

Germany
Environment, Health & Safety
Profile and Checklist

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CONTENTS

Contents

1.1	Environmental Laws and Regulations.....	3
1.2	Occupational Health and Safety Laws and Regulations.....	6
ENVIRONMENTAL PROFILE QUESTIONS.....		8
	General Environmental Requirements.....	9
	Air Quality/Emissions.....	11
	Wastewater Discharges.....	12
	Water Resources.....	13
	Hazardous Waste Management	14
	Hazardous/ Dangerous Substance Compliance Programs	15
	Environmental Noise	16
	Remediation	17
	External Emergency Planning	18
HEALTH AND SAFETY PROFILE QUESTIONS		19
	General Occupational Health and Safety Requirements.....	20
	Health and Safety Representatives and Committees.....	21
	Worker Right-to-Know/Hazard Communication	22
	Employee Medical and Well-Being Requirements	24
	Work Environments and Controls	25
	Machinery, Equipment and Controls.....	27
	Chemical and Substance Management	28
	Industrial Hygiene and Exposure Limits.....	31

1.1 Environmental Laws and Regulations

Applicable German environmental laws and regulations are presented in Table 1. Some of the laws are available in English, most in German, but can be accessed online at the following web sites:

Table 1
German Environmental Legislation

(Laws and regulations are presented by area of coverage and then chronologically by promulgation date)

Topic Area and Legislation Title	Promulgated
General Environmental	
<ul style="list-style-type: none"> • Law on Environmental Impact Assessment, 	1990 (amended August 2010)
<ul style="list-style-type: none"> • Environmental Information Act 	2004
<ul style="list-style-type: none"> • Legal Settlement Act Environment – RGU 	2009
<ul style="list-style-type: none"> • Act to Amend the Laws of Nature Conservation and Landscape Management 	2009
Air Quality	
<ul style="list-style-type: none"> • Fourth Ordinance for the Implementation of the Federal Immission Control Act (Ordinance on Installations Requiring a Permit – 4. BImSchV) 	1985 (amended 2004)
<ul style="list-style-type: none"> • Federal Immission Control Act (<i>Bundes-Immissionsschutzgesetz</i>), aka the Act on the Prevention of Harmful Effects on the Environment Caused by Air Pollution, Noise, Vibration, and Similar Phenomena 	2002 (amended 2007)
<ul style="list-style-type: none"> • Technical Instructions on Air Quality Control – TA Luft (First General Administrative Regulation Pertaining the Federal Immission Control Act) 	2002
Water and Wastewater	
<ul style="list-style-type: none"> • Seventh Amendment to the Federal Water Act, Implementing the European Water Framework Directive (WFD) 	2002
<ul style="list-style-type: none"> • Ordinance on Requirements for the Discharge of Waste Water into Waters 	06/17/2004
<ul style="list-style-type: none"> • Federal Water Act (WHG) 	2009
<ul style="list-style-type: none"> • Law on the Revision of Water Rights 	2009
<ul style="list-style-type: none"> • Environmental Standards in the Textile and Shoe Industry - A Guide Based on the EU Briefs 	2011
Hazardous and Non-Hazardous Waste Handling and Disposal	

Topic Area and Legislation Title	Promulgated
<ul style="list-style-type: none"> Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal 	1994
<ul style="list-style-type: none"> Guideline for the Work and Recognition of Waste Management Associations, Implementing Provision for the Closed Substance Cycle and Waste Management Act 	1996
<ul style="list-style-type: none"> Ordinance on Specialized Waste Management Companies, Implementing Provision for the Closed Substance Cycle and Waste Management Act 	1996
<ul style="list-style-type: none"> Ordinance on Transport Licenses, Implementing Provision for the Closed Substance Cycle and Waste Management Act 	1996
<ul style="list-style-type: none"> Ordinance on the Avoidance and Recovery of Packaging Wastes (Packaging Ordinance), 	1998, (amended 2007)
<ul style="list-style-type: none"> Federal Soil Protection Act 	1998
<ul style="list-style-type: none"> Federal Soil Protection and Contaminated Sites Ordinance 	1999
<ul style="list-style-type: none"> Guidelines on the Application of the Waste Catalogue Ordinance (AVV) 	2002
<ul style="list-style-type: none"> Ordinance on Waste Recovery and Disposal Records (Nachweisverordnung - NachwV) 	10/20/2006
Chemical Substance Management and Control	
<ul style="list-style-type: none"> Act on the Protection against Hazardous Substances (Chemicals Act) 	1994 (amended 1998)
<ul style="list-style-type: none"> Guideline for the assessment of PCB Contaminated Building Materials and Structural Elements in Buildings (PCB guideline) 	1995
<ul style="list-style-type: none"> Guidelines for the Assessment and Restoration of Weakly-bound Asbestos Products in Buildings (Asbestos Guidelines) 	1996
<ul style="list-style-type: none"> Ordinance on the Disposal of Polychlorinated Biphenyls, Polychlorinated Terphenyls and Halogenated Monomethyldiphenylmethanes (PCB Waste Ordinance - PCBAbfallV) 	2000
<ul style="list-style-type: none"> Ordinance on Requirements for the Discharge of Waste Water into Waters 	2004
<ul style="list-style-type: none"> Regulation on Substances that Damage the Ozone Layer (ChemOzonschichtV) 	2006
<ul style="list-style-type: none"> Act Revising the Law of Waste-Related Product Responsibility for Batteries and Accumulators 	06/25/2009
Radioactive Waste	
<ul style="list-style-type: none"> Law Regulating the Protection Against Non-Ionizing Radiation (NISG) 	2009
<ul style="list-style-type: none"> Atomic Energy Act 	1959 (amended through 2009)
<ul style="list-style-type: none"> Precautionary Radiation Protection Act 	1986 (amended through 2008)

