Joint Safety Committee
Oregon Pacific-Cascade Chapter, NECA
IBEW Local 280 Safety Committee
Thursday February 24, 2022
Meeting Minutes

Rollcall: meeting called to order (VIA ZOOM), In-Person
Approval of Previous Meeting Minutes

Communications

Annual application for "innovative safety committee" variance-2021 highlights
300-log posting 2/1/22, ITA data input 20 or more employees 3/1/22
'Unlawful Harassment in Apprenticeship' program overview 4/30/22

- Reviewed the PPT and the Federal video
- Reviewed the online test and handouts

New Business: Monthly Safety Training and Information Packets (distributed)
Infrastructure Investment & Jobs Act- outlook
COVID-19 and respiratory protection
Try, Try again- OSHA and COVID-19

OSHA Injury/Incidents

1. January
   1.1.1 280 1.26- Fall, ladder placement/use, Lost Time
   February
   1.1.2 659 2.160 Struck-by, debris in eye, Recordable

Class Schedule

Posted online

Next Meeting- March 24, 2022

Adjournment

_____ March 24, 2022
Elias Campbell- GEW
Senior Safety Consultant

Wiring a green tomorrow

NECA IBEW
OREGON PACIFIC - CASCADE LOCAL 280

Joint Safety Committee
Oregon Pacific-Cascade Chapter, NECA
IBEW Local 280
Thursday March 24, 2022
Meeting AGENDA

Roll call: meeting called to order In-person and videoconferencing available
Approval of Previous Meeting Minutes

1.0 Communications

1.1 Mask mandate- ends Friday 3/11/22, OSHA no word 3/11/22
1.2 'Unlawful Harassment' program roll-out
1.3 Training Record review- Forklift (3-years)

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

2.1 Safety Packet Review
2.2 EC Magazine
- 2.2.1 National EV Charging Network
- 2.2.2 Trenching
- 2.2.3 OSHA 2022- new standards and more stringent Recordkeeping

2.3 Safety & Health Magazine
- 2.3.1 PLHCP- Workmen's Comp
- 2.3.2 Women in the workplace- PPE, Culture
- 2.3.3 First Responders- struck-by incidents (website)

2.4 EHS Today
- 2.4.1 Lone workers- safety and support

3.0 OSHA Injury/Incidents

3.1 January
- 3.1.1 280 1.26- Fall, ladder placement/use, Lost Time

February
- 3.1.2 659 2.16- Struck-by, debris in eye, 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: April 24, 2022

Safety Meeting Packet

March 2022

2022 LABOR HOURS RECAP

Local#	Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
280	Inside	120,071	1	120,071	120,071											
280	Inside Appr.	32,600	1	32,600	32,600											
280	MAI	0	1	0	0											
280	Material	11,541	1	11,541	11,541											
280	Residential	5,937	1	5,937	5,937											
280	Resi. Appr.	4,361	1	4,361	4,361											
280	S & C	13,122	1	13,122	13,122											
280	S & C Appr.	5,438	1	5,438	5,438											
280	Support Tech/MOU	8,163	1	8,163	8,163											
	TOTAL 280	**201,233**	**9**	**201,233**	**201,233**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Total NECA				**172,464**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	% NECA				**85.70%**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**

Local#	Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
659	Inside	17,421	1	17,421	17,421											
659	Inside Appr.	8,904	1	8,904	8,904											
659	Material	536	1	536	536											
659	Residential	633	1	633	633											
659	Resi. Appr.	359	1	359	359											
659	S & C	581	1	581	581											
659	S & C Appr.	177	1	177	177											
	Total 659	**28,611**	**7**	**28,611**	**28,611**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Total NECA				**19,494**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	% NECA				**68%**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**

