



Wiring a green tomorrow



Joint Safety Committee  
Oregon Pacific-Cascade Chapter, NECA  
IBEW Local 280 Safety Committee  
Thursday November 18, 2021  
Meeting Minutes

**Rollcall: meeting called to order (VIA ZOOM)**

**Approval of Previous Meeting Minutes**

**Communications**

Federal ETS COVID Vaccine <100 employees

5 Universal Wastes- Whitepaper

**New Business:** Monthly Safety Training and Information Packets (distributed)

**EC Magazine**

NOPR- heat related illness, not just for summer weather but also for shutdowns, etc.

Suicide rates- construction workers is on the rise during pandemic- keep a close eye on employees

Safety Ropes- reminder to review equipment and usage

**Safety & Health Magazine**

10 tips for returning to the workplace- help ease worker back into workplace

JSA/JHA/PTP-Different acronym- same reliable format and usage

**EHS Today**

Top 10 OSHA violations- no surprise, Fall Protection #1 10 years in a row

**OSHA Injury/Incidents**

Pushing a wire cart, bodily reaction, back strain, Modified Duty

Wire make-up, cut hand, stitches, recordable

Stripping wire, laceration, stitches-recordable

Glove caught-in cordless drill, struck-by, recordable

Falling cables, bundle cut loose, NEAR MISS

Opening boxes, cut hand, stitches, recordable

**Class Schedule**

Posted online

**Next Meeting- December 16, 2021**

**Adjournment**

December 16, 2021

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Elias Campbell- GEW  
Senior Safety Consultant



Wiring a green tomorrow



Joint Safety Committee  
Oregon Pacific-Cascade Chapter, NECA  
IBEW Local 280  
Thursday December 16, 2021  
Meeting AGENDA

**Roll call: meeting called to order** [In person and videoconferencing available](#)

**Approval of Previous Meeting Minutes**

**1.0 Communications**

- 1.1 Local 48 JSC- injury report- attached
- 1.2 Year-End-Review- OSHA 300 logs, Injury review

**2.0 New Business: Monthly Safety Training and Information Packets (distributed)**

- 2.1 Safety Packet Review
- 2.2 EC Magazine
  - 2.2.1 Ergonomic Tools
  - 2.2.2 Infrastructure Bill
- 2.3 Safety & Health Magazine
  - 2.3.1 Combating Complacency
  - 2.3.2 Redesigning Work for Health- Wellness vs. Redesign
- 2.4 EHS Today
  - 2.4.1 Soft Skills- Hybrid Workplace

**3.0 OSHA Injury/Incidents**

- 3.1 280
  - 3.1.1 08.31.21-Pushing a wire cart, bodily reaction, back strain, Modified Duty
  - 3.1.2 10.27.21- wire make-up, cut hand, stitches, recordable 659
  - 3.1.3 01.20.21- stripping wire, laceration, stitches-recordable
  - 3.1.4 07.16.21- glove caught-in cordless drill, struck-by, recordable
  - 3.1.5 07.20.21- falling cables, bundle cut loose, NEAR MISS
  - 3.1.6 10.15.21- opening boxes, cut hand, stitches, recordable

**4.0 Class Schedule**

- 4.1 Posted online

***All NECA Contractors** are reminded that work related accidents and incidents should be reported via the Accident/ Incident report to the NECA office for consideration by the committee. If you are in need of a copy of the report, contact the Chapter office.*

***IMPORTANT REMINDER:** The variance granted to NECA/IBEW by OR-OSHA requires participation by both Labor and Management Representatives at the Joint Innovative Safety Committee. For the Committee to be viable and provide assistance to Contractors and IBEW Members we need to have consistent attendance of all committee members.*

**Next Meeting: January 27, 2022**



# **Safety Meeting Packet**

**December 2021**

## 2021 LABOR HOURS RECAP ALL SIGNATORY CONTRACTORS

Local#	Contract Type	Annual Total	Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
280	Inside	1,113,995	10	111,400	82,595	93,391	100,648	113,117	116,512	109,213	125,311	124,186	109,618	139,404	
280	Inside Appr.	363,392	10	36,339	27,402	29,644	32,778	36,549	37,192	36,618	42,200	41,436	36,026	43,547	
280	MAI	0	10	0	0	0	0	0	0	0	0	0	0		
280	Material	111,134	10	11,113	10,283	9,566	9,875	9,398	10,971	9,784	12,787	14,234	10,430	13,806	
280	Residential	66,411	10	6,641	4,681	5,546	6,563	7,284	6,259	6,573	7,492	6,954	7,485	7,574	
280	Resi. Appr.	48,295	10	4,830	2,774	3,627	4,182	4,892	4,735	5,198	5,560	5,287	5,546	6,494	
280	S & C	174,194	10	17,419	14,409	16,486	17,317	18,920	16,101	16,976	20,013	17,973	17,829	18,170	
280	S & C Appr.	82,872	10	8,287	5,989	6,463	7,770	8,991	7,882	8,284	9,487	8,826	9,520	9,660	
280	Support Tech/MOU	99,588	10	9,959	7,374	9,693	9,520	11,167	9,824	9,854	12,073	9,321	8,975	11,787	
<b>TOTAL 280</b>		<b>2,059,881</b>	<b>90</b>	<b>205,988</b>	<b>155,507</b>	<b>174,416</b>	<b>188,653</b>	<b>210,318</b>	<b>209,476</b>	<b>202,500</b>	<b>234,923</b>	<b>228,217</b>	<b>205,429</b>	<b>250,442</b>	<b>0</b>
<b>Total NECA</b>					<b>129,255</b>	<b>148,536</b>	<b>156,181</b>	<b>178,222</b>	<b>170,755</b>	<b>164,485</b>	<b>188,927</b>	<b>183,809</b>	<b>173,624</b>	<b>215,507</b>	<b>0</b>
<b>% NECA</b>					<b>83.12%</b>	<b>85.16%</b>	<b>82.79%</b>	<b>84.74%</b>	<b>81.52%</b>	<b>81.23%</b>	<b>80.42%</b>	<b>80.54%</b>	<b>84.52%</b>	<b>86.05%</b>	<b>#DIV/0!</b>

Local#	Contract Type	Annual Total	Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
659	Inside	216,386	10	21,639	14,402	17,416	19,899	25,953	24,333	22,532	25,452	21,409	20,536	24,454	
659	Inside Appr.	102,570	10	10,257	6,631	7,413	8,788	10,921	10,322	10,122	12,403	11,810	11,237	12,923	
659	Material	4,194	10	419	326	315	506	286	339	402	594	327	342	757	
659	Residential	6,858	10	686	529	604	571	662	480	534	896	870	717	995	
659	Resi. Appr.	3,408	10	341	192	292	388	404	255	305	369	292	344	567	
659	S & C	5,817	10	582	377	388	574	547	548	454	665	563	763	938	
659	S & C Appr.	409	10	41	31	141	4	6	3	0	7	12	205		
<b>Total 659</b>		<b>339,642</b>	<b>70</b>	<b>33,964</b>	<b>22,488</b>	<b>26,569</b>	<b>30,730</b>	<b>38,779</b>	<b>36,280</b>	<b>34,349</b>	<b>40,379</b>	<b>35,278</b>	<b>33,951</b>	<b>40,839</b>	<b>0</b>
<b>Total NECA</b>					<b>16,260</b>	<b>18,904</b>	<b>21,099</b>	<b>29,410</b>	<b>26,543</b>	<b>23,292</b>	<b>30,519</b>	<b>25,376</b>	<b>24,065</b>	<b>30,546</b>	<b>0</b>
<b>% NECA</b>					<b>72%</b>	<b>71%</b>	<b>69%</b>	<b>76%</b>	<b>73%</b>	<b>68%</b>	<b>76%</b>	<b>72%</b>	<b>71%</b>	<b>75%</b>	<b>#DIV/0!</b>

Local#	Contract Type	Annual Total	Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
932	Inside	86,618	10	8,662	7,377	8,779	10,566	10,940	8,774	9,169	6,793	8,041	7,561	8,618	
932	Inside Appr.	38,972	10	3,897	3,196	4,050	4,393	4,592	4,322	4,559	3,408	3,605	3,259	3,588	
932	Residential	3,685	10	369	204	321	457	595	467	265	402	301	425	248	
932	Resi. Appr.	900	10	90	123	145	0	0	143	173	140	0	176		
932	S & C	4,251	10	425	248	276	556	406	433	587	402	548	331	464	
932	S & C Appr.	208	10	21	49	37	50	19	0	11	0	0	42		
<b>Total 932</b>		<b>134,634</b>	<b>60</b>	<b>13,463</b>	<b>11,197</b>	<b>13,608</b>	<b>16,022</b>	<b>16,552</b>	<b>13,996</b>	<b>14,723</b>	<b>11,189</b>	<b>12,635</b>	<b>11,576</b>	<b>13,136</b>	<b>0</b>
<b>Total NECA</b>					<b>10,106</b>	<b>12,371</b>	<b>14,448</b>	<b>14,911</b>	<b>12,511</b>	<b>13,148</b>	<b>11,051</b>	<b>11,099</b>	<b>9,928</b>	<b>11,187</b>	<b>0</b>
<b>% NECA</b>					<b>90%</b>	<b>91%</b>	<b>90%</b>	<b>90%</b>	<b>89%</b>	<b>89%</b>	<b>99%</b>	<b>88%</b>	<b>86%</b>	<b>85%</b>	<b>#DIV/0!</b>

<b>Grand Total</b>	<b>2,534,157</b>	<b>253,416</b>	<b>189,192</b>	<b>214,593</b>	<b>235,405</b>	<b>265,649</b>	<b>259,752</b>	<b>251,572</b>	<b>286,491</b>	<b>276,130</b>	<b>250,956</b>	<b>304,417</b>	<b>0</b>	<b>0</b>
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<b>Total NECA</b>	<b>2,076,075</b>	<b>10</b>	<b>207,608</b>	<b>155,621</b>	<b>179,811</b>	<b>191,728</b>	<b>222,543</b>	<b>209,809</b>	<b>200,925</b>	<b>230,497</b>	<b>220,284</b>	<b>207,617</b>	<b>257,240</b>	<b>0</b>	<b>0</b>
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### 2021 LABOR HOURS RECAP ALL SIGNATORY CONTRACTORS

% NECA	82%	82%	82%	84%	81%	84%	81%	80%	80%	80%	83%	85%	#DIV/0!	#DIV/0!
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## 2021 LABOR HOURS RECAP NECA MEMBERS

Local#	Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
280	Inside	915,760	10	91,576	68,719	79,269	83,261	95,582	94,542	87,129	97,212	98,280	91,949	119,817		
280	Inside Appr.	274,442	10	27,444	19,971	22,732	24,344	28,177	26,492	26,926	32,339	30,660	28,434	34,367		
280	MAI	0	10	0	0	0	0	0	0	0	0	0	0	0		
280	Material	97,380	10	9,738	9,029	8,340	8,326	8,475	9,736	8,582	10,254	12,257	9,630	12,751		
280	Residential	41,374	10	4,137	2,769	3,611	3,792	4,443	3,811	4,157	4,870	4,275	4,647	4,999		
280	Resi. Appr.	36,648	10	3,665	2,079	2,906	3,110	3,854	3,678	4,014	4,209	3,802	4,067	4,929		
280	S & C	163,127	10	16,313	13,492	15,682	16,253	17,730	14,956	15,710	18,691	16,573	16,688	17,352		
280	S & C Appr.	81,014	10	8,101	5,822	6,303	7,575	8,794	7,716	8,113	9,311	8,641	9,234	9,505		
280	Support Tech/MOU	99,556	10	9,956	7,374	9,693	9,520	11,167	9,824	9,854	12,041	9,321	8,975	11,787		
<b>Total 280</b>		<b>1,709,301</b>	<b>90</b>	<b>170,930</b>	<b>129,255</b>	<b>148,536</b>	<b>156,181</b>	<b>178,222</b>	<b>170,755</b>	<b>164,485</b>	<b>188,927</b>	<b>183,809</b>	<b>173,624</b>	<b>215,507</b>	<b>0</b>	<b>0</b>