Topic Area and Legislation Title	Promulgated
<ul style="list-style-type: none"> Safety Requirements Governing the Final Disposal of Heat-Generating Radioactive Waste 	09/30/2010
Environmental Noise	
<ul style="list-style-type: none"> Act Implementing the EC Directive 2002/49/EC on the assessment and management of environmental noise 	06/24/2005
<ul style="list-style-type: none"> Technical Instructions on Noise Abatement (TA Lärm) 	No date
External Emergency Planning	
<ul style="list-style-type: none"> 12th Ordinance on the Implementation of the Federal Immission Control Act (aka the Major Accidents Ordinance – 12. BImSchV) 	2005

1.2 Occupational Health and Safety Laws and Regulations

A listing of applicable German health and safety laws and regulations is presented in Table 2. The regulations can be accessed online at the following websites:

Table 2
German Occupational Health and Safety Legislation

(Laws and regulations are presented by area of coverage and then chronologically by promulgation or effective date)

Topic Area and Legislation Title	Promulgated or Effective From
General Health and Safety	
• Safety at Work Act	12/12/1973
• Working Hours Act (ArbZG) (Arbeitszeitgesetz - ArbZG)	06/06/1994
• Law for the Protection of Working Youth (Youth Employment Law)	01/07/1996
• Act on the Implementation of Measures to Improve Health and Safety of Employees at Work	08/07/1996
• Ordinance Concerning the Manual Handling of Weights	12/04/1996
• Occupational Regulation	12/01/1997
• Act on Safety and Health of Young Employees at Work/Ordinance Concerning the Protection of Children at Work	01/07/1998
• Protection of Children at Work Regulations	06/23/1998
• Regulation on Child Safety (Children's Safety Regulation)	06/23/1998, as amended 07/15/2009)
Work Environments and Controls	
• Workplace Ordinance	08/12/2004
• Compressed Air Ordinance	10/04/1972, amended 2008
Machinery, Equipment and Controls and Electrical Safety	
• Ordinance Concerning the Protection Of Safety And Health In The Provision Of Work Equipment/Safety Regulation	10/03/2002
• Equipment and Product Safety Act (GPSG)	05/01/2004
Chemical Management and Industrial Hygiene	

Topic Area and Legislation Title	Promulgated or Effective From
• Hazardous Substances Ordinance	12/23/2004
• Regulation on the Protection of Workers Against Risks Arising from Noise and Vibrations	03/2007
• Regulation on the Protection of Workers Against Risks Arising from Artificial Optical Radiation (Occupational Regulation Artificial Optical Radiation - OStrV)	07/19/2010
Personal Protection Equipment	
• Ordinance Concerning the Use of Personal Protective Equipment (PSA-BV)	12/04/1996
Emergency Response	
• Explosion Protection Ordinance	12/30/1996
Ergonomics	
• Ordinance Concerning Work with Display Screen Equipment	12/04/1996
• Regulation on Safety and Health in the Manual Handling of Loads at Work (Load Handling Regulation)	12/20/1996

ENVIRONMENTAL PROFILE QUESTIONS

Questions for this Profile were based on the various laws and regulations presented earlier that were readily available and translated. Questions were categorized under one or more of the following titles:

- General Environmental Requirements.
- Air Quality/ Emissions.
- Wastewater Discharges.
- Water Resources.
- Hazardous Waste Management.
- Solid (Non-Hazardous) Waste Management.
- Radioactive Materials Handling and Disposal.
- Hazardous/ Dangerous Substances Compliance Programs.
- Environmental Noise.
- Tank Storage Management.
- Remediation.
- Property Transactions/ Due Diligence.
- External Emergency Planning.

General Environmental Requirements

No.	General Environmental Requirements Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
1.1	<p>Does the facility conduct or operate any of the activities or meet any of the characteristics of the projects requiring an Environmental Impact Assessment (EIA) or Strategic Environmental Assessment, as listed in Appendix 1 of this law?</p> <p>Regulatory Note: Due to the size of the Appendix, its inclusion in this report is not feasible; however it is available online in German only at: http://bundesrecht.juris.de/uvpg/anlage_1_62.html for Appendix 1; and at http://bundesrecht.juris.de/uvpg/anlage_3_64.html for Appendix 3.</p> <p>A Google translation for Appendix 1 can be found at: http://translate.googleusercontent.com/translate_c?hl=en&ie=UTF-8&sl=de&tl=en&u=http://bundesrecht.juris.de/uvpg/anlage_1_62.html&prev=t&rurl=translate.google.com&twu=1&usg=ALkJrhgCJ5qMHn3poI_6g-jkj13K5VTScQ; and</p> <p>A Google translation for Appendix 3 can be found at: http://translate.googleusercontent.com/translate_c?hl=en&ie=UTF-8&sl=de&tl=en&u=http://bundesrecht.juris.de/uvpg/anlage_3_64.html&prev=t&rurl=translate.google.com&twu=1&usg=ALkJrhjV5taiLKT6yW47R4Vuoa1NLY6mbA</p>	Law on Environmental Impact Assessment, 1990, as amended through 2010	
1.2	<p>If the facility meets any of the characteristics of the projects or performs any of the activities listed in Appendix 1 of this law, does the facility have an approved EIA?</p>	Law on Environmental Impact Assessment, 1990, as amended through 2010	
1.3	<p>If the facility has an approved EIA, have all of the environment management and control stipulations, outlined in that EIA and its approval from the authorities, been carried out as required?</p>	Law on Environmental Impact Assessment, 1990, as amended through 2010	

