falls in a barrel—and survived to talk about his experience.

Several years later, however, Leach was walking on the sidewalk when he slipped on an orange peel. He broke his leg—and somewhat later the leg had to be amputated. Then an infection set in. Shortly thereafter, he died of gangrene.

ENVIRONMENTAL CORNER

Over the next few months, we’ll give “small” recommendations on moving your business toward becoming “green.” To be considered a green business, a company must address the overall environmental impact of its operation. This includes the product, process, and the so-called envelope that surrounds the first two elements.

- The product involves the input materials that are used to produce it, such as the substrate, ink, coating, adhesive, etc.
- The process is the actual manufacturing process and involves prepress, press, and post-press materials and technology.
- The envelope is the building, grounds, energy consumption, and other supporting activities.

Let’s start with the envelope. Here are three things you can easily do.

- Change the aerators on your bathroom faucets. By changing to a low flow (less than 1 gallon per minute), you can save over 28,000 gallons of water per year.
- Change a high-use incandescent light bulb with an energy Star® compact fluorescent bulb. They last longer and save about two-thirds on electricity consumption (don’t do this in areas where color is an issue).
- Institute a company-wide recycling program for paper, plastic bottles, and aluminum cans.

Keep a record of all that you do to move toward becoming green.

ENVIRONMENTAL FEE FOR ALL?

Most businesses must now pay the environmental fee because of a change in the Hazardous Waste Fee law. The change goes into effect for the 2007 calendar year, with the fee for the newly covered businesses due in February 2008.

In general, your business owes the environmental fee if you:

- Use, generate, or store hazardous materials or conduct activities related to those materials, and
- Have 50 or more employees employed in this state working more than 500 hours in a calendar year.

The Department of Toxic Substances Control

(DTSC) has determined that nearly all types of businesses use, generate, store, or conduct activities related to some type(s) of hazardous materials. The fee varies according to the total number of employees.

The fee provides funds for hazardous waste cleanup and pollution prevention programs administered by the DTSC. BOE is responsible for collecting the fee.

To learn about the environmental fee program, please visit www.boe.ca.gov. Type the term “Environmental Fee” in the search box and you’ll gain access to a listing of related information on their website.



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LATEST HEALTHCARE PROPOSAL

A week ago Assembly Speaker Fabian Núñez (D-Los Angeles) and Senate President Pro Tempore Don Perata (D-Oakland) made public their latest health care proposal.

As in previous proposals (e.g., AB 8), this creates an employer mandate that, we believe, violates the federal ERISA law. It also imposes a substantial payroll tax on small businesses (like AB 8) in violation of Proposition 13, which requires a two-thirds vote of the Legislature to pass tax increases; and, again just like AB 8, it creates the first step to government-run health care.

Specifically, the proposal would:

- Require employers to spend the equivalent of 6.5 percent of their payroll costs on health care or pay an equivalent amount into a state fund. Employers with payrolls under \$250,000 would be required to spend 4 percent on health care, and those with payrolls under \$100,000 would pay 2 percent.
- Require all Californians to obtain health insurance. Low earners would have their premiums subsidized by the state, and families of four earning up to \$92,925 a year would receive a tax credit for the portion of premium costs that exceed 6.5 percent of their incomes.
- Increase the state's 87-cents-a-pack tobacco tax to \$2.87 to help pay for the subsidies.
- Place a new tax on hospitals that would allow the state to qualify for several billion dollars more in federal aid.

The bill, AB 1X1 has been scheduled for a hearing on November 14. During his news conference, Speaker Núñez said that he hopes the Assembly will vote on the proposal around Thanksgiving.

PRODUCERS' RESPONSIBILITY WORKSHOP

PIC participated in a stakeholder's workshop on Extended Producers' Responsibility (EPR), conducted by the California Integrated Waste Management Board (CIWMB).

EPR is currently defined differently by different groups. Europeans see it as the extension of the responsibility of

SCAQMD UPDATE

The lower limits for cleanup solvent in the South Coast Air Quality Management District—of less than 100 grams per liter (.83 pounds per gallon) VOC—go into effect on January 1, 2008.

Every lithographic printer located in the Los Angeles, Orange, Riverside, and San Bernardino Counties must meet these standards or be in violation.

This puts printers who have not looked into such solvents in a precarious position—a pending standard of lower VOC solvents, but with no experience or identification of alternative solvents. You should not be waiting any longer to convert to the low-VOC solvents.

The change is a done deal. There will be no more extensions of the current limits.

For those using conventional ink systems, on January 1, 2008

- (1) The VOC content of roller and blanket wash must be less than 100 grams per liter.
- (2) The VOC content solvent for cleaning of metering rollers, dampening rollers and printing plates will have to be less than 100 grams per liter.

For those using UV/EB ink systems, between now and January 1, 2009

- (1) The VOC content of hand-wipe and automatic roller and blanket systems will remain at the current limit of 650 grams per liter until January 1, 2009.
- (2) The VOC content solvent for cleaning of metering rollers, dampening rollers and printing plates will remain at 650 grams per liter until January 1, 2009.

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

producers for the environmental impacts of their products to the entire product life cycle, and especially for their take-back, recycling, and disposal.

The US/EPA calls it "Extended Product Responsibility" and appeals to those in the product life-cycle—manufacturers, retailers, users, and disposers—to share in the responsibility of reducing the impacts of products.

At their September 19th Board meeting, the CIWMB adopted an overall Framework for EPR as a policy priority. They also directed staff to solicit input on the Framework from the stakeholder community.

Paper has been identified as a possible material to include in the program.

A producer responsibility background paper can be downloaded at www.ciwmb.ca.gov/agendas/mtgdocs/2007/06/00022182.pdf.

CARBON FOOTPRINT

Cooler's Website, www.climatecooler.com, tells you the carbon footprint you create for your online purchases within a day of the transaction.

The for-profit company was spun off by the

nonprofit Oakland-based environmental think tank Redefining Progress.

Cooler lists about 350 retailers, names as common as Safeway, Macy's, eBay, Staples and Mrs. Field's. Buying any of the 8 million products available through the Cooler channel costs the consumer nothing. Instead, the Web-based company charges the retailer 2 percent to 12 percent of the purchase price to calculate their products' impacts on climate change and the Earth's health.

Cooler sees that being environmentally friendly in the marketplace makes such good sense for retailers that they're willing to pay for the service.

A recent GlobeScan survey found that an average of eight in 10 (79 percent) of the 22,000 people surveyed across several countries agree that "human activity, including industry and transportation, is a significant cause of climate change."

The main focus of Cooler's business, however, will be to sell its service to retailers and manufacturers, universities, and large companies so they can monitor their own processes.