Local#	Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
659	Inside	162,083	10	16,208	10,690	12,739	14,033	20,482	18,441	15,971	19,974	15,868	15,033	18,852		
659	Inside Appr.	73,132	10	7,313	4,847	5,320	6,095	8,181	7,293	6,505	9,185	8,474	7,814	9,418		
659	Material	1,899	10	190	75	10	122	0	117	219	431	149	173	603		
659	Residential	2,353	10	235	284	226	191	174	141	143	264	315	270	345		
659	Resi. Appr.	384	10	38	0	80	80	20	0	0	0	0	0	204		
659	S & C	5,754	10	575	333	388	574	547	548	454	665	563	763	919		
659	S & C Appr.	409	10	41	31	141	4	6	3	0	0	7	12	205		
<b>Total 659</b>		<b>246,014</b>	<b>70</b>	<b>24,601</b>	<b>16,260</b>	<b>18,904</b>	<b>21,099</b>	<b>29,410</b>	<b>26,543</b>	<b>23,292</b>	<b>30,519</b>	<b>25,376</b>	<b>24,065</b>	<b>30,546</b>	<b>0</b>	<b>0</b>

Local#	Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
932	Inside	80,989	10	8,099	6,812	8,226	9,873	10,116	8,086	8,495	7,810	7,309	6,752	7,510		
932	Inside Appr.	35,517	10	3,552	2,997	3,832	4,134	4,373	3,992	4,086	2,834	3,253	2,845	3,171		
932	MAI	0	10	0	0	0	0	0	0	0	0	0	0	0		
932	Residential	0	10	0	0	0	0	0	0	0	0	0	0	0		
932	Resi. Appr.	0	10	0	0	0	0	0	0	0	0	0	0	0		
932	S & C	4,046	10	405	248	276	391	403	433	567	396	537	331	464		
932	S & C Appr.	208	10	21	49	37	50	19	0	0	11	0	0	42		
<b>Total 932</b>		<b>120,760</b>	<b>70</b>	<b>12,076</b>	<b>10,106</b>	<b>12,371</b>	<b>14,448</b>	<b>14,911</b>	<b>12,511</b>	<b>13,148</b>	<b>11,051</b>	<b>11,099</b>	<b>9,928</b>	<b>11,187</b>	<b>0</b>	<b>0</b>

<b>Grand Total</b>		<b>2,076,075</b>		<b>207,608</b>	<b>155,621</b>	<b>179,811</b>	<b>191,728</b>	<b>222,543</b>	<b>209,809</b>	<b>200,925</b>	<b>230,497</b>	<b>220,284</b>	<b>207,617</b>	<b>257,240</b>	<b>0</b>	<b>0</b>
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**IBEW LABOR HOUR RECAP, LAST 5 YEARS  
ALL SIGNATORIES**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>2017</b>	124,362	150,693	171,896	141,612	152,580	176,209	132,408	180,192	171,516	172,152	180,357	179,521	1,933,498
<b>2018</b>	129,958	152,277	187,788	175,909	199,302	194,584	197,419	246,866	230,127	238,937	241,813	261,195	2,456,175
<b>2019</b>	235,064	267,789	302,365	274,692	291,848	269,365	243,405	312,956	299,388	305,249	332,724	289,681	3,424,525
<b>2020</b>	269,064	305,744	303,666	204,430	211,800	216,251	245,543	256,035	196,445	272,974	231,380	249,688	2,963,020
<b>2021</b>	189,192	214,593	235,405	265,649	259,752	251,572	286,491	276,130	250,956	304,417	0	0	2,534,157
<b>Grand Total</b>	<b>947,640</b>	<b>1,091,096</b>	<b>1,201,120</b>	<b>1,062,292</b>	<b>1,115,282</b>	<b>1,107,981</b>	<b>1,105,266</b>	<b>1,272,179</b>	<b>1,148,432</b>	<b>1,293,729</b>	<b>986,274</b>	<b>980,085</b>	<b>13,311,375</b>

**IBEW LABOR HOUR RECAP, LAST 5 YEARS  
NECA MEMBERS**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>2017</b>	100,470	125,233	141,871	118,878	127,241	148,638	108,231	148,241	132,386	126,237	127,950	132,070	1,823,025
<b>2018</b>	100,801	121,674	149,612	140,924	160,511	152,229	156,427	200,133	190,473	197,958	202,072	222,483	1,537,446
<b>2019</b>	199,200	231,668	259,726	232,744	244,112	226,383	200,634	261,084	237,306	253,322	247,628	235,455	1,995,297
<b>2020</b>	224,793	255,228	246,899	167,739	169,124	172,186	203,008	209,747	162,195	231,451	191,467	211,496	2,829,262
<b>2021</b>	155,621	179,811	191,728	222,543	209,809	200,925	230,497	220,284	207,617	257,240	0	0	2,076,075
<b>Grand Total</b>	780,885	913,614	989,836	882,828	910,797	900,361	898,797	1,039,489	929,977	1,066,208	769,117	801,504	10,261,105



# **Safety Training Topics**

January 2022

Slipping Hazards

Ladder Safety

Distractions on the Job

Fall Protection

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# SAFETY TRAINING TOPIC

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## Slipping Hazards

### **OIL, WATER, AND OTHER LIQUIDS**

Don't ignore floor puddles in the belief they will evaporate. If you came across a puddle before it evaporated, so can someone else. That person might not be as lucky as you.

Don't ignore spills. If you see a spill, clean it up. If it is too large to clean up, call for help or report it to the person in charge of the area.

If you clean up oil, surfactant, soap, or some other substance that tends to stick to surfaces, don't just wipe up what's visible and walk off. Make sure the floor is no longer slippery. A technique that often works is to grind oil absorbent or cat litter into the place where the substance was. Dispose of oil into approved containers only.

When cleaning up a spill, avoid stepping in it. That way, you don't track the mess to other areas or slip while attempting to clean up.

After a wire pull, ensure you have wiped up the lubricant.

### **GRIME, DUST, GRAVEL, OIL-DRY AND OTHER SOLIDS**

General housekeeping will remove these hazards from floors. For example, lean up wire scraps after wire pulls and terminations.

Outdoors, loosely-packed gravel is always a hazard-be extra cautious.

### **MUD, GRASS, ICE, AND OTHER SLIPPERY SURFACES**

If you work outside, you may work on mud, grass, or ice. Each of these surfaces is slippery enough for you to fall and suffer serious injury. Take extra precautions such as carrying smaller loads, taking smaller and more deliberate steps, and being especially aware of your center of gravity.

A big danger from mud is mud caked on your shoes after you leave the muddy area. It can act like grease under your shoes as soon as you step from rough outdoor terrain onto a cement or tile floor. Clean your shoe bottoms before going inside.

### **CARRYING THINGS**

Nobody will give you a medal for playing Superman. How much you can carry is not as important as how much you can carry safely. If you are working around slippery surfaces, reduce how much you carry. Using a cart or other such device will help.

Don't carry loads that force you to lean back and thereby raise your center of gravity.

The amount of time on a slippery surface is less of a slipping issue than the degree to which you are off balance. You are better off crossing the surface many times while balanced than just once while unbalanced.

## **YOUR SHOES**

If the bottoms are worn smooth or cracked, or if the heels show excessive wear on one side, replace your shoes.

Your feet should not move inside your shoes. If they do, you will be more prone to falling.

## **HOW YOU WALK**

Most people do not really walk. They fall forward onto the foot that is out in front. This is why people fall when walking on ice. If you pay close attention to how you walk, you can overcome this type of walking and make yourself more slip-proof. The idea is to get your center of gravity in a neutral position, rather than out in front of you.

Walking with your head up, chest out, back straight-think military posture- greatly reduces your odds of falling if your feet slip. This posture moves your center of gravity to the center, rather than the front.

Walk across a dusty floor or in snow, and then look at your footprints. Which way do your feet point? If they point any direction other than dead ahead, you have a foot alignment problem. Work on correcting your foot position so your heel and toe are in alignment with the direction you are walking.

If your head bounces up and down when you walk, that means you are moving your center of gravity up and down. Put a book on your head and practice walking with it. This will correct most walking deficiencies.

If you smoke, allow for extra caution. Smokers have a compromised sense of equilibrium because of blockages in the various passageways that form part of the body's system for sensing position.

You can reduce slipping hazards on especially treacherous turf by walking with your knees bent as though you are riding a horse. Martial artists call this the horse stance. It is nearly impossible for one person to knock down another person who is in this stance, and for that reason it is a good way to stand if you must traverse a slippery surface. You may look funny doing it, but you won't fall. It worked for Bruce Lee.

**REVIEW AND DISCUSSION**

- Should you just let a water puddle on the floor evaporate?
- What should you do if a spill is too large to clean up?
- How should you dispose of oil?
- Where does housekeeping fit into the idea of slipping hazards?
- If you are going to cross a slippery surface, should you carry one big load or two smaller ones across it?
- Do your shoes matter? In what ways?
- What should you try to keep from being out in front of you when you walk?
- How should your feet point when you walk?
- How can a book help you walk more safely?
- What is the horse stance, and how can it help you not fall?

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# SAFETY TRAINING TOPIC

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## Ladder Safety

### GENERIC LADDER SAFETY

Never use aluminum ladders for electrical work or in the vicinity of power sources. Use a wood or fiberglass ladder, instead.

Never use a painted wooden ladder. Among the dangers: the paint may be electrically conductive, and it reduces the friction needed for your hands and feet to stay in place on the ladder.

Do not put your arms between the side rails when carrying a ladder. Doing so makes you vulnerable in injuries such as a torn rotator cuff.

Carry a ladder with its feet pointed forward. When you set the ladder down from this position, its feet are already in place. If you carry the ladder with the feet pointed behind you, you'll be tempted to swing the ladder in a dangerous manner or you'll need to set it down and pick it up again.

Use a ladder tall enough for the job. It takes less time to get the right ladder than it does to recover from a typical fall off a ladder.

On smooth, hard surfaces, use a ladder with rubber feet. On uneven or icy surfaces, use a ladder with spurs.

Visually inspect the ladder before each use. Remove grease, mud, oil, or other slip hazards. Look for protruding rivets, loose steps or rungs, cracks in the side rails, or other mechanical damage-if these are present, take the ladder out of service.

Note the weight limit, and allow for the weight of equipment and supplies in addition to your own body weight.

If you must place the ladder on an unstable surface, make it as stable as possible. If, for example, the surface is gravel, dig the feet into the gravel. Then, secure the ladder by some additional means.

Except for emergencies, observe the "one person on a ladder" rule. Even if the weight limit would allow two people, there is too much risk of stepping on heads and fingers-and both people can fall in such an instance.

Use the three-point contact method when climbing. This requires two hands and a foot, or two feet and a hand, to be in place on the ladder at all times.

Use the steps, not the cross braces, for supporting your weight. The cross braces are not designed for this purpose, do not provide sufficient traction, and may give way.

Do not sit or stand on the top step or next-to-the-top step of any ladder. One reason: the top step doesn't have a "stop" built into it. If you stand on the second rung down, the top step stops your shins from moving forward-and off the ladder.