No.	General Environmental Requirements Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
1.4	Any producer of batteries that places them in the German market shall notify the Federal Environmental Agency (Umweltbundesamt) and provide the required data prior to putting them on the market.	Section 4(1) of the Act Revising the Law of Waste-Related Product Responsibility for Batteries and Accumulators (2009)	
1.5	Any distributor of batteries shall promptly notify the Federal Environmental Agency of any change in data submitted prior to the first distribution of batteries.	Section 4(1) of the Act Revising the Law of Waste-Related Product Responsibility for Batteries and Accumulators (2009)	
1.6	<p>If the facility participates in a Joint Collection Scheme, does the Joint Collection Scheme submit to the Federal Environmental Agency by April 30 of each year records that include the following information:</p> <ul style="list-style-type: none"> ○ The mass of portable batteries place on the market within the jurisdiction of this Act and remaining within the jurisdiction of this Act in the preceding year, subdivided by chemical system and classification; ○ The mass of waste portable batteries collected by the Joint Collection Scheme in the preceding year, subdivided by chemical system and classification; ○ The mass of waste portable batteries recycled by the Joint Collection Scheme in the preceding year, subdivided by chemical system and classification, separately showing waste portable batteries exported and recycled outside the jurisdiction of this Act; ○ The collection rate attained by the Joint Collection System in respect of portable batteries; ○ The recycling rate attained by the Joint Collection System in respect of waste portable batteries; ○ The qualitative and quantitative recycling and disposal results; and ○ The total prices paid for each of collection, sorting, recycling and disposal, subdivided by chemical system and classification. 	Section 4(2) of the Act Revising the Law of Waste-Related Product Responsibility for Batteries and Accumulators (2009)	

Air Quality/Emissions

No.	Air Quality/Emissions Requirements Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
1.7	<p>If the facility, on account of its nature or operation, is particularly likely to cause harmful effects on the environment through the emission of air contaminants or similar components or otherwise endanger or cause significant disadvantages or significant nuisances to the general public or the neighboring environment, or if its activities are listed in the Annex to the Fourth Ordinance (noted below), has it obtained a license for operation?</p> <p>Regulatory Note: With the exception of waste disposal plants, installations which do not serve commercial purposes and are not used within the framework of business undertakings shall not be subject to licensing unless they are particularly likely to cause harmful effects on the environment caused by air pollution or noise.</p> <p>The specific installations subject to this Act are defined and listed in the Fourth Ordinance for the Implementation of the Federal Immission Control Act (Ordinance on Installations Requiring a Permit – 4. BImSchV), 1985. The Ordinance lists in its Annex, the various business activities that require a license prior to operation. Due to the size and format of this Annex it could not be included in this report as an attachment, but is available in English at the following website: http://www.bmu.de/files/english/air_pollution_control/general_information/application/pdf/4bimschv_en.pdf.</p>	Federal Immission Control Act, 2002 (amended 2007), §4	
1.8	<p>Was the facility constructed and is it currently being operated in such a way to ensure a high level of protection for the environment as a whole, and that the following conditions are met?</p> <ul style="list-style-type: none"> • Harmful effects on the environment or any other hazards, significant disadvantages and significant nuisances to the general public and the neighborhood are avoided; • Precautions are taken to prevent any harmful effects on the environment or any other hazards, significant disadvantages or significant nuisances, in particular by such measures as are appropriate according to the best available techniques; • Wastes are avoided, unavoidable wastes are recovered, and non-recoverable wastes are disposed of without impairing 	Federal Immission Control Act, 2002 (amended 2007), §5	

No.	Air Quality/Emissions Requirements Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
	<p>the public welfare; wastes shall be deemed to be unavoidable if avoidance is not technically feasible or not reasonable; avoidance shall be deemed to be inadmissible if it leads to more adverse effects on the environment than would be the case with the option of recovery; recovery and disposal of wastes shall be based on the provisions of the Closed Substance Cycle and Waste Management Act and on any other provisions applicable to wastes; and</p> <ul style="list-style-type: none"> • Economical and efficient energy use is ensured. 		

Wastewater Discharges

No.	Wastewater Discharge Requirements Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
1.1	<p>Does the facility have any wastewater discharges, and if so, is there a permit from the authorities for such a discharge?</p> <p>Regulatory Note: Unless otherwise stated in the Appendices to the Ordinance, a permit to discharge wastewater into a water body will only be granted if the pollutant load is kept as low as the use of water-saving procedures such as washing and cleaning operations, indirect, and the use of low-pollutant feedstocks and auxiliary materials permit.</p>	Ordinance on Requirements for the Discharge of Waste Water into Waters, 2004, Art. 1	
1.2	<p>Are the parameters or substances in the facility's wastewater discharges meeting the permit and associated discharge standards?</p> <p>Regulatory Note: The Ordinance specifies discharge standards for 57 different industries, commercial activities and general waste generation. Due to the size of the Appendices to this Ordinance, the specific discharge standards and measurement requirements and methods are not included in this report. However, they are available in English at the following website: http://www.bmu.de/files/pdfs/allgemein/application/pdf/wastewater_ordinance.pdf.</p>	Ordinance on Requirements for the Discharge of Waste Water into Waters, 2004, Art. 1	

Water Resources

No.	Water Resource Requirements Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
1.1	Does the facility use or draw any water from a water body (surface water, groundwater, or coastal marine waters) for its use, and if so, does it have a permit or authorization for such an activity?	Federal Water Act (WHG), 2009, Art. 4 & 8	
1.2	Does the facility prohibit and prevent the dumping and discharging of substances into surface waters, except as permitted?	Federal Water Act (WHG), 2009, Art. 25 & 32	
1.3	Has the facility performed or is currently manipulating surface water bodies (i.e., dams, rechannelization, etc.), and if so, does the facility have an approved permit for such actions?	Federal Water Act (WHG), 2009, Art. 33 & 34	
1.4	Has the facility constructed all of its buildings, bridges, footbridges, subways, docks and piers and operate them in such a manner so as to not harm surface water bodies?	Federal Water Act (WHG), 2009, Art. 36	
1.5	Has the construction of any physical plants or activities that have or would be accomplished near a surface water body, such that its construction could impact such water bodies, been pre-approved by the authorities?	Federal Water Act (WHG), 2009, Art. 36	
1.6	Does the facility impede or redirect the flow of surface water run-off and if so, has this been pre-approved the authorities?	Federal Water Act (WHG), 2009, Art. 37	
1.7	Does the facility prohibit and prevent the dumping and discharging of substances into groundwater, except as permitted?	Federal Water Act (WHG), 2009, Art. 46-49	
1.8	Does the facility use a sufficient enough volume of water that it causes to be discharged more than 750 cubic meters of wastewater per day on average, and if so, has the facility appointed a water pollution control officer (conservation officer)?	Federal Water Act (WHG), 2009, Art. 64	
1.9	Has the facility been ordered to appoint a water pollution control officer (conservation officer), regardless of the volume of water it uses or discharges?	Federal Water Act (WHG), 2009, Art. 65	

