

3300505 Hot Mix Asphalt – General Construction Requirements
COMMENTS FROM INTERNAL/INDUSTRY REVIEW

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Comments: (6-14-13)

It is good that this is being added, specifying no diesel. However the words “contained in an open container” might be better left out.

Response: Thank you for the feedback. This issue was discussed with a joint group of FDOT and Industry staff at a specifications meeting and with representatives from some Districts via telephone and the wording in the spec was agreed upon. Most everyone was agreeable that there may be a need for having diesel on the paver for cleaning certain tools, however, there is risk of massive spillage if the container is left open all the time and the container gets knocked over or tips over. Plus, having an open container on board the paving machine violates certain Federal standards. If the revised wording is not adequate to solve any diesel spillage issues, then the specification will be amended in the future to remove containers of diesel from the paver all together.

No changes made.

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Comments: (6-20-13)

330-5.5 Petroleum based products are effective and cost efficient. Any product that is used to clean asphalt off of tools or equipment is a product that **DISOLVES** asphalt. Non petroleum based products are still **CHEMICAL** based and do not improve the quality of the product that is being constructed. If spilled, these nonpetroleum products may actually be worse for the pavement than the petroleum based products currently being used. Contractors using petroleum based products have to abide by current EPA/DEP standards and if the EPA/DEP allow the use of this material in this manner, the FDOT should not restrict it. The workers who have to shovel and rake asphalt for 12 to 15 hours a day prefer diesel over the other products. For them nothing works better. This specification change adds no **VALUE** to the product. This specification change adds cost to the product by requiring the contractor to buy products that cost **FOUR** times more than diesel but do not work as well. It makes little sense to make a change that adds no value while increasing cost.

Response: Thank you for the feedback. Diesel fuel is still allowed to be used on the paver under the new specification change, but it must be stored in a closed container. This is in accordance with FDOT and Federal standards. Refer to the following:

There are two FDOT specifications that are applicable to this requirement:

6-5.3 Contaminated, Unfit, Hazardous, and Dangerous Materials: Do not use any material that, after approval and/or placement, has in any way become unfit for use. Do not use materials containing any substance that has been determined to be hazardous by the State of Florida Department of Environmental Protection or the U.S. Department of Environmental Protection.

Provide workplaces free from serious recognized hazards and to *comply with occupational safety and health standards, as determined by the U.S. Department of Labor Occupational Safety and Health Administration.*

7-1.1 General: Become familiar with and comply with all Federal, State, county, and city laws, by-laws, ordinances, and regulations that control the action or operation of those engaged or employed in the work or that affect materials used. *Pay particular attention called to the safety regulations promulgated by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA).*

The OSHA requirements on the US Department of Labor website include Standard 1926.152 http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10673

Applicable text from this standard is shown below:

1926.152(a)

"General requirements."

1926.152(a)(1)

Only approved containers and portable tanks shall be used for storage and handling of flammable liquids. *Approved safety cans or Department of Transportation approved containers shall be used for the handling and use of flammable liquids in quantities of 5 gallons or less, except that this shall not apply to those flammable liquid materials which are highly viscid (extremely hard to pour), which may be used and handled in original shipping containers. For quantities of one gallon or less, the original container may be used, for storage, use and handling of flammable liquids.*

Also attached is a link and text regarding this standard and diesel fuel on construction sites:

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=21578

For purposes of paragraph 29 CFR 1926.152(a)(1), flammable liquid is defined by 1926.155(h) as any liquid having a flash point below 140 degrees F and having a vapor pressure not exceeding 40 pounds per square inch at 100 degrees F. *The common grades of diesel fuel have flash points below 140 degrees F and, therefore, diesel fuel is considered a flammable liquid and is required to be in safety cans.* Kerosene has a flash point of 150 degrees F and would not be required to be stored in safety cans.

No changes made.