Do not over-reach while using a ladder. This is the number one cause of ladder injuries. Instead, climb down and move the ladder. If you are leaning your body away from the center of the ladder, you are over-reaching.

Never move a ladder without first checking to ensure nothing on top of it will fall off. Also, check to ensure the top won't snag on something-this could force you to suddenly support the weight of the ladder.

Do not carry materials up a ladder. Have someone hand you materials, or use tag line to raise them to you once you are up the ladder.

Do not hang things on the rungs-doing so creates a fall hazard.

Position a straight or extension ladder so it is one foot out at the base for every four feet of vertical distance. This provides a good balance of forces and uses the weight of the ladder to help stabilize it.

## **STEP LADDERS**

Before climbing a stepladder, ensure the hinges are locked. Check the cross bracing for any mechanical damage.

Check the feet to ensure they are in place, attached properly, and undamaged.

Do not stand on the second step from the top of any stepladder that is more than four feet tall.

## **EXTENSION LADDERS**

Inspect the rope for rotting or fraying.

If the ladder has spurs, ensure they are in place before climbing.

Keep hands away from moving parts when operating an extension ladder. Extend the ladder three feet above the top of a structure or excavation, and secure by tying off at the top.

Secure the ladder at the bottom. To do so, tie or wedge it into place.

## **REVIEW AND DISCUSSION**

- What are three safety rules that apply to the use of any ladder?
- What are some reasons not to use a painted wooden ladder?
- When should you not use an aluminum ladder?
- What should you look for when inspecting the ladder before use?
- What do you need to account for when considering the weight limit of a ladder?
- What is the three-point contact method?
- What is over-reaching, and why is it dangerous?
- Should you carry materials up a ladder? Why not? What could you do instead?
- Why would sitting or standing on the top rung of a ladder be dangerous?
- How far from the top is too high to stand on a stepladder?

# SAFETY TRAINING TOPIC

## Distractions on the Job

**Introduction:** Many accidents and injuries occur when a worker is distracted while working. Following are safety guidelines to ensure that all workers are aware of the distractions that may occur while on the job, and how these distractions can be eliminated:

**Mental distractions:** Having a bad day at home and worrying about it at work is a hazardous combination. Dropping your ‘mental’ guard can pull your focus away from safe work procedures. You can be distracted when you are busy working and a friend comes by to talk while you are trying to work. Do not become a statistic because you took your eyes off the machine or the work “just for a minute.”



**Inattention:** Inattention may be the result from workplace arguments, confusing instructions, concern about working hours, wages, bills, etc. Inattention worsens with fatigue and boredom. Keep your mind on your work. The prime interest in solving hazards created by inattention lies in methods of deference; warnings, alarms, fail-safe switch circuits, guards, etc. For example, hazardous steps and overhangs can be brightly painted, horns and back-up alarms must be on heavy equipment, and warning signs are required to be posted.

**Machinery:** Set up your work station in a clear unobstructed location with good lighting, proper electrical circuits, and away from busy foot traffic that would cause distractions. Make sure that everyone is at a safe distance away from a machine before starting. Assure that your work station is stable and clear of trip hazards. Hands can be protected by using machinery that only turns when both hands are on the operator switches. Never by-pass the start up switch on the equipment you are using. When a machine does not start the way it was designed, inform your boss.

**Hearing:** Do not play loud music. Headphones can be a hazardous distraction. Ask your supervisor if wearing headphones is acceptable. Ear muffs are for loud noise levels to safeguard your hearing. Workers need to hear when important instructions or warnings are told. A co-worker may save your life.

**Long hair:** When your hair is loose and flowing, it can blow around and get in your face or eyes and obstruct your view. Avoid fixing your hair while working with machinery or operating a vehicle. Tie your hair back and keep it under a hat.



**Driving: Avoid distractions such as:**

- |                               |                                       |                            |
|-------------------------------|---------------------------------------|----------------------------|
| ■ Tools and items not secure  | ■ Using a portable phone              | ■ Looking at a map         |
| ■ Doing paperwork             | ■ Eating a meal                       | ■ Reading                  |
| ■ Fastening a safety belt     | ■ Adjusting the radio                 | ■ Reaching for a cup       |
| ■ Trying to get out of a coat | ■ Reaching into the glove compartment | ■ Unsafe lane change       |
| ■ Bad windshield wipers       | ■ Searching for dropped items         | ■ Staring at other drivers |



**Consider this:** 4 out of every 5 accidents are the fault of the person involved in the incident. Unsafe acts cause four times as many accidents and injuries as unsafe conditions. Workers tend to look for “things” to blame when an accident happens, because it is easier than looking for “root causes”.

**Shortcuts:** Every day we make decisions we hope will make the job faster and more efficient. Do time savers ever risk their own safety, or that of other crewmembers? Short cuts that reduce your safety on the job are not shortcuts, but an increased chance for injury.

**Overconfidence:** Confidence is a good thing. Overconfidence can be too much of a good thing. “It will never happen to me” is an attitude that can lead to improper procedures, mishandling of tools, or unsafe methods on the job. Any of these can lead to injury.

- **Do not** start a task with incomplete instructions. To do the job safely and right the first time you need complete information. Have you ever been sent to do a job, having been given only a part of the job’s instructions? Ask for explanations about work procedures and safety precautions.

**Poor housekeeping:** When clients, managers, or safety professionals walk through your work site, housekeeping is an accurate indicator of everyone's attitude about quality, production, and safety. Poor housekeeping creates hazards of all types. A well-maintained area sets a standard for others to follow. Good housekeeping involves both pride and safety.



**Ignoring safety procedures:** Purposely failing to observe safety procedures can endanger you and your co-workers. You are being paid to follow the company safety policies; not to make your own rules. Remember, being "casual" about safety can lead to a casualty.

- **Being hasty** in starting a task or not thinking through the process can put you in harms way. Plan your work and then work your plan.

**Problem solving:** Once you have realized a distraction problem, meet with the worker to discuss what you have seen. Meet at a time and place when you think you will be relaxed and able to discuss the problem. When distraction problems occur, it is especially important to speak with respect. Address the distraction problem and encourage improvement. Do not judge the worker. Be relaxed and maintain a nonjudgmental attitude; this will help keep the lines of communication open, solve the problem, and maintain good relations. Starting the conversation is often the most difficult step. You may feel unsure about what to say or how to say it, or you may find yourself wanting to avoid the discussion altogether. Be straightforward and honest.

**Remember:** Concentrate on the work at hand, and keep your mind on your work. Utilize these safety guidelines to help eliminate distractions on the job.

### *Work Site Review*

Work-Site Hazards and Safety Suggestions: \_\_\_\_\_

Personnel Safety Violations: \_\_\_\_\_

**Employee Signatures:**

*(My signature attests and verifies my understanding of and agreement to comply with, all company safety policies and regulations, and that I have not suffered, experienced, or sustained any recent job-related injury or illness.)*

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Foreman/Supervisor's Signature:** \_\_\_\_\_

*These guidelines do not supercede local, state, or federal regulations and must not be construed as a substitute for, or legal interpretation of, any OSHA regulations.*

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# SAFETY TRAINING TOPIC

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## Fall Protection

### SOME FACTS

Fall-related accidents account for about 10% of all workplace fatalities. Nearly all of the fall accidents on record were preventable.

Ways of protecting yourself include hazard elimination, fall protection, and work procedures.

### HAZARD ELIMINATION

The most effective way to deal with fall hazards is to eliminate them. For example, if you can lower a light to replace its lamp and then raise the light back up, you have eliminated the hazard.

Partial elimination is the second most effective way. For example, if you can pre-assemble items before going up in a lift or up on a ladder, you will spend less time being vulnerable to a fall.

### FALL PROTECTION

You can't always eliminate a fall hazard, and partial elimination still leaves you with a hazard. Fall protection, as defined by the fall protection industry, is a passive way of preventing you from falling.

Fall protection examples are all around you. These include ladder cages, platform railings, and secured hole covers.

### FALL RESTRAINT

This is what most people think of, when they think of fall protection.

It involves the use of a secure anchorage and a lanyard connected to your full body harness. The lanyard allows you to reach the work area, but prevents you from falling too far.

Fall restraints require you to have training in the proper use and inspection of your equipment.

### WORK PROCEDURES

Some situations make fall protection and fall restraint measures impractical or impossible.

The idea of changing the work procedure is not to find a cheaper way of protecting against the fall. The idea is to rethink the work process so fall protection measures become practical, possible, or unnecessary.

You may need to help change the procedure or find a way to eliminate the task completely. Your input is valuable, as you are the one doing the work.

## **SAFETY HARNESS INSPECTION**

When using fall restraint devices, you must inspect them. Look for fiber damage, pulled stitches, or frayed edges. Examine D-rings, grommets, rivets, buckles, tongues, and straps.

## **LANYARD INSPECTION**

Look for fiber damage, pulled stitches, or frayed edges. Inspect the snaphooks, carabineer, and any other mechanisms.

If it is a retractable lanyard, ensure the back nuts and rivets are tight.

If it is a retractable lanyard, test for smooth operation and proper locking.

## **ANCHORAGE POINTS**

Before attaching to an anchorage point, look for cracks, sharp edges, or evidence of abuse.

In a particularly dangerous area, you will need to attach to a new anchorage point before un-attaching from the one you are attached to.

Do not attach to guardrails, C-clamps, ladders, conduit, light fixtures, rebar, plumbing, roof stack, or any object that you aren't sure can support your weight plus the force of your fall. Anchorage points must be capable of supporting 5,000 pounds per person because of the forces generated from the impact of a fall.

## **REVIEW AND DISCUSSION**

- If there are ten people in your crew, how many are statistically likely to die from a preventable fall accident?
- What are three ways of protecting yourself from falls?
- What are some examples of how might you eliminate or partially eliminate a fall hazard?
- What is fall protection, as defined by the fall protection industry, and what are some examples?
- What is fall restraint, and what are some examples?
- What kind of training do you need if you are going to use fall restraint equipment?
- What is the purpose of changing work procedures?
- How do you inspect a harness?
- How do you inspect a lanyard?
- What do you need to know about attachment points?

# Safety

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- Scenario Responses



[www.SafetyComplianceAlert.com](http://www.SafetyComplianceAlert.com)

December 6, 2021

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[www.SafetyComplianceAlert.com](http://www.SafetyComplianceAlert.com)



#### Training Shop

Ergonomics



#### Checklist

Multi-employer worksites



Be sure to add our address [sca@safetycompliancealert.com](mailto:sca@safetycompliancealert.com) to your safe senders list to receive our safety updates – and keep your company in the know.

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## COVID-19 vaccination ETS is here: What it means for you

### ■ Standard applies to employers with 100+ employees

Employers with 100 or more employees are now required under OSHA's new emergency temporary standard (ETS) to have a mandatory COVID-19 vaccination policy, unless they require employees to either get vaccinated or undergo regular testing and wear a face covering at work.

However, employers aren't required to pay for the testing of unvaccinated employees or for their face coverings.

The ETS "covers employers with 100 or more employees – firm or company-wide – and ... requires employers to provide paid time to workers to get vaccinated and to allow

for paid leave to recover from any side effects," according to OSHA.

Employers will also have to:

- determine the vaccination status of each employee, obtain acceptable proof of vaccination, and maintain records and a roster of each employee's vaccination status
- require employees to give "prompt notice" if they test positive for COVID-19
- remove COVID-19 positive employees from the workplace, regardless of vaccination status, and not allow them to return until they meet required criteria

*(Please see Vaccine ETS ... on Page 2)*

### TEMPORARY WORKERS

#### Insight into temp agencies as controlling employers

A Washington State Supreme Court consolidated decision covering safety violations with two temporary agencies provides some insight into how courts determine who is a controlling employer.