Hazardous Waste Management

No.	Hazardous Waste Management Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
1.9	If the facility is a producer or holder of waste, does it recover the waste in question in accordance with the guidelines of this law (See Article 6)?	Article 5(2) of the Act for Promoting Closed Substance Cycle Waste management and Ensuring Environmentally Compatible Waste Disposal (1994)	
1.10	Absent an opposing factor, does waste recovery take priority over waste disposal? Regulatory Note: This priority does not apply where waste disposal is the more environmentally compatible solution	Article 5(2) of the Act for Promoting Closed Substance Cycle Waste management and Ensuring Environmentally Compatible Waste Disposal (1994)	
1.11	Is waste for recovery kept and treated separately from other types of waste?	Article 5(2) of the Act for Promoting Closed Substance Cycle Waste management and Ensuring Environmentally Compatible Waste Disposal (1994)	
1.12	Does the facility recover waste in a safe and proper manner, where proper requires compliance with this and other related legislation and safe requires that the impurities in the wastes and the type of recovery will not impair the public interest?	Article 5(3) of the Act for Promoting Closed Substance Cycle Waste management and Ensuring Environmentally Compatible Waste Disposal (1994)	
1.13	If the facility recycles or obtains energy from waste, does it give priority to whichever form of recovery is more environmentally compatible as set forth by statutory ordinance? Regulatory Note: If no priority is set forth by statutory ordinance, then energy recovery is only permissible when: <ul style="list-style-type: none"> • The thermal value of the waste in question is at least 11,000kj/kg; • A combustion efficiency of at least 75% is achieved; 	Article 6(1) of the Act for Promoting Closed Substance Cycle Waste management and Ensuring Environmentally Compatible Waste Disposal (1994)	

No.	Hazardous Waste Management Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
	<ul style="list-style-type: none"> • The resulting heat is either used by the person/entity recovering the energy or supplied to a third party, and • Further wastes produced during the recovery process can be land filled if possible without further treatment. 		

Hazardous/ Dangerous Substance Compliance Programs

No.	Hazardous/ Dangerous Substance Compliance Programs Requirements Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
1.14	<p>Does the facility manufacture new substances as such, or in the form of a constituent part of a preparation, and place them into circulation on a commercial basis or within the scope of any other economic activity in the Member States of the European Community and the other Contracting Parties to the Treaty on the European Economic Area, and if so, has the facility made a notification to the authorities of such activity?</p> <p>Regulatory Note: Notification shall not be required if the manufacturer is already engaged in the production of the said substance in another Member State of the European Communities or a Contracting Party to the Treaty on the European Economic Area and has notified it to the competent authority within that country on the basis of an equivalent procedure.</p> <p>Any person not domiciled within a Member State of the European Communities or in another Contracting Party to the Treaty on the European Economic Area shall not be permitted to introduce into the area of validity of this Act any new substance as such or any new substance in the form of a constituent part of any preparation on a commercial basis or within the scope of any other economic activity.</p> <p>Notification shall not be required for the following materials:</p> <ul style="list-style-type: none"> • Polymers, provided their total mass weight contains two per cent or less of a new substance in combined form; • Substances placed on the market in the Member States of the European Communities or a Contracting Party to the Treaty on the European Economic Area exclusively for the 	The Chemicals Act, 1994, Art. 4	

No.	Hazardous/ Dangerous Substance Compliance Programs Requirements Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
	<p>purpose of scientific research and development in amounts not exceeding 100 kg per manufacturer per year, under the proviso that the manufacturer or importer provides labels showing the identity of the substance, designation of the amount delivered and the name and address of the recipient;</p> <ul style="list-style-type: none"> • Substances which are placed on the market exclusively for the purposes of process-oriented research and development for the maximum period of one year in a quantity necessary for that purpose, if the said substance is only issued to a limited number of persons verifiable by the manufacturer or importer and assurance is given that the said substance as such or in the form of a constituent part of any preparation, is not issued to any other party; and • Substances placed on the market within Member States of the European Communities and the other Contracting Parties to the Treaty on the European Economic Area in annual quantities not exceeding 10 kg per manufacturer. 		

Environmental Noise

No.	Environmental Noise Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
1.1	<p>If either the construction or the operation of facility which, on account of its nature or operation, are particularly likely to cause any harmful effects on the environment or otherwise endanger or cause any significant disadvantages or significant nuisances to the general public or the neighborhood with respect to noise emission, has the facility applied for and obtained a permit for such emission?</p>	Federal Immission Control Act, 2002	
1.2	<p>Is the facility operated in such a way that any harmful effects from noise on the environment which are avoidable with the use of the best available techniques are prevented and any harmful effects from noise on the environment which are unavoidable with the use of the best available techniques are kept to a minimum?</p>	Federal Immission Control Act, 2002	