Local#	Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
932	Inside	6,804	1	6,804	6,804											
932	Inside Appr.	3,041	1	3,041	3,041											
932	Residential	14	1	14	14											
932	Resi. Appr.	115	1	115	115											
932	S & C	497	1	497	497											
932	S & C Appr.	0	1	0	0											
	Total 932	**10,471**	**6**	**10,471**	**10,471**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Total NECA				**8,823**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	% NECA				**84%**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**
	Grand Total	**240,315**		**240,315**	**240,315**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Total NECA	**200,781**	**1**	**200,781**	**200,781**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	% NECA	**84%**		**84%**	**84%**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**

2022 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	102,841	1	102,841	102,841											
280	Inside Appr.	26,037	1	26,037	26,037											
280	MAI	0	1	0	0											
280	Material	10,795	1	10,795	10,795											
280	Residential	3,486	1	3,486	3,486											
280	Resi. Appr.	3,330	1	3,330	3,330											
280	S & C	12,395	1	12,395	12,395											
280	S & C Appr.	5,417	1	5,417	5,417											
280	Support Tech/MOU	8,163	1	8,163	8,163											
	Total 280	**172,464**	**9**	**172,464**	**172,464**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Local#	Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
659	Inside	12,116	1	12,116	12,116											
659	Inside Appr.	5,820	1	5,820	5,820											
659	Material	373	1	373	373											
659	Residential	279	1	279	279											
659	Resi. Appr.	148	1	148	148											
659	S & C	581	1	581	581											
659	S & C Appr.	177	1	177	177											
	Total 659	**19,494**	**7**	**19,494**	**19,494**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Local#	Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
932	Inside	5,629	1	5,629	5,629											
932	Inside Appr.	2,697	1	2,697	2,697											
932	MAI	0	1	0	0											
932	Residential	0	1	0	0											
932	Resi. Appr.	0	1	0	0											
932	S & C	497	1	497	497											
932	S & C Appr.	0	1	0	0											
	Total 932	**8,823**	**7**	**8,823**	**8,823**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

	Grand Total	**200,781**		**200,781**	**200,781**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

IBEW LABOR HOUR RECAP, LAST 5 YEARS
ALL SIGNATORIES

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	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
2019	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
2020	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
2021	189,192	214,593	235,405	265,649	259,752	251,572	286,491	276,130	250,956	304,417	249,043	310,748	3,093,948
2022	240,315	0	0	0	0	0	0	0	0	0	0	0	240,315
Grand Total	823,278	940,403	1,029,224	920,680	962,702	931,772	972,858	1,091,987	976,916	1,121,577	1,054,960	1,111,312	11,937,668

IBEW LABOR HOUR RECAP, LAST 5 YEARS
NECA MEMBERS

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	100,801	121,674	149,612	140,924	160,511	152,229	156,427	200,133	190,473	197,958	202,072	222,483	1,995,297
2019	199,200	231,668	259,726	232,744	244,112	226,383	200,634	261,084	237,306	253,322	247,628	235,455	2,829,262
2020	224,793	255,228	246,899	167,739	169,124	172,186	203,008	209,747	162,195	231,451	191,467	211,496	2,445,333
2021	155,621	179,811	191,728	222,543	209,809	200,925	230,497	220,284	207,617	257,240	211,910	267,914	2,555,899
2022	200,781	0	0	0	0	0	0	0	0	0	0	0	200,781
Grand Total	680,415	788,381	847,965	763,950	783,556	751,723	790,566	891,248	797,591	939,971	853,077	937,348	9,825,791

Safety Training Topics

April 2022

Workplace Violence

Behavioral Warning Signs

Dealing with Workplace Violence

Active Shooter & Workplace Violence

SAFETY TRAINING TOPIC

Workplace Violence

It is estimated that 15% of all crimes committed in the United States occur in the form of workplace violence. However, even though you immediately think of physical assaults and crimes against people as violent behavior there are a wide range of other activities that can fall into that category as well. It is important that you know what workplace violence is.