Tradesmen International contracted with Dochnahl Construction.

The agency was responsible for wages and benefits, while Dochnahl was in charge of supervision.

Before an assignment, Tradesmen inspected the site for safety hazards, but none were found.

Dochnahl reassigned an employee to another jobsite and failed to notify the agency.

Washington State Department of Labor & Industries (L&I) inspected the site, found hazards and cited the agency for exposure to scaffold hazards and a lack of fall protection.

Laborworks Industrial Staffing provided workers for Strategic Materials to sort recycling and waste, including glass and needles.

L&I inspected the plant and found employees were exposed to bloodborne pathogen hazards but hadn't received the training from Laborworks.

Both agencies fought the citations, and appeals courts vacated both saying the agencies lacked control.

#### L&I appeals

The state Supreme Court upheld the Tradesmen decision vacating the violation since that agency did not control the worksite. But the Laborworks citations stuck since that agency maintained control over specific aspects of its employees training and records.

## RETALIATION

## Terminated worker gets \$2.2M jury award

An ultrasound technician will receive \$2.2 million thanks to an Oct. 19 jury verdict that found her former employer fired her because she filed a workers' compensation claim.

The technician, Susan Boutwell, was informed a week before getting surgery for a work-related injury that she was going to be permanently replaced and wouldn't be able to return to work with restrictions.

Boutwell also claimed in her wrongful termination lawsuit against Siouxland Women's Health Care that she was told she should file for unemployment benefits once she was cleared to work since she would no longer have a job, according to the *Bellevue Herald-Leader*.

She'd been employed at the facility for 28 years before her firing.

## Comp claim led to firing

The jury found that Boutwell's workers' compensation claim was the determining factor in her firing.

Boutwell will receive:

- \$1 million in punitive damages
- \$500,000 for past emotional pain and suffering
- \$250,000 for future emotional pain and suffering
- more than \$160,000 in lost wages, and
- more than \$347,000 in future lost wages.

## Vaccine ETS ...

(continued from Page 1)

- ensure unvaccinated workers – including those who aren't fully vaccinated – are tested at least weekly (if the worker is in the workplace at least once a week) or within seven days before returning to work (if the worker is away for a week or more), and
- ensure “that, in most circumstances, each employee who has not been fully vaccinated wears a face covering when indoors or when occupying a vehicle with another person for work purposes.”

## What employers don't have to pay

Under the ETS, employers do not have to pay for testing unless it's required under “other laws, regulations, collective bargaining agreements or other collectively negotiated agreements.”

Employers aren't required to pay for face coverings.

OSHA is offering compliance assistance to help employers implement the ETS, including a webinar, frequently asked questions page and other materials.

## Date effective

The ETS is effective immediately upon its publication in the *Federal Register* which was on Nov. 5, 2021.

Employers must comply with most of the requirements outlined in the ETS within 30 days of publication and with testing requirements within 60 days of publication (January 4, 2022).

## SHARPEN YOUR JUDGMENT

*This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.*

## DID MANAGEMENT MISUNDERSTAND THE REGS?

“Hello,” Safety Manager Pete Travers said, picking up his phone.

“Your vehicle's warranty is about to expire,” an automated voice said.

Pete hung up. His phone rang again immediately.

“Look, voice,” he said firmly as he picked up, “I know you're trying to scam me!”

“Hey, Pete,” a voice that was not automated said. “It's Connie DiMaio, we used to work together.”

## Not consistent with OSHA

“Hello Connie,” Pete said. “What can I do for you?”

“I'm the plant manager at a manufacturing facility, and we're in trouble with OSHA,” said Connie. “I wanted to talk to you about it.”

“Sure, go ahead,” Pete said.

“This facility has a lot of machines, and we have a lockout/tagout program, but OSHA still says we're not compliant,” Connie explained.

“We were cited before, and after that I talked to the inspector about lockout/tagout and we implemented the program based on what he told me,” she added.

“He basically said we only have to lock out for major repairs, not for things like jam ups, which we have kill switches for,” she said. “But now they're citing us, and I just don't get why.”

“If that's what he told you, it's not exactly consistent with OSHA LOTO regs,” Pete said.

Connie's company fought the citation anyway. Did it win?

■ *Make your decision, then please turn to Page 6 for the ruling.*

## Safety COMPLIANCE ALERT

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## WHAT'S COMING

### PANDEMIC

## Fed's handling of pandemic questioned

■ REPORT: OSHA'S COVID RESPONSE HAMPERED BY LACK OF GUIDANCE

OSHA inspectors investigating possible COVID-19 violations faced communication and guidance challenges that frequently made their jobs more difficult, according to a new Government Accountability Office (GAO) report.

The office was tasked under the Coronavirus Aid, Relief and Economic Security (CARES) Act to report regularly on the federal response to the COVID-19 pandemic, leading to seven oversight reports to date, covering multiple federal agencies.

### No assessment of lessons learned

The report released Oct. 27 reveals OSHA inspectors faced challenges in applying OSHA requirements to COVID-19 cases because for the first 15 months of the pandemic, the agency relied on existing standards and voluntary employer guidance for enforcement.

OSHA later took steps to protect employees in industries where there was a high-risk of exposure through

its one-year COVID-19 National Emphasis Program and healthcare-focused emergency temporary standard.

The agency also acknowledged the potential for high-risk COVID-19 exposure in other industries and has indicated it will be developing an infectious disease standard.

However, OSHA hasn't assessed the lessons learned or practices developed during the pandemic to help area offices overcome those challenges they initially faced, such as the lack of guidance from OSHA headquarters and dealing with the high volume of reports while working remotely.

### Recommendation and response

GAO recommends OSHA assess these various challenges in its ongoing response to the pandemic as soon as possible and take appropriate action.

In response, OSHA agreed it's important to assess the lessons learned as well as the best practices for its operational response to the pandemic, but indicated that while the pandemic is ongoing its resources are best used to help in mitigating COVID-19 exposure in the workplace.

### CRIMINAL CHARGES

## Company to pay \$305K to dead worker's estate

A general contracting company has been sentenced to probation and to pay restitution to a dead worker's estate in connection with the fatality. Workers weren't using fall protection when the death occurred.

Trustworthy LLC, dba Trustworthy Roofing and Siding, was sentenced to five years' probation for violating OSHA standards leading to the death of an employee. The company will also pay restitution of \$305,275 to the estate of the employee who died.

Via its owner, Derico Ferreira, Trustworthy had previously pleaded guilty to one count of willfully violating OSHA standards by failing to provide fall protection to employees installing a roof on a two-

story residential home in Fair Lawn, NJ, which caused the death of an employee.

### Fall protection on site, not used

On Oct. 15, 2016, Ferreira and four employees were installing the roof, but the company didn't provide its employees any personal fall protection equipment, such as harnesses, lanyards, tie-off ropes, guard rails, nets or other fall protection.

Ferreira had the equipment in his truck and could have installed a guard rail system around the perimeter of the roof from a ladder, but didn't.

Trustworthy was previously cited by OSHA in 2014 for failing to provide fall protection to its employees.

## TRENDS TO WATCH

*Watch what's happening in various states. Some actions indicate trends.*

### ■ DECISION IN COMP CASE CLARIFIES REGULATION

An Oct. 14 Ohio Appeals Court decision in a workers' comp case offers insight into the definition of a combination woodworking machine under state regulations.

A worker was injured when the belt on a blower broke and caused a partial amputation of his thumb.

The machine was an industrial chipper that deposited wood chips onto a conveyor belt that moved the chips to the blower.

A shut-off switch was 41 feet away from where the injury occurred.

The worker claimed the machine required individual shutoffs since it was a combination woodworking device, but the court found this was not a combination of different tools into one machine. Rather each piece of equipment was separate to itself.

### ■ BORED WORKER ON BENEFITS MUST PAY BACK \$41K

An injured Washington worker has to pay back more than \$41,000 to the state for theft of workers' compensation benefits.

Gary Miller pleaded guilty to third-degree theft for stealing cash benefits from the state's Department of Labor & Industries (L&I).

Investigators found Miller held five jobs while signing official forms declaring he wasn't working because of an injury he suffered on the job, according to an L&I news release.

Miller, a delivery driver, was in a crash that left him with severe chest injuries, but he later took on several other jobs because he was "tired of sitting around."

Now he has to pay back \$41,139 he received as benefits, and serve 240 hours of community service and two years on probation.

## WHO GOT FINED – AND WHY

### Roundup of most recent OSHA citations

Go to [www.SafetyComplianceAlert.com/fines](http://www.SafetyComplianceAlert.com/fines) for more OSHA fines and injury settlements.

#### Unexpected collapse on demolition site kills 2

OSHA cited two Michigan companies after a building unexpectedly collapsed and killed two workers.

A laborer cutting steel and a truck driver preparing to move scrap metal off the site of the Killen Power Generation Station demolition site were both killed when the building collapsed on Dec. 9, 2020.

**Fine:** \$181,724 (Adamo); \$12,288 (SCM)

**Company:** Adamo Demolition, Detroit; SCM Engineering Demolition, St. Clair, MI

**Business:** Site preparation contractor (Adamo); Specialty contractor (SCM)

**Reasons for fine:**

Adamo:

*One willful violation for failure to:*

- ensure employees were restricted from accessing hazardous areas until hazards were corrected

*One repeat violation for failure to:*

- ensure licensed explosive demolition contractor instructed employees in recognition and avoidance of unsafe conditions while preparing explosives to collapse columns

*One serious violation for failure to:*

- provide employment free of recognized struck-by hazards likely to cause death or serious bodily harm

SCM Engineering Demolition:

*Three serious violations for failure to:*

- provide employment free of recognized struck-by hazards likely to cause death or serious bodily harm
- ensure employees were trained in recognition and avoidance of unsafe conditions while preparing explosives to collapse columns
- ensure employees were restricted from accessing hazardous areas

#### Contractor fined \$183K for 8th fall citation in 5 years

A Florida roofing contractor recently received its eighth OSHA

citation in five years for failing to protect its workers from fall hazards and other worksite dangers.

OSHA initiated an inspection at a Gainesville, FL, worksite in December 2020 and found three workers installing roofing materials on a two-story home without fall protection.

The company has been cited eight times since January 13, 2016, for similar violations.

**Fine:** \$183,225

**Company:** DWC Contracting LLC, High Springs, FL

**Business:** Roofing contractor

**Reasons for fine:**

*One willful violation for failure to:*

- protect employees engaged in residential construction activities 6 feet or more above lower levels with fall prevention systems

*One repeat violation for failure to:*

- ensure ladder side rails extended 3 feet above upper landing surface

*One serious violation for failure to:*

- ensure employees wore eye or face protection when needed

#### Poultry plant failed to report COVID-19 fatality

Cal/OSHA cited a Foster Poultry Farms facility and its distribution center for various COVID-19-related violations, including failure to report a fatality related to the virus.

The inspection began after Cal/OSHA was notified about the employee death from COVID complications.

**Fine:** \$103,100 (facility); \$78,400 (distribution center)

**Company:** Foster Poultry Farms, Livingston, CA

**Business:** Poultry processing

**Reasons for fine:**

*Eight serious violations, including failure to:*

- prevent harmful exposures of employees to infectious airborne particles by ensuring use of engineering controls to prevent spread of COVID-19
- establish injury and illness prevention programs
- provide emergency eyewash facilities at accessible locations

### WORKERS' COMP DECISIONS

#### Injured worker fell in restricted area: Benefits?

A car salesman fell while walking through an area he was told to stay out of. Can he collect?

**What happened:** The salesman fell and injured his knee and back while crossing a culvert between parking lots. He'd been told in the past by management that the culvert was restricted because it was dangerous.