Remediation

No.	Remediation Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
1.1	<p>Is the facility operated so as to ensure that even after cessation of operation the following conditions will be met?</p> <ul style="list-style-type: none"> • No harmful effects on the environment or no other hazards, significant disadvantages and significant nuisances to the general public and the neighborhood may be caused by such installation or the surrounding premises; • Existing wastes are orderly and safely recovered or are disposed of without impairing the public welfare; and • Restoration of the site to proper condition is guaranteed. 	Federal Immission Control Act, 2002 (amended 2007), §5	
1.1	<p>Does the facility if it has plans to cease any portion or all its operations that are subject to a license notify the competent authority without undue delay of the planned cessation and state the date of cessation, and provide documents on the measures which the operator plans to take in order to restore the site to its proper condition?</p>	Federal Immission Control Act, 2002 (amended 2007), §15	
1.1	<p>Has the facility taken all measures to prevent harmful soil changes originating on/from the property and its activities?</p> <p>Regulatory Note: Under this Act, obligations to comply are explicitly stated as being those of the “real property owner.” “Harmful soil changes” (to the soil) within the meaning of this Act are harmful impacts on soil functions that are able to bring about hazards, considerable disadvantages or considerable nuisances for individuals or the general public.</p>	Federal Soil Protection Act, 1998, Art. 4	

External Emergency Planning

No.	External Emergency Planning Checklist Questions	Regulatory Citation	☑
1.13	<p>Does the facility have dangerous substances present in quantities equal to or in excess of the qualifying quantities as specified in Annex I (Column 4) to this Ordinance, or dangerous substances are present in quantities equal to or in excess of the qualifying quantities specified in Annex I (Column 5), and if so, the facility is subject to the provisions of this Ordinance?</p> <p>Regulatory Notes: Because of the size and format of the Annexes to this Ordinance their inclusion in this report was not feasible. The Annexes are available online, in English at: http://www.bmu.de/files/pdfs/allgemein/application/pdf/stoerfallv_engl1.pdf.</p> <p>In individual cases the competent authority may, insofar as is necessary to prevent major accidents or to limit their effects, require the operator of an establishment to comply with obligations of the Ordinance even if the dangerous substances present in the establishment do not reach the qualifying quantities specified in Annex I Column 5.</p> <p>The requirements of the Ordinance shall not apply to the facilities, hazards and activities mentioned in Article 4 of Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (OJ L 10, 14.1.1997, p. 13) amended by Directive 2003/105/EC of the European Parliament of 16 December 2003.</p>	Major Accidents Ordinance, 2005, Art. 1	
1.14	<p>Does the facility take such precautions in keeping with the nature and extent of the potential hazards as are necessary to prevent major accidents, taking into account the following?</p> <ul style="list-style-type: none"> • Operational hazard sources; • Environmental hazard sources, such as earthquakes or floods; and • Interference by unauthorized persons, unless such hazard sources or interference can reasonably be excluded as causes of major accidents. 	Major Accidents Ordinance, 2005, Art. 3	

HEALTHAND SAFETYPROFILE QUESTIONS

Questions for this Profile were based on the various laws and regulations presented earlier that were readily available and translated. Questions were categorized under one of the following titles:

- General Occupational Health and Safety Requirements.
- Health and Safety Representatives and Committees.
- Worker Right-to-Know/Hazard Communication.
- Employee Medical and Well-Being Requirements.
- Work Environment and Controls.
- Machinery, Equipment, and Controls.
- Electrical Safety.
- Chemical and Substance Management.
- Industrial Hygiene and Exposure Limits.
- Personal Protection Equipment.
- Internal Emergency Response Requirements.
- Ergonomics and Work Organization.

General Occupational Health and Safety Requirements

No.	General Occupational Health and Safety Requirements Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
2.1	Has the business ensured compliance with the health and safety requirements for workplaces?	Workplace Ordinance, 2004, Art. 3	
2.2	Does the business maintain the facility and its equipment, and if so does the business conduct tests and inspections that identify deficiencies in the facilities or the equipment?	Workplace Ordinance, 2004, Art. 4	
2.3	Has the business identified deficiencies in the facilities or equipment, and if so, has the business taken protective measures to correct and/or remove them?	Workplace Ordinance, 2004, Art. 4.1	
2.4	Does the business clearly identify the premises and equipment that is intended for the protection of employees?	Workplace Ordinance, 2004, Art. 4	
2.5	Has the business established first aid facilities?	Workplace Ordinance, 2004, Art. 4.4	
2.6	<p>Has the business ensured that the health and safety signs comply with the following requirements?</p> <ul style="list-style-type: none"> • Health and safety labels must be used if other organizational protective measures are not sufficient to limit or eliminate occupational risks; • The labels must be clearly visible; and • The results of the risk assessment must be considered. 	Workplace Ordinance, 2004, Art. 4	
2.7	Does the business ensure that first aid rooms are marked as such rooms and are accessible for rescue transportation?	Workplace Ordinance, 2004, Art	

Health and Safety Representatives and Committees

No.	Health and Safety Representatives and Committees Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
2.8	<p>Has the employer established an Occupational Health and Safety Committee (Arbeitsschutzausschuss)?</p> <p>Regulatory Note: The establishment of such Committees is mandatory for establishments with more than 20 employees. The Committee is composed of:</p> <ul style="list-style-type: none"> • The employer or his/her representative; • Two members of the shop council (Betriebsrat), which are nominated by the council; • The company doctor(s) (Betriebsärzte); • The safety expert(s) (Sicherheitsfachkräfte); and • The safety steward(s) (Sicherheitsbeauftragte). 	Safety at Work Act, 1973, Section 11	
2.9	Does the employer enable workers and their representatives to ascertain whether the provisions of the present Ordinance apply in regard to the health and safety ramifications of selecting, wearing and using protective clothing and personal protective equipment?	Hazardous Substances Ordinance, 2004, Art. 13	
2.10	Are workers and their representatives advised forthwith of any instance of elevated exposure, as well as the cause of such exposure, and any countermeasures that have been or are to be taken in regard to such exposure?	Hazardous Substances Ordinance, 2004, Art. 13	