**Company's reaction:** That area is off limits. You knew the risk. Your injury was your fault.

**Decision:** He couldn't collect. The court found he was in an area he was specifically told to stay out of because it was unsafe.

**Cite:** *Robert Pratt v. Landers McLarty Bentonville*, AR Court of Appeals, No. CV-20-504, 4/21/21.

#### Can worker who didn't disclose past injury collect?

An injured worker in constant pain and suffering from depression failed to disclose a past injury. Can he still collect?

**What happened:** The worker suffered a back injury that caused him constant, extreme pain, which he claimed led to severe depression. However, his employer discovered that he failed to disclose a similar incident from a past job.

**Company's reaction:** You didn't tell us about the prior injury, so you should pay us back the benefits we already paid you.

**Decision:** He could collect. The court found the extensive medical evidence regarding his injury and depression far outweighed the possible existence of a prior condition.

**Cite:** *Clark v. Philips Electronics*, SC Court of Appeals, No. 5809, 3/10/21.

## REAL PROBLEMS, REAL SOLUTIONS

## 5 keys to build your safety culture

Employees valuing their own safety and watching out for each other because they want to, not because they must – that's the definition of a good safety culture. How do you get there?

There are five areas employers miss.

### First key: Do you believe?

Employees must believe the company is moving in the right direction when it comes to safety.

How do you start to remove doubt? The way you change is by achieving hundreds of little wins.

Following a safety program is like following a diet.

When you're on a diet, you think you've done everything right, you're looking forward to weigh-in day, and then ... you're up two pounds.

It makes you want to quit the diet.

But continuing to follow the program helps you stay focused.

### Second key: Use your whole brain

Companies need an emotional intelligence approach to safety. To do that, we need to use the part of our brain that controls rational thinking and the one that appeals to emotions.

A company must define its "why" for safety. The answer is something that appeals to employees: Everybody gets home at night.

Safety can't be all about the sign at the front gate that says, "X days without an accident." It also can't be about your company's DART rating.

Those things don't resonate with employees. Instead, incorporate people into your company's safety "why."

### Third key: Organizational structure

Among the people in leadership, you have C-level executives, VPs, plant managers, department managers and frontline supervisors.

Which group is the most important to safety? It's the frontline supervisors. However, in many companies, it's the portion of leadership that gets the least amount of attention.

The frontline supervisors say, we've got to make stuff, we're

behind schedule, we don't have time for safety meetings.

How do you change this? A C-level executive has to openly praise good safety so frontline supervisors notice.

Example: Roger's group makes 115% of quota, but suffers recordable injuries. Sally's group makes 98% of quota, but has no injuries.

Who should the CEO praise? Sally. Find out what Sally is doing to have zero injuries in her group. Share her best practices. Have Roger follow them.

### Fourth key: Employee engagement

When a new idea is announced, you usually have a 20-60-20 split among employees: 20% show enthusiasm, 20% think the idea is stupid and the other 60% think, this *might* work.

Which group do some companies spend the most time on? Those with the worst attitudes.

Don't do it. You'll never get 100% buy-in. But you can get 70% by concentrating more on the other 80%.

As for the 20-30% who don't buy in? *You* will never reach them. However, the other 70% who believe will change the people at the bottom.

### Fifth key: Marketing the message

Your company's safety program needs a slogan. Find one that's clever and works, and stick with it. When it comes to safety, it should say, "This is how we roll."

To avoid "flavor of the day" syndrome when formulating your safety program, create your plan for a complete year. This ties into sticking with the same slogan.

But the marketing of your safety program should evolve. How do you keep the same basic message yet allow it to evolve?

Example: Wheaties, Breakfast of Champions. It always has a successful athlete on the box, but the athlete changes with the times.

*(Based on a presentation by Dale Lesinski, VP Sales & Training, DiVal Safety Equipment, at the National Safety Council's 2021 conference)*

## TRAINING TIPS

### Wheel chocks: Simple devices that can save lives

Wheel chocks are simple devices that can prevent vehicles from rolling away and causing hazards when parked on inclines.

Pretty simple concept, and their use doesn't require much effort, right?

Yet, some workers and employers still fail to use them, sometimes with fatal results.

For example, a truck driver with 40 years of experience was killed when his tractor-trailer rolled backward, crushing him between his trailer and a parked trailer.

Why? His employer didn't require the use of wheel chocks, according to the Washington State Department of Labor & Industries.

He was parked on a gentle slope while hooking up to the trailer. He also failed to set his parking brake.

When he raised the trailer's landing gear, the tractor-trailer rolled backward and crushed him between it and a trailer he parked next to on a slight angle.

If he'd used wheel chocks, the trailer wouldn't have instantly rolled back on him despite his failure to set the brake.

### Water accumulation and trenches: A deadly combo

When working in a trench, employees should know that if they see water accumulating, they need to get out right away.

This is because water will not only cause weakened trench walls, but can also cause the soil "floor" to become muddy and impede attempts at escape should something go wrong.

Example: A worker at a Colorado excavating company was recently killed in a trench collapse when his feet became stuck in mud under water that had accumulated in the 16-foot deep excavation.

## SAFETY REGS UPDATE

### PROTECTED ACTIVITIES

## NY now one of the most pro-employee whistleblower states

Beginning Jan. 26, 2022, New York will be one of the most pro-employee whistleblower states in the country thanks to revisions to its Labor Law that will enhance existing whistleblower protections.

### Few limits on disclosed activities

Covered protected activities are now expanded to include employee disclosures related to any activity, according to law firm Morgan, Lewis & Bockius.

What does that mean, exactly?

Now employees will be protected if they provide disclosures on any activity, policy or practice of an employer that the employee reasonably believes is in violation of federal, state or local laws or regulations.

This applies even if employees are acting outside of their job duties.

That's significant because, before the change, employees were only protected if they showed an actual violation of law or a danger related to public health or safety, but now "an employee's reasonable belief of a much broader set of violations will suffice."

### Expanded definitions

The term "employee" now covers current employees, former employees,

and current and former independent contractors who don't have any employees of their own.

"Retaliation" now includes not only terminations, suspensions or demotions, but also "any other action or threat that would adversely impact a current or former employee's current or future employment."

Employees must still make a good faith effort to notify their employer about an illegal activity, but not if

- there is a serious, imminent danger to public health or safety
- the employee reasonably believes an employer is already aware of and won't correct the activity, or
- reporting would result in destruction of evidence, endangerment of a child or physical harm to the employee or another person.

The revised law also increases the statute of limitations for filing a claim from one year to two.

## Contractors fined \$800K for asbestos hazards

Two Washington-based asbestos removal contractors are facing \$800,000 in fines for knowingly

exposing workers and the public to health and safety hazards.

Inspections at two Above and Beyond Asbestos Removal worksites in June 2021 resulted in fines totaling \$575,000 and citations for 13 willful serious violations.

Inspections at three 4 Aces Restoration jobsites resulted in 10 willful serious citations and \$227,439 in fines.

## Whistleblower with CO concerns gets \$7K

A Holiday Inn Express & Suites in Houston accused of firing an employee who voiced concerns over carbon monoxide exposure in the workplace has agreed to pay the whistleblower \$7,450 following an OSHA investigation into the incident.

The District Court for the Southern District of Texas signed a consent judgment Nov. 5 requiring the hotel to pay \$3,750 in back wages and \$3,700 in damages to the former employee.

Investigators found the employee expressed concerns about being exposed to carbon monoxide in January 2019 and was later fired.

### SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, Connie's company lost when an Administrative Law Judge (ALJ) affirmed the majority of lockout/tagout (LOTO) and machine guarding violations OSHA found at the facility.

The company's owner claimed he had implemented a LOTO program as required by OSHA, which was based on what he thought he was told by the inspector.

OSHA argued the company didn't have anything that could be considered a LOTO program.

However, the ALJ found there was a program, albeit an inadequate one, so vacated that violation on a technicality.

The ALJ also pointed out there was substantial evidence the program failed to meet OSHA requirements.

It was clear, according to the ALJ, that the owner completely misunderstood what the inspector told him about OSHA's requirements.

#### ■ ANALYSIS: CLEAR UNDERSTANDING OF REGS

The owner in this case, the ALJ said, "was seeking some bright-line rule ... on when to lock out machinery." However, the LOTO standard doesn't offer a simple, one-size-fits-all approach that can apply to all facilities.

Bottom-line: When making decisions about safety procedures and programs, make sure management knows the regulation in question must be fully understood before moving forward.

**Cite:** *Secretary of Labor v. Midvale Paper Box Co.*, Occupational Safety and Health Review Commission, No. 18-0701, 9/20/21. Dramatized for effect.

## FEDERAL ACTIVITIES

### Government notices on workplace safety

Here's SCA's digest of key notices that appeared recently in the Federal Register (FR) or on OSHA's website concerning workplace safety issues. For the FR listings and other related links, go to [SafetyComplianceAlert.com/category/federal-activities](https://www.safetycompliancealert.com/category/federal-activities).

#### MINE SAFETY

The U.S. Mine Safety and Health Administration (MSHA) wants to raise awareness about a potentially deadly mine hazard: pillar collapses.

There have been four massive pillar collapses in limestone mines since October 2020, and fortunately none of them resulted in injuries.

However, one occurred in 2015 that saw three miners seriously injured by the powerful air blast that accompanies these incidents, according to an MSHA news release.

Each collapse occurred where there was floor mining taking place that had substantially increased the height of the pillars, with three of them occurring in "legacy" areas where mining was completed many years prior to the incident.

To help raise awareness about these dangerous incidents, MSHA has started a Pillar Collapse Initiative with links to multiple resources that can be found at [msha.gov/news-medial-special-initiatives/2021/10/29/pillar-collapse-initiative](https://www.msha.gov/news-medial-special-initiatives/2021/10/29/pillar-collapse-initiative)

#### PIPELINES

A new final rule will apply federal safety regulations to tens of thousands of miles of unregulated gas-gathering pipelines across the U.S.

The rule, which was initiated more than 10 years ago, expands the definition of a regulated gas-gathering pipeline that is more than 50 years old.

Pipeline operators will also be required to report safety information for all gas-gathering lines, which equates to more than 425,000 additional miles now covered by federal reporting requirements, according to a Pipeline and Hazardous

Materials Safety Administration (PHMSA) news release.

Gas-gathering lines transport natural gas from production facilities to interstate transmission pipelines and are usually under lower-pressure so are lower risk.

However, with the increase in hydraulic fracturing over the past 15 years, the volume of gas extracted and transported has increased significantly, leading to risk more in line with larger interstate transmission lines.

Several fatal incidents in Texas, Oklahoma and Pennsylvania that occurred between 2010 and 2018 led to the rulemaking, including:

- one involving a bulldozer that struck a pipeline and caused an explosion that killed two people, and
- another that saw a corroded gas gathering line explode, killing a three-year-old girl and badly burning three members of her family.

#### VACCINE MANDATES

The Dec. 8, 2021, deadline for compliance with the Biden Administration's executive order requiring federal contractors to comply with the COVID-19 vaccine mandate is not an absolute deadline.

Instead, new guidance from Biden's Safer Federal Workforce Task Force indicates the date is more of an aspirational deadline as long as contractors are making good faith efforts at compliance.

Absent good faith efforts, agencies are directed to consider contractual remedies, according to law firm Proskauer Rose.

This means contractors are expected to comply with the requirements in their contracts, and if they're working in good faith to do so, but encounter challenges, then federal agencies are to work with them to address those challenges.

If a contractor isn't taking steps toward compliance, then the agency should take action and terminate the contract.

#### WHERE TO GET HELP

##### NEW, REVISED VOLUNTARY CONSENSUS STANDARDS

The American Society of Safety Professionals (ASSP) published several new and revised voluntary national consensus standards to help employers minimize on-the-job risks and better protect workers.

These voluntary national consensus standards provide the latest expert guidance and fill gaps where federal regulations don't exist, because safety pros know compliance isn't enough.

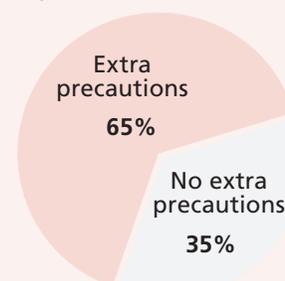
Leading companies rely on standards like these for continuous improvement and injury prevention.

The collection of new and revised workplace safety standards focuses on psychological safety and health, fall protection, construction and demolition operations, and prevention through design.

Info: [tinyurl.com/standards631](https://tinyurl.com/standards631)

#### What safety officers told us

Has the COVID-19 Delta variant caused most workers to take extra precautions at work?



Source: Eagle Hill Consulting poll of Greater Boston workers

In the same poll, 78% felt employers should require or encourage mask use, and 81% felt employers should require or encourage social distancing.

Each issue of SCA contains an exclusive survey to give safety professionals insight into what their peers nationwide are thinking and doing.

## ANSWERS TO TOUGH SAFETY QUESTIONS

Safety pros like you face questions every day on how to keep your employees safe. On this page, you'll get answers to real-life questions and situations you could encounter in either a "Management Scenario" or "Experts' Solutions."

### Corporate-mandated safety project is making the facility less safe than before

#### The Scenario

Manager Mike Kelly was a man with a mission – one that came directly from the C-suite.

It was a massive safety project that required help from the Maintenance, Production and Shipping/Receiving departments.

New safeguards and warning systems were being installed on all manner of equipment, and it was up to Mike to make sure all of it was in place within just a few short months.

#### Tested elsewhere

Mike was on his way to meet with the department heads for the project: Ron Sadler from Maintenance, Ken Dawson from Production and Jack Hall from Shipping/Receiving.

As he walked into the conference

room, Mike couldn't help but notice the grim look on all three men's faces.

"I'm going to guess things aren't going well," Mike said.

"Your guess is right on," Jack said.

"Great," Mike said, rubbing at his temples. "What's the problem?"

"Well, it's not so much that the new safeguards can't be installed," Ron said. "It's more like they shouldn't be.

"We've installed them on a few machines already, but the layout at this facility is actually making the equipment less safe," Ron explained.

"It's pretty bad," Ken said.

"This was all tested at another facility," Mike explained. "It worked out very well there so Corporate wanted it done across the board."

If you were Mike, what would you do?

 Click [www.safetycompliancealert.com/category/what-would-you-do/](http://www.safetycompliancealert.com/category/what-would-you-do/) to see other safety pros' comments on challenging scenarios

### Reader Responses

#### 1 Steven Johnson, Director EH&S, NVE Inc., Reston, VA

*What Steven would do:* It appears corporate had good intentions by being proactive, but in this case, if installation is counterproductive to safety and has the potential to escalate personal accident and injury rates, corporate needs to listen to the staff in the field.

Safety representation needs to be front and center and strongly recommend that corporate hold off on this project until full site assessments have been completed.

*Reason:* Mike explained that it was tested at another facility and it worked out very well. Are the other sites the same layout?

Similar types of operations may occur in other facilities, but the

equipment floor plans may be different based on the building's construction.

What works well at one site may not work well at others. Was a site survey from an engineering perspective performed? Was a Job Hazard Analysis considered? Did anyone review the incident rates at the other sites?

#### 2 Elise Allen, EHS Program Manager, Jergens Inc., Cleveland, OH

*What Elise would do:* Before you go to Corporate, have a different solution besides, "We cannot do what you wanted."

Are there guards that fit your facility? Are there safeguards already in place that are not accounted for by Corporate?

*Reason:* It would show the team's diligence and ability to think through an issue.

### OUTSIDE THE LINES

#### ■ FATIGUE A PROBLEM? TAKE A RIDE ON THE SLEEPYTIME BUS

Worker fatigue can be a big safety problem, as a lack of sleep can mean a dangerous loss of focus.

And workers in Hong Kong are among the most sleep deprived in the world, which is why one resident took action and bought a bus.

Yes, a bus.

Frankie Chow, founder of Ulu Travel Agency, bought a double decker tour bus, designed a 47-mile route and offered riders eye masks and earplugs to help them nap, according to *The Washington Post*.

Between the gentle swaying and quiet atmosphere of the bus, exhausted Hong Kong residents get better sleep than they do at home.

However, one expert told *The Post* naps can actually disturb the nighttime sleep cycle, so going to bed early is a better choice.

### Did you know ...

Use engineering controls to reduce excessive noise levels



Effective **engineering controls** can help **reduce** employee **exposure** to hazardous **noise**.

Source: OSHA

Examples of inexpensive, effective engineering controls include properly lubricating machinery and equipment, or enclosing or isolating the noise source.

*This feature in each issue of SCA charts trends in national workplace safety and health to help safety professionals perform their jobs.*

# Safety

## COMPLIANCE ALERT™

Get more online:

- Training Shops
- Safety Checklists
- Scenario Responses



[www.SafetyComplianceAlert.com](http://www.SafetyComplianceAlert.com)

January 3, 2022

### WHAT'S ONLINE

If you haven't been to our website recently, here's exclusive online content you've been missing:

[www.SafetyComplianceAlert.com](http://www.SafetyComplianceAlert.com)



#### Training Shop

PPE



#### Checklist

Carbon monoxide



Be sure to add our address [sca@safetycompliancealert.com](mailto:sca@safetycompliancealert.com) to your safe senders list to receive our safety updates – and keep your company in the know.

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OSHA answers tough questions about its vaccination rule

## Tragic incident reveals why you should update your JSA now

### ■ Old, undefined term leads to worker's death

Have you reviewed your job safety analyses (JSA) recently? If not, consider doing it ASAP.

Why? Failing to catch outdated references in your JSAs could lead to tragedy, as a new National Transportation Safety Board (NTSB) investigation report demonstrates.

JSAs are important in helping workers identify and mitigate hazards for a specific task, but if they reference outdated terms, they could cause confusion for workers, resulting in injury or even death.

On April 24, 2018, a maintenance crew for Amtrak was servicing the

center track of a three-track station in Bowie, MD.

#### 2 trains approach

Three watchmen were employed to perform train approach warnings following federal railroad regulations that required horns to sound the alarm to prevent workers from having to look for visual cues of danger.

But this was a busy train station, and at one point, two trains approached from different directions.

One watchman had his attention drawn to an incoming train near the curve opposite his position.

*(Please see JSA updates ... on Page 2)*

### DRUG ABUSE

## NSC: Employers must address workplace overdoses

Drug overdose deaths topped 100,000 during the pandemic, leading the National Safety Council (NSC) to turn this statistic into an “aggressive wake-up call” to motivate employers to take action for the health and safety of their workers.

The NSC identified the employer's role as a universal gap in addressing misuse of drugs, with 75% of employers being directly impacted, according to surveys conducted by the organization.

Centers for Disease Control and Prevention provisional data showed drug overdose deaths exceeded 100,000 – an average of 235 lives per day – between April 2020 and April 2021.

Drug overdoses have been viewed in the U.S. as a “tragic but unavoidable reality,” the NSC states,

but that isn't the case and lives can be saved.

#### Resources

Of the 75% of employers directly impacted by drug overdose deaths, only 17% feel very confident they can address the problem effectively.

For the rest, NSC developed an employer toolkit and an eLearning course to help safety pros recognize and respond to workplace impairment.

The training covers:

- the importance of recognizing and responding to impairment
- supervisor responsibilities
- common causes of impairment
- signs and symptoms of impairment
- prevention, and
- laws and regulations.

**Info:** [nsc.org/safety-training/workplace/impairment-training](http://nsc.org/safety-training/workplace/impairment-training)

## RETALIATION

### \$24K paid to driver with safety concerns

A Houston-based mobile crane rental company must pay a former employee almost \$24,000 in back wages, interest and damages after allegedly firing them for refusing to drive unsafely and ignore federal regulations on commercial driving time.

OSHA found the company, Crane Masters Inc., violated the Surface Transportation Act by retaliating against the employee in June 2020.

The employee refused orders to exceed the speed limit. They also worked 19 hours the day before and couldn't get required time off before returning to work, making it unsafe for them to drive, according to a Department of Labor news release.

#### 'Shouldn't be put at risk for profit'

Following an investigation, OSHA ordered the company to pay the driver almost \$14,000 in back wages, interest and compensatory damages along with \$10,000 in punitive damages.

"Commercial truck drivers,

mechanics and other workers are critical to our nation's transportation infrastructure and our economy, but they should never be forced to put themselves or others at risk because of an employer's concern for profit, or fear of retaliation for exercising their legal rights," OSHA Regional Administrator Eric Harbin said in the news release.

### JSA updates ...

(continued from Page 1)

He couldn't hear another train approaching him from behind, nor could he hear warnings from the other watchmen because the sounds of his own horn and the noise from the maintenance work drowned out everything else.

The train attempted to slow down and sounded its horn, but the watchman didn't hear it, and the train struck him at 98 mph, killing him instantly.

### Undefined and outdated

Before work started that day, the watchmen and crew had a safety meeting covering the JSA performed for the job, and they all indicated they were aware of the hazards.

However, the JSA mentions the job as being in a "hot spot," a term Amtrak used to identify locations where additional on-track safety is required due to line-of-sight issues, work zone noise levels and obstructions.

The problem was Amtrak dropped all training on hot spots from its safety program in 2014 and all references to hot spots in its safety manual in 2017.

Further, the JSA failed to define the term or offer any additional guidance.

So the watchmen and maintenance crew didn't realize the JSA was telling them to take extra precautions on a job that was more hazardous than normal.

Amtrak has since reintroduced the term hot spot in its safety program and manual.

## SHARPEN YOUR JUDGMENT

*This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.*

### ■ CITATION RESULT OF OTHER EMPLOYER'S WORKERS?

Safety Manager Pete Travers was feeling sad.

A longtime co-worker and friend just retired, and Pete hated to see him go, despite being happy for him.

"I know how you feel," Attorney John Jenkins said. "But can you tell me more about this OSHA citation?"

### City worker filed complaint

"One of our crews was replacing a manhole on a city street," Pete said.

"They had to dig a trench around the manhole and the pipe it led into, so the foreman, Dave Kingsly, tested the soil and decided to use timber shoring since the soil was unstable," Pete explained.

"Sounds good so far," John said.

"Yeah, he did what he was supposed to do," Pete said. "But then a city utilities crew showed up and had to shut down work briefly while they took care of a nearby gas line.

"According to Dave, the supervisor for the utilities crew told him our employees were exposed to trenching hazards as they installed the timber shoring," Pete explained. "Dave thinks he reported us to OSHA."

"Did he have reason to?" John asked.

"From what I understand, every required precaution was taken," Pete said. "If someone was in the trench, it could have been another contractor. There were others involved in the project."

"If that's the case, then we can fight this," John said.

Pete's company fought the citation. Did it win?

■ *Make your decision, then please turn to Page 6 for the ruling.*

## Safety COMPLIANCE ALERT

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## WHAT'S COMING

### PANDEMIC

## COVID-19 impacts 2020 injury, illness data

- STATS SHOW DRAMATIC EFFECT PANDEMIC HAD ON SAFETY

New Bureau of Labor Statistics (BLS) data reveal nonfatal workplace injuries and illnesses decreased in 2020, but the numbers for more severe cases involving days away from work increased.