Worker Right-to-Know/Hazard Communication

No.	Worker Right-to-Know/Hazard Communication Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
2.11	Has the business ensured that the workers are given appropriate instructions?	Act on the Implementation of Measures to Improve Health and Safety of Employees at Work, 1996, Art 4	
2.12	<p>Does the business prepare a work conditions assessment in accordance with the following?</p> <ul style="list-style-type: none"> • Work related hazards and occupational health and safety requirements; • Types of work activities, working conditions, assessment of jobs; and • Possible risks and hazards that could arise from the following categories: <ul style="list-style-type: none"> ○ The design of the work establishment and the workplace; ○ Physical, chemical and biological agents; ○ Design, selection and use of work equipment; ○ Agents, machinery, equipment and their handling; ○ Work design and manufacturing processes; ○ Working time; and ○ Inadequate qualifications and training of employees. 	Act on the Implementation of Measures to Improve Health and Safety of Employees at Work, 1996, Art 5	
2.13	Does the employer ensure that the affected employees receive training on risks to workers from artificial optical radiation in the workplace that is based on the results of risk assessment and give information on the hazards present at work?	Regulation on the Protection of workers against artificial optical radiation, Art. 8	
2.14	Does training take place prior to the commencement of employment, at regular intervals and at least annually, and immediately when there are significant changes?	Regulation on the Protection of workers against artificial optical radiation, Art. 8	

No.	Worker Right-to-Know/Hazard Communication Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
2.15	<p>Does the training include the following information?</p> <ul style="list-style-type: none"> • Hazards associated with the activity; • Measures taken to eliminate or minimize the risks, taking into account workplace conditions; • Exposure limit values and their importance; • Risks to workers from artificial optical radiation in the workplace; • The results of the exposure assessment together with the explanation of their significance and assessing the associated risks and possible health consequences; • A description of safe work practices to minimize risk due to exposure to artificial optical radiation; and • The proper use of personal protective equipment. 	Regulation on the Protection of workers against artificial optical radiation, Art. 8	
2.16	Is the training provided to employees in an understandable form and language?	Regulation on the Protection of Workers Against Risks Arising from Artificial Optical Radiation, 2010, Art. 8	
2.17	Does the employer ensure that employees are physically suited to carry out the task in question? Does the employer ensure that workers receive, in addition, proper training and information on how to handle loads correctly and the risks they might be at risk for, particularly if these tasks are not performed correctly?	Ordinance Concerning the Manual Handling of Weights, 1996 Secs. 3, 4	

Employee Medical and Well-Being Requirements

No.	Employee Medical and Well-Being Requirements Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
2.18	Does the business have established first aid facilities?	Workplace Ordinance, 2004, Art 4.4	
2.19	Does the business provide first aid rooms based on the use of the facilities, number of accidents, and number of employees?	Workplace Ordinance, 2004, Art 6.4	
2.20	Has the business ensured that first aid rooms are marked as such rooms and are accessible for rescue transportation?	Workplace Ordinance, 2004, Annex	
2.21	<p>Has the business ensured that first aid rooms are equipped with the necessary equipment and materials?</p> <p>Regulatory Note: In a clearly marked point address and telephone number of the local emergency services must be listed.</p>	Workplace Ordinance, 2004	
2.22	Does the business ensure that first aid equipment is marked, easily accessible, and ready to use?	Workplace Ordinance, 2004	
2.23	<p>Does the business employ people with disabilities, and if so, does the business ensure that the facilities are designed for their employees' special needs and their health and safety is taken into consideration?</p> <p>Regulatory Note: This provision applies especially to doors, roads, escape routes, emergency exits, staircases, guidance systems, washing and toilet facilities.</p>	Workplace Ordinance, 2004, Art 3	

Work Environments and Controls

No.	Work Environment and Controls Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
2.24	Has the business ensured compliance with workplace hygiene requirements and eliminated any dirt or debris that could create hazards, if such exist?	Workplace Ordinance, 2004, Art 4.2	
2.25	Has the business ensured the proper working of safety devices such as security lighting, fire extinguishing equipment, signaling systems, emergency generators and emergency switches, and ventilation systems?	Workplace Ordinance, 2004, Art 4.3	
2.26	Has the business ensured that traffic routes and emergency routes and exits are kept clear?	Workplace Ordinance, 2004, Art 4.4	
2.27	<p>Has the business ensured that the dimension of space and the airspace of work facilities comply with the following?</p> <ul style="list-style-type: none"> • Maintain sufficient working and clearance areas so that employees can perform their tasks without compromising their health and safety; • The dimensions of all the other rooms are determined by the nature of their use and activity; and • The size of the air space in each room must be in accordance with requirements depending on the nature of physical activity and the number of employees and other persons present. 	Workplace Ordinance, 2004, Annex	
2.28	Has the business ensured that the surface of floor, walls, and ceilings is such that it meets the needs of the facility and is easy to clean?	Workplace Ordinance, 2004,	
2.29	Has the business ensured that floors, walls, and ceilings provide sufficient insulation against heat and cold, and against moisture in light of the nature of the activities and operations that occur in the work space?	Workplace Ordinance, 2004, Annex	

No.	Work Environment and Controls Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
2.30	Has the business ensured that the floors of workplaces have no bumps, holes, tripping hazards, or dangerous curves and are slip resistant?	Workplace Ordinance, 2004, Annex	
2.31	<p>Has the business ensured that transparent or translucent walls, in particular glass, must bear markings to clearly show pathways?</p> <p>Regulatory Note: The signs must be made of unbreakable material. Transparent or translucent walls, in particular glass partitions in the range of jobs or roads, must be clearly marked and made of unbreakable material or so shielded against the jobs and infrastructure that employees do not come in contact with the walls and the splintering of the walls would not occur.</p>	Workplace Ordinance, 2004, Annex	
2.32	Has the business ensured that the windows, skylights and ventilation devices are easy to open, adjust and lock, and pose no occupational risk to employees?	Workplace Ordinance, 2004, Annex	
2.33	Has the business ensured that windows and skylights are equipped and installed so that they can be cleaned without posing any occupational risk?	Workplace Ordinance, 2004, Annex	
2.34	Has the business ensured that the doors are in accordance with the nature of the use of the rooms they are located into?	Workplace Ordinance, 2004, Annex	
2.35	Has the business ensured that the doors' location, number, size, design and material used are in accordance with the nature of the use of the rooms they are located into?	Workplace Ordinance, 2004, Annex	
2.36	Does the business have transparent doors, and if so, does the business place proper markings at eye level?	Workplace Ordinance, 2004, Annex	
2.37	Does the business utilize swing doors and gates, and if so, does the business ensure that they are transparent or have a viewing window?	Workplace Ordinance, 2004, Annex	

Machinery, Equipment and Controls

No.	Machinery, Equipment and Controls Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
2.38	<p>Does the business prepare a work conditions assessment in accordance with the following?</p> <ul style="list-style-type: none"> • Work related hazards and occupational health and safety requirements; • Types of work activities, working conditions, assessment of jobs; and • Possible risks and hazards that could arise from the following categories: <ul style="list-style-type: none"> ○ The design of the work establishment and the work place; ○ Physical, chemical and biological agents; ○ Design, selection and use of work equipment; ○ Agents, machinery, equipment and their handling; ○ Work design and manufacturing processes; ○ Working time; and ○ Inadequate qualifications and training of employees. 	Act on the Implementation of Measures to Improve Health and Safety of Employees at Work, 1996, Art 5	

Chemical and Substance Management

No.	Chemical and Substance Management Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
2.39	<p>Does the employer first determine whether workers' activities either involve the use of hazardous substances or generate or release such substances?</p> <p>If either or both prove to be the case, does the employer assess all possible health risks arising from such substances in light of the following?</p> <ul style="list-style-type: none"> • Hazardous properties of the substance or preparation; • Safety and health protection information provided by the manufacturer or distributor; • An assessment of the scope, nature and duration of exposure that takes into account all exposure routes; • Physicochemical effects of the substance or preparation; • Substitution options; • Work environment and work processes, including work materials and the quantities of hazardous substances involved; • Occupational exposure limit values and biological limit values; • Efficacy of safety measures that have been or shall be realized; and • Definitive findings of preventive medical checkups. 	Hazardous Substances Ordinance, 2004, Art.	
2.40	<p>Are risk assessments conducted solely by knowledgeable persons? If the employer does not possess such knowledge, does he/she shall seek expert guidance?</p> <p><u>Regulatory Note:</u> Knowledgeable persons shall mainly include company doctors and occupational safety specialists. The employer shall be entitled to base safeguards on a risk assessment provided by a manufacturer or distributor insofar as the employer realizes their activities in accordance with the data and observations contained in such risk assessment.</p>	Hazardous Substances Ordinance, 2004, Art. 8	

No.	Chemical and Substance Management Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
2.41	<p>Does the employer document risk, indicating which risks could occur in the work environment and which safeguards are compulsory?</p> <p>Is the risk assessment updated insofar as necessitated by the results of preventive medical checkups or a substantial change in any relevant circumstance?</p> <p>Regulatory Note: The requirement for detailed documentation shall be waived for activities involving negligible risk; however the employer shall supply a readily understandable explanation of any other instance of a failure to realize detailed documentation.</p>	Hazardous Substances Ordinance, 2004, Art. 8	
2.42	<p>Are workplace contamination and worker risk kept to an absolute minimum?</p>	Hazardous Substances Ordinance, 2004, Art. 8	
2.43	<p>Does the employer audit the functionality and efficacy of technical safety measures at regular intervals, and every 3 years at a minimum, and document the results of such audits?</p>	Hazardous Substances Ordinance, 2004, Art. 8	
2.44	<p>Does the employer maintain a registry of the hazardous substances used on the premises and include in such registry cross-references to the relevant Safety Data Sheets?</p> <p>Is the registry accessible to all workers affected and their representatives?</p> <p>Regulatory Note: The foregoing requirement shall be waived for hazardous substances that are associated with activities involving negligible risk.</p>	Hazardous Substances Ordinance, 2004, Art. 8	
2.45	<p>Has the employer eliminated or minimized health and safety risks for workers arising from activities involving hazardous substances by means of the following measures?</p> <ul style="list-style-type: none"> • Taking appropriate measures in regard to the design and organization of workplace work systems; 	Hazardous Substances Ordinance, 2004, Art. 8	

No.	Chemical and Substance Management Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
	<ul style="list-style-type: none"> • Supplying work materials that are appropriate for activities involving hazardous substances and by realizing appropriate maintenance procedures, in both cases with a view to protecting workers' health and safety; • Limiting the number of workers that are or could potentially be exposed to hazardous substances; • Limiting exposure duration and intensity; • Realizing appropriate hygiene measures and above all cleaning the workplace at regular intervals; • Limiting the quantity of hazardous substances at the workplace to the quantity that is required for the activity of interest; and • Implementation of work methods and processes that are not deleterious to worker health and safety, including precautionary measures that ensure that hazardous substances, as well as waste containing such substances, are handled, stored and transported safely at the workplace. 		
2.46	<p>Does the employer not conduct the following activities until such time as he/she has complied with the requirements specified therein?</p> <ul style="list-style-type: none"> • Ensuring that all substances and preparations used for work activities are readily identifiable. Any hazardous substance or preparation in use at the workplace shall bear a label containing essential information regarding its classification, the risks involved in handling it and the safety measures that are to be taken in regard to such substance or preparation. Preferably, labeling practices that comply with those referred to in Directives 67/548/EEC or 1999/45/EC shall be applied in realizing such labels; and • Ensuring that any equipment, apparatus, pipe or conduit containing a hazardous substance is labeled in such a way that any such substance contained in such equipment, apparatus, pipe or conduit, as well as any hazard associated with such substance, are clearly identifiable. 	Hazardous Substances Ordinance, 2004, Art. 8	