There were 2.7 million nonfatal workplace injuries during 2020, which is down from the 2.8 million seen in 2019, resulting in a 5.7% decrease.

COVID-19 played a role in this, of course, “impacting workplace injuries and illnesses in a variety of ways, both positively and negatively,” according to a National Safety Council news release.

### Impact of pandemic

The BLS report reveals there were fewer workplace injuries and illnesses, but more severe cases from more illnesses due to the coronavirus.

Out of the cases involving days away from work, 32% were categorized as other diseases due to viruses not elsewhere classified, including reported COVID-19 cases.

In fact, total reported illness cases “more than quadrupled” due to a whopping 4,000% increase in employer-reported respiratory illness cases.

There were 10,800 such illnesses in 2019. In 2020 there were 428,700.

### Age not a factor

According to the NSC, before 2020, injury and illness trends involving days away from work by age group showed a clear increase in such cases for workers 55 and older.

But in 2020, all age groups saw an increase due to 390,020 COVID-19 cases, which represented 33% of all cases involving days away from work.

The BLS data also points to a shift in women experiencing “slightly more injury and illness involving days away from work than men.”

Women were represented twice as frequently as men in the illness category, which includes COVID-19. Men came in at 108,080 cases while women had 276,190.

That occurred for the first time ever in 2020.

### LAWSUITS

## Amazon settles with CA over COVID-19 allegations

Amazon reached a settlement with California over claims the company concealed the numbers of COVID-19 cases at facilities within the state from workers and local health officials.

The state accused Amazon of violating right-to-know laws regarding the coronavirus requiring companies to keep workers informed about the spread and prevention of COVID-19 at their facilities.

California’s Attorney General Rob Bonta said Amazon kept tens of thousands of warehouse workers and state agencies in the dark, leaving them unable to effectively track the spread of COVID-19, according to *Reuters*.

Amazon agreed to notify its

warehouse workers about the exact number of new COVID-19 cases in their workplaces within one day.

The company will also pay \$500,000 to help enforce state consumer protection laws.

Despite the settlement, Amazon didn’t admit any liability.

### Still facing lawsuit in NY

The company is also facing a lawsuit filed by New York regarding its treatment of workers in that state during the pandemic.

New York is seeking a court-appointed safety monitor to keep tabs on Amazon’s treatment of workers.

In October, the company appealed a judge’s refusal to dismiss the lawsuit.

## TRENDS TO WATCH

Watch what’s happening in various states. Some actions indicate trends.

### ■ SAFETY REVIEW URGED AFTER 4 ELECTROCUTIONS

With four electrocutions in a five-month span in 2021 and a nationwide one-year increase of 3.75% in those fatalities in 2019, OSHA is urging employers in **Kansas and Missouri** to emphasize electrical safety.

OSHA is currently investigating four electrocutions that occurred in Kansas and Missouri between May and October of 2021, including:

- an Oct. 4 incident that saw a 40-year-old Missouri electrical contractor killed while replacing light fixtures
- the death of a 22-year-old Missouri worker who was killed Sept. 23 while cleaning a pig barn with a pressure washer
- a 41-year-old Kansas contractor doing heating and air conditioning work on July 13, and
- the death of an electrical contractor who was climbing a pole in Lawrence, Kansas.

### ■ TRAVELING EMPLOYEE DOCTRINE ADOPTED

The **Pennsylvania** Supreme Court recently adopted the “traveling employee doctrine,” which allows workers’ compensation benefits for employees injured during work-related travel.

In *Peters v. Workers’ Compensation Appeals Board*, the employee was a traveling salesman who spent much of his time in the field.

He was injured in a crash while returning home from a work-related event and filed a workers’ compensation claim, which was initially denied.

The state Supreme Court hadn’t directly covered the traveling employee doctrine in the past, so in its ruling it formally adopted the doctrine before remanding the case to a lower court for more fact finding.

## WHO GOT FINED – AND WHY

### Roundup of most recent OSHA citations

Go to [www.SafetyComplianceAlert.com/fines](http://www.SafetyComplianceAlert.com/fines) for more OSHA fines and injury settlements.

#### **Financed following manager's death by engulfment**

A Wisconsin grain facility was cited by OSHA after the engulfment death of a manager in a corn silo.

The manager was last seen clearing corn debris from the silo. Employees called 911 when they couldn't find him at the silo and after he didn't show up for a regularly scheduled meeting or answer his phone.

After nine hours of searching, emergency services recovered the body of the manager, who had been engulfed in the silo.

**Fine:** \$676,808

**Company:** Didion Milling, Cambria, WI

**Business:** Flour milling

#### **Reasons for fine:**

*Four willful violations for failure to:*

- ensure silo's mechanical equipment was deenergized during employee entry when such operations would pose hazards from grain movement
- prohibit employees from being on moving grain when attempting to clear bottom discharge of silos
- ensure observers were stationed outside silos during entry operations
- prevent employees from entering silos where buildup of grain along sides presented engulfment hazards

*10 serious violations, including failure to:*

- issue permits to enter silos for cleaning and inspection activities
- prevent employees from standing in locations inside silos that could result in engulfment
- provide equipment for rescue operations specifically suited for silos being entered
- train employees on specific methods to safely perform silo cleaning tasks

#### **Manufacturer fined \$136K for multiple hazards**

A Georgia pharmaceuticals company was cited by OSHA for exposing its workers to more than

a dozen hazards at its chemical manufacturing facility.

Inspectors issued multiple serious citations and a repeat citation to the company for the hazards found in the facility.

The inspection was conducted under OSHA's Regional Emphasis Program for Powered Industrial Trucks.

**Fine:** \$136,816 (\$93,122 for one citation, \$43,694 for another)

**Company:** HPPE LLC, Columbus, GA

**Business:** Pharmaceutical preparation manufacturing

#### **Reasons for fine:**

*One repeat violation for failure to:*

- provide employees with information and training on hazardous chemicals in their work area

*21 serious violations, including failure to:*

- develop and implement written permit space entry program
- use powered industrial trucks rated for use in atmospheres that could become hazardous
- provide employment free from recognized struck-by hazards likely to cause death or serious physical harm

#### **2 dead from COVID, 2 hospitalized, 30 infected**

OSHA cited a New Jersey pharmaceutical manufacturer for failing to protect workers from COVID-19, leading to two deaths, two hospitalizations and 30 coronavirus infections.

Inspectors, who had been notified about the illnesses by the company, found a failure to ensure physical distancing and face mask use in common areas.

**Fine:** \$13,653

**Company:** Avantor Fluid Handling LLC, Eatontown, NJ

**Business:** Fluid power valve and hose fitting manufacturing

#### **Reasons for fine:**

*One serious violation for failure to:*

- provide employment free from recognized COVID-19 hazards that could cause death or serious physical harm

### WORKERS' COMP DECISIONS

#### **Can worker with frostbite, depression collect benefits?**

An airline worker got frostbite and lost the use of her hands while de-icing planes. Can she collect permanent total disability benefits?

**What happened:** The worker was de-icing planes in cold weather and had already lost feeling in her fingers when some of the de-icing fluid leaked into her gloves. Her fingers were frostbitten, and she lost use of her hands in most situations. She also claimed the injury led to severe depression.

**Company's reaction:** We'll provide temporary benefits for your fingers, but that's it since you have clearance to return to work.

**Decision:** She couldn't collect. The court found medical evidence supported the fact she could return to work and that her depression was related to other stress in her life, not the injury.

**Cite:** *Drahozal v. Envoy Air*, IA Court of Appeals, No. 20-0027, 4/28/21.

#### **Fell over barrier she could've avoided: Benefits?**

An administrative assistant tripped and fell over a chain barrier she could've avoided. Can she collect benefits?

**What happened:** Before the start of her shift, the assistant walked to another office to turn in her timecard and came across a chain barrier along the way. She fell and injured her right elbow while attempting to step over it.

**Company's reaction:** You weren't working when this happened.

**Decision:** She couldn't collect. The court found she was off duty at the time and that she could've avoided the barrier altogether.

**Cite:** *Purcell v. IL Workers' Comp Commission*, IL Court of Appeals, No. 4-20-0359WC, 4/27/21.

## REAL PROBLEMS, REAL SOLUTIONS

## Getting workers to speak up about safety

We had a location that was going well with safety.

Their stats were great! But then they started tanking. We didn't know what was causing this.

So we went to the facility and gathered people from all departments for a meeting.

It was important for employees to tell us themselves what was going wrong. But that's often difficult.

To get good feedback, especially when it might be negative, you have to make people feel safe enough to give that feedback.

## What happens in Vegas ...

For that meeting, we invoked Las Vegas rules: What happens in Vegas stays in Vegas.

A document was drawn up that stated no individual employee would be named after the meeting when we spoke to management about their concerns.

Everyone signed the paper.

It turns out, the employees were doing a good job at reporting safety and other types of problems.

But the maintenance department was only fixing things that were related to production.

In a couple of departments where the work areas were particularly hot, fans had broken. People were trying to do their jobs, but they were uncomfortable and distracted.

This turned out to be a pattern: Because of production expectations, certain things didn't get fixed.

We took this back to management.

When management responded, it was a huge message to the workforce: They do care about us. They are listening to us.

We made it safe for the information to be passed along upstream by not connecting particular employees to it.

The final piece: Management communicated back to employees, saying, "This is what we heard you say, and this is what we did about it."

Closing the feedback loop was a very important part.

Now workers are more present –

they are less distracted.

And when workers are more present, there are fewer injuries.

*(Based on a presentation by Sharon Kemerer, President, The Kemerer Group, Deerfield, IL, at the ASSP's September 2021 conference)*

## Ensuring wfh isn't a pain in the neck, or back

When work-from-home (wfh) started at the beginning of the pandemic, many employees assumed it was temporary.

That meant, if they had ergonomic problems with their wfh set-up, they didn't complain much.

Now we're having more complaints, injuries and workers' comp claims.

How do you support ergonomics when you aren't in the same place as the employee?

Just as you would do in the office, the goal is for employees to have neutral postures.

A lot of people are working on dining room tables and other furniture not meant for office use.

Some may think there's a catch-all solution: Get a sit-stand adjustable desk. But the reality is that most employees won't have access to one.

Here are some steps to take to alleviate these problems:

- If they're using a laptop, make sure they have a keyboard, mouse and monitor
- Make sure they have a good desk chair
- Encourage use of alternate work surfaces such as card tables, that will help them work at a better height
- Have them use stands if their laptop is their primary screen
- Suggest they use a standing-height counter, and
- Encourage them to build movement into their days.

*(Based on a presentation by Jeremy Wilzbacher, Sr. Consultant, Aon, Lander, WY, at ASSP 2021)*

## TRAINING TIPS

## Reporting woes? Tell them co-workers could get hurt

As a safety pro, you want employees to feel free to report injuries and hazards.

Some employees have no problem with this, while others either forget or feel uncomfortable making such reports.

OSHA requires employers to remind employees of their rights to report injuries and unsafe working conditions, but sometimes even that isn't enough to get some employees to open up.

Something that could help is to point out that failing to report an injury or hazard could lead to another employee getting injured or killed.

This might help a normally reluctant employee report a hazard or injury since they may now see it as looking out for their co-workers.

## Make sure workers are aware of chemical hazards

Workers need to know about the hazardous chemicals they're exposed to and be provided with adequate protection against them.

That's whether those chemicals are immediately hazardous or have longer lasting effects that are a danger to health and wellbeing.

For example, OSHA recently cited a Connecticut aircraft parts manufacturer accused of failing to provide adequate protection against employee exposure to hexavalent chromium and cadmium – both known carcinogens.