Industrial Hygiene and Exposure Limits

No.	Industrial Hygiene and Exposure Limits Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
2.47	<p>Does the employer determine, by means of workplace measurements or comparable evaluative tools, whether the facility complies with occupational exposure limit values?</p> <p><u>Regulatory Note:</u> If workplace activities are realized in accordance with one of the process and substance related criteria promulgated by the Hazardous Substances Commission (Ausschuss für Gefahrstoffe) and published by the Federal Ministry of Economics and Labor, the employer shall be deemed to be in compliance with occupational exposure limit values.</p>	Hazardous Substances Ordinance, 2004, Art. 9	
2.48	<p>If any occupational exposure limit value is exceeded, does the employer develop a new risk assessment procedure promptly and implement prescribed safeguards in such a way as to bring such limit value into compliance?</p>	Hazardous Substances Ordinance, 2004, Art. 9	
2.49	<p>If occupational exposure limit values are noncompliant despite the implementation of technical and organizational safeguards, or if a health risk could arise from skin contact with any hazardous substance that is absorbed through the skin, provokes cutaneous hypersensitivity, is irritating, corrosive, or cutaneously sensitizing or could induce irreversible injury or disease, does the employer promptly implement supplementary safeguards, and in particular provide the workers affected with personal protective equipment?</p>	Hazardous Substances Ordinance, 2004, Art. 9	
2.50	<p>Do any persons who realize such measurements possess the requisite expertise and equipment?</p> <p><u>Regulatory Note:</u> The employer is entitled to assume that the data and information provided by any accredited measurement organization is accurate.</p>	Hazardous Substances Ordinance, 2004, Art. 9 (6)	

No.	Industrial Hygiene and Exposure Limits Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
2.51	<p>In determining or measuring occupational exposure limit values, does the employer comply with the procedures, measurement regulations and limit values promulgated by the Federal Ministry of Economics and Labor pursuant to Article 21 (4) hereunder, which are based upon the current versions of the following European Community directives?</p> <ul style="list-style-type: none"> • Directive 98/24/EC and in particular the occupational exposure limit value provisions of Article 3 (2) of this Directive; • Directive 2004/37/EC; and • Directive 83/477/EEC. 	Hazardous Substances Ordinance, 2004, Art. 9	
2.52	<p>If activities are realized involving hazardous substances for which no occupational exposure limit values are available, is the employer entitled to employ assessment methods that demonstrate the effectiveness of the safeguards implemented in regard to such substances?</p> <p>If no suitable assessment methods are available, does the employer realize measurements?</p>	Hazardous Substances Ordinance, 2004, Art. 9	
2.53	<p>If compliance with occupational exposure limit values is unfeasible, particularly during demolition, renovation and/or repair work, does the employer minimize workers' exposure to hazardous substances to as great an extent as possible using the best available techniques and promptly implement supplementary safeguards, and above all provide workers with personal protective equipment?</p>	Hazardous Substances Ordinance, 2004, Art. 10	
2.54	<p>Are workers and their representatives advised forthwith of any instance of elevated exposure as well as the cause of such exposure and any countermeasures that have been or are to be taken in regard to such exposure?</p>	Hazardous Substances Ordinance, 2004, Art. 14	
2.55	<p>Has the employer determined that workers are exposed to noise or vibration? If so, has the employer assessed all possible hazards from noise and vibration, identified the exposures that occur in the workplace, and established safeguards?</p>	Regulation on the Protection of Workers Against Risks Arising from Noise and Vibrations, 2007	

No.	Industrial Hygiene and Exposure Limits Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
2.56	Does the employer ensure that affected employees receive training based on the results of the risk assessment? Is training provided before employment commences and at regular intervals?	Regulation on the Protection of Workers Against Risks Arising from Noise and Vibrations, 2007	
2.57	<p>Does the risk assessment for worker exposure to noise include the following?</p> <ul style="list-style-type: none"> • The nature, extent and duration of exposure to noise; • Prescribed action values and exposure values; • The availability of alternative tools and equipment that result in less exposure of workers (substitution test); • Findings from the occupational screening and all published information; • The temporal extent of occupational exposure over an 8 hour shift beyond; • The availability and effectiveness of ear protection; and • Impact on the health and safety of workers belonging to particularly vulnerable groups. 	Regulation on the Protection of Workers Against Risks Arising from Noise and Vibrations, 2007	
2.58	Is the risk assessment updated when significant changes in working conditions require it?	Regulation on the Protection of Workers Against Risks Arising from Noise and Vibrations, 2007	
2.59	<p>Does the employer ensure that measurements are carried out according to the following?</p> <ul style="list-style-type: none"> • Measurement techniques and equipment to the existing workplace and exposure conditions must be adapted in particular as regards the properties of the measured noise or vibrations to be measured, the duration of exposure, and the environmental conditions; and • Measurement methods and equipment must be suitable to determine the relevant physical quantities, and whether triggering and exposure limits are met. 	Regulation on the Protection of Workers Against Risks Arising from Noise and Vibrations, 2007	
2.60	Does the employer keep the documentation of the results obtained for at least 30 years?	Regulation on the Protection of Workers Against Risks Arising from	

No.	Industrial Hygiene and Exposure Limits Checklist Questions	Regulatory Citation	<input checked="" type="checkbox"/>
		Noise and Vibrations, 2007	
2.61	Does the employer ensure that the risk assessment is carried out by competent persons and only entrust the execution of the measurements to persons who have possession of the necessary expertise and the necessary facilities?	Regulation on the Protection of Workers Against Risks Arising from Noise and Vibrations, 2007, Art. 5	
2.62	<p>Does the employer comply with the values in respect to the daily noise exposure levels and peak sound pressure levels?</p> <ul style="list-style-type: none"> • Upper exposure action values: L (low) EX, 8h = 85 dB (A) or L (low) pC, peak = 137 dB (C), • Lower exposure action values: L (low) EX, 8h = 80 dB (A) or L (low) pC, peak = 135 dB (C). <p>Regulatory Note: In the application of action levels, the attenuation provided by a personal hearing protector of the employee is not considered.</p>	Regulation on the Protection of Workers Against Risks Arising from Noise and Vibrations, 2007	