Exposure to the toxic substances occurred during electroplating, mixing and preparing, and painting and paint removal processes on small aircraft parts.

One serious violation involved failing to train employees on the hazards posed by these chemicals.

## COURT DECISION

## Lead poisoning suit complicated by comp exclusivity provision

Workers' compensation acts in most states bar employees from suing their employers over work-related injuries and illnesses, but there are exceptions.

A recent case decided by the Utah Supreme Court demonstrates just how complicated exclusivity lawsuits can get, with the court finding it needed clarification on aspects of the lawsuit before it could move forward.

### Unsafe levels of lead

Layne Kay worked in a variety of roles at Barnes Bullets, a bullet manufacturer based in Mona, UT.

For many years, a small portion of Barnes' bullets were made with scrap lead that was cut down into small pieces and then melted in an unsophisticated melting pot.

Between November 2012 and May 2013, Barnes purchased over 40,000 pounds of scrap lead, and Kay was assigned to melt the bulk of it.

In 2013, Barnes discovered its process produced unsafe levels of lead.

### Poisoning leads to disability

At this point, Kay began to suffer from respiratory distress, tremors, chronic fatigue and a host of other ailments.

He was diagnosed with lead poisoning that left him permanently disabled and prevented him from performing even unskilled jobs.

Kay sued Barnes in April 2015, but the lawsuit was stayed while he pursued a workers' compensation claim, which led to a \$337,500 award.

Kay then pursued the lawsuit, which Barnes attempted to have dismissed under the exclusivity provision.

But Kay argued the provision didn't apply because the company didn't comply with safety regulations and intentionally poisoned him.

The Supreme Court remanded the case to a lower court to determine if it should fall under the Workers' Comp Act or the Occupational Disease Act.

Since the intentional-injury exception was never applied to an occupational disease claim, the Supreme Court declined to weigh in without that determination.

after a fatal incident.

The fine follows an investigation into the death of a worker struck and killed by a machine's barrier door.

OSHA claims the company allowed employees to bypass guard mechanisms in the door that prevented it from closing on them and that a malfunction in the door's optic control existed before the fatality.

Audits conducted by a third-party consultant identified specific machine guarding and lockout/tagout program deficiencies and provided recommendations that the company failed to fully implement.

## Crane boom falls on highway, kills 2 in car

OSHA cited a Texas contractor who was installing supports for I-10 near Beaumont when the crane boom collapsed and killed two people passing by in a car below.

The contractor is accused of failing to assemble the crane boom properly.

Inspectors found the operator failed to determine the correct weight of the load, which caused the incorrectly assembled boom to buckle and fall.

## Fatal machine incident leads to \$1.7M fine

An Ohio aluminum parts manufacturer with a history of safety violations is facing a \$1.7 million fine

### SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

Pete's company lost when a judge found there was plenty of evidence its employees were working in an unsafe trench.

OSHA claimed the company knew employees were working in an unprotected trench, using photos it was given by the city utilities supervisor as evidence.

The company argued there was no way to tell that the employees in the photos were its employees since no faces could be seen.

However, testimony from the city utilities supervisor, who had worked on projects with the company foreman – actually the company owner in the real case – before, convinced the judge that the foreman was aware it was his crew that was in the trench.

Further, documentation of conditions recorded on the worksite that day indicated there were no other contractors on site, so the judge upheld the citation.

### ANALYSIS: YOU NEVER KNOW WHO'S WATCHING

Safety pros know procedures and regulations are important to make sure everyone goes home safe and sound at the end of the work day.

However, some workers, supervisors and CEOs see those same things as nothing more than nuisances.

Sometimes it's helpful to let them know that, just as in this case, someone outside the company might be looking out for the safety of others and report unsafe acts to OSHA.

**Cite:** *Secretary of Labor v. Petrongolo Contractors*, Occupational Safety & Health Review Commission, No. 20-0786,9/28/21. Dramatized for effect.

## FEDERAL ACTIVITIES

### Government notices on workplace safety

Here's SCA's digest of key notices that appeared recently in the Federal Register (FR) or on OSHA's website concerning workplace safety issues. For the FR listings and other related links, go to [SafetyComplianceAlert.com/category/federal-activities](https://www.safetycompliancealert.com/category/federal-activities).

#### TRANSPORTATION

A previously authorized Trump administration rule allowing liquid natural gas (LNG) to be transported by rail is set to be temporarily suspended under new Pipeline and Hazardous Materials Safety Administration (PHMSA) rulemaking.

PHMSA published a Notice of Proposed Rulemaking (NPRM) Nov. 8 for a temporary suspension of transport of LNG by rail in certain DOT113 specification rail tank cars.

The agency is specifically proposing to suspend the Trump administration's final rule while it conducts "a thorough evaluation" of the regulatory framework for rail transportation of LNG and determine if any modifications are necessary, according to law firm Hogan Lovells.

This NPRM came about due to increased uncertainty about safety and environmental risks of rail transportation of LNG under the Hazardous Materials Regulations.

PHMSA cites several information gaps – mostly concerning testing and evaluation of public and environment risk – as the reason for the temporary suspension.

The agency found this wouldn't have an adverse impact on serious reliance on transportation of LNG by rail since no transportation of LNG via rail tank car has occurred since the Trump administration's final rule went into effect August 2020.

#### SETTLEMENT

Smithfield Packaged Meats, one of the largest pork processors in the U.S., agreed to assemble a team of experts to develop an infectious disease preparedness plan following an OSHA citation for a COVID-19 outbreak at

its Sioux Falls, SD, facility.

The company will bring together in-house and third-party experts to develop a plan that will be implemented at all of its U.S. processing facilities.

Smithfield entered into a settlement agreement with OSHA following a March 2020 inspection that led to a citation under the General Duty Clause for failing to protect workers from COVID-19 hazards at its Sioux Falls plant.

The plant closed for 25 days in an effort to contain the COVID-19 outbreak, but "by June 16, 2020, 1,294 Smithfield workers had tested positive for COVID-19 and four died."

Smithfield must also pay \$13,494.

#### WHISTLEBLOWER

OSHA filed suit Nov. 17 against PACCAR Inc., doing business as Peterbilt Motor Co., to force the company to reinstate an employee who was allegedly fired for raising COVID-19 concerns at a Texas manufacturing plant.

The agency is asking the U.S. District Court for the Eastern District of Texas to order the company to reinstate the employee to his former position; pay back wages, interest, compensatory and punitive damages; and expunge his personnel record.

In March 2020, the employee told a supervisor of his concerns regarding exposure to COVID-19 at Peterbilt's Denton, TX, facility.

The employee was told the company planned to clean work spaces and continue work as usual.

When the company found out the employee expressed his concerns publicly about the company's response, Peterbilt fired the employee, according to a Department of Labor news release.

OSHA investigated the incident and found the employee was engaged in protected activity by raising his concerns about the coronavirus and that the company violated federal whistleblower protections, leading to the lawsuit.

#### WHERE TO GET HELP

##### ■ YOU CAN REGISTER NOW FOR ASSP SAFETYFOCUS 2022

Registration is open for the American Society of Safety Professionals (ASSP) SafetyFOCUS 2022.

The event takes place in Phoenix from Feb. 21 to March 4 featuring online and in-person components.

This is ASSP's second-largest annual event, offering more than 65 occupational safety and health courses on a broad range of topics, according to a news release from the organization.

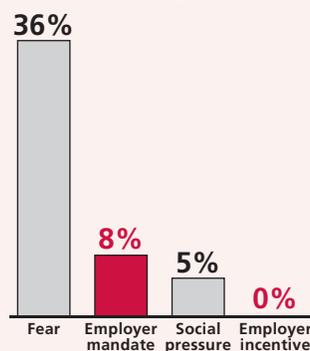
Areas of focus include:

- business and leadership skills
- certification preparation
- fall protection, and
- safety management systems.

**Info:** [safetyfocus.assp.org/main-event/](https://safetyfocus.assp.org/main-event/)

#### What safety officers told us

What were the main reasons people got vaccinated for COVID-19?



Source: Kaiser Family Foundation nationwide poll of 1,519 people

Of those motivated by fear, 39% cited the Delta variant as their main concern, while 38% were concerned over reports of local hospitals and ICUs filling with COVID-19 cases.

*Each issue of SCA contains an exclusive survey to give safety professionals insight into what their peers nationwide are thinking and doing.*

## ANSWERS TO TOUGH SAFETY QUESTIONS

Safety pros like you face questions every day on how to keep your employees safe. On this page, you'll get answers to real-life questions and situations you could encounter in either a "Management Scenario" or "Experts' Solutions."

### EXPERTS' SOLUTIONS

## OSHA answers tough questions about its COVID-19 vaccination emergency rule

**Q:** How does state law prohibiting employer COVID-19 vaccine mandates affect the federal emergency temporary standard (ETS)?

**A:** OSHA's COVID-19 vaccination ETS preempts any rules set forth by states or subdivisions of states.

The agency "intends for the ETS to preempt and invalidate any state or local requirements that ban or limit an employer's authority to require vaccination, face covering or testing," according to OSHA.

In short, once OSHA promulgates a federal standard addressing an occupational safety and health issue, a state can no longer regulate that issue except with the federal agency's approval and the authority of a federally-approved State Plan.

### Do vaccine policies have to address mask, testing?

**Q:** Must mandatory COVID-19 vaccination policies address face coverings and testing requirements?

**A:** That depends on whether any employees are required to comply with the testing/face covering provisions required for an exemption or accommodation.

If there are any employees with an exemption or accommodation, then the employer will have to develop procedures for two sets of employees in the written policy, OSHA states.

The procedures applicable

to employees who are not fully vaccinated must include COVID-19 testing and face covering use.

### How are multi-employer sites and temp workers counted?

**Q:** If I'm a general contractor in charge of a multi-employer worksite, or if I use temporary workers from a temp agency, do I only count my employees or all employees?

**A:** Multi-employer worksites, such as in construction, would require each company to count its own employees, so no need for a general contractor to count the workers of subcontractors.

However, each employer must count the total number of workers it employs regardless of where they report for work on a particular day. So if a general contractor has more than 100 employees spread out over multiple construction sites, that employer would still have to count all of those employees and comply with the ETS.

For employees of a staffing agency working at a host employer location, only the staffing agency would count these jointly employed workers.

But temporary/seasonal workers employed directly by the employer are counted, provided they are employed at any point while the ETS is in effect, according to OSHA.

*If you have a safety-related question, email it to Merriell Moyer at: [mmoyer@pbp.com](mailto:mmoyer@pbp.com)*

### OUTSIDE THE LINES

#### ■ GROUND CONTROL TO MAJOR ... SNOOPY?

PPE is important in many workplaces, and especially so for astronauts entering the hostile environment that is space.

Space is so hostile that even plush toys must wear NASA-required PPE when taking a trip outside of Earth's atmosphere.

This is highlighted by the fact that a 5-ounce plush Snoopy – the daydreaming beagle from Charles Schulz's "Peanuts" comic strip – will be wearing a real, albeit scaled down, version of a spacesuit while taking a trip on a new rocket in 2022 that's designed to launch humans to the moon, Mars and beyond, according to the *Associated Press*.

This is all part of a zero-gravity test requiring a soft object that won't damage sensitive equipment.

Even the plush toy is made from NASA-approved materials.

### Did you know ...

**Workers must be medically cleared to use certain respirators**



Before an employee can wear certain types of respirators they must receive medical clearance.

Source: OSHA

Many employers across multiple industries were cited throughout the pandemic for failing to ensure workers were medically fit to wear respirators before requiring use.

*This feature in each issue of SCA charts trends in national workplace safety and health to help safety professionals perform their jobs.*