Workplace violence is defined as any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs on the job. However, it can include:

- Beatings
- Stabbings
- Suicide
- Suicide-attempts
- Homicide
- Sexual Assaults
- Sexual Harassment
- Intimidation
- Vandalism
- Bullying
- Shootings
- Obscene Phone Calls
- Fights
- Verbal Abuse
- Stalking
- Psychological Traumas
- Physical Assaults
- Physical Threats

You should also understand who commits workplace violence. It is not always an employee. Sometimes it occurs when a criminal attempts to commit a crime on a jobsite, whether it is against a person or property. Other times you may encounter violence from customers or clients.

In other scenarios you or a colleague might be targeted by someone who doesn't work at your place of employment. This might occur when there is a personal relationship with an employee as a result of life outside of work. Finally, worker-on-worker violence does occur as well. You may observe this behavior from coworkers, supervisors or managers, or by a former employee.

There are some responsibilities and work environments that have higher risk factors for violent encounters. This may include tasks such as carrying or exchanging money or when working with volatile, unstable people. If you are required to work alone in isolated areas or low-lit areas or high-crime areas, you face a higher risk factor as well.

REVIEW AND DISCUSSION

- Identify five forms of workplace violence.
- Who commits workplace violence?

SAFETY TRAINING TOPIC

Behavioral Warning Signs

There are five indicators or warning signs that are often pre-cursors to violent behavior in the workplace. By familiarizing yourself with them you may be able to mitigate a future incident and/or develop the appropriate response in each situation.

The five warning signs are as follows:

- Confusion
- Frustration
- Blame
- Anger
- Hostility

When a potentially violent person becomes confused, they seem distracted and are unsure of their next move. In the event that you are put into a scenario where you encounter a person in this state, you should listen to what they have to say and offer any factual information regarding their concerns that you can. You can also ask them clarifying questions as to why and what they are confused about.

The next level of escalation is frustration. If the individual is exhibiting the warning signs of frustration, they are resistant to information provided to them when confused. They may also be characterized as impatient at this point, and they may be feeling a sense of defeat. At this stage you may consider attempting to move them to a quiet setting, reassuring them that everything will be fine. You should also try to clarify any concerns that they have.

Blame is the next warning sign for potentially violent behavior. During this stage the person will try to find fault with others for the way they are feeling. In fact, they may attempt to place blame directly on you. If this is the scenario, you should bring in a colleague or another person to help mitigate the situation as a team. You may consider using probing questions and relying on facts to help create a "yes" momentum.

In the event that the individual does not calm down after beginning to blame others for the situation, they are likely to become angry. This will become evident by a change in body posture and demeanor. They may begin pointing fingers and yelling, which can escalate quickly to a physical conflict. At this point you should not attempt to reason with them or argue with them. Prepare to remove yourself from the situation and contact supervisor and/or security immediately.

If you can isolate the person safely, you should do so. However, when all else fails and the individual becomes hostile and physical actions or threats appear imminent remove yourself from the situation and call 911 or other number used in your area for emergency assistance.

REVIEW AND DISCUSSION

- What are the five warning signs of a potentially violent individual in the workplace?

SAFETY TRAINING TOPIC

Dealing with Workplace Violence

In the event that an individual or colleague does become violent there are some deliberate actions that you can take to mitigate the situation or help prevent these acts from occurring all together.

When encountering a potentially violent person, it is important to remain calm. When speaking to them, you should do so slowly, quietly and confidently. Avoid tones or mannerisms that could escalate the situation.

You should position yourself at a right angle instead of immediately in front of them. Try to not to encroach on the personal space of the individual. You should be standing at least 3 to 6 feet away from them, making sure to never put yourself between them and any means of exit for you or the individual.

When they are speaking try to be empathetic and acknowledge that you understand their feelings. It is important that you do not criticize, threaten or challenge the person in any way. You should also avoid any sudden movements as this can be seen as threatening and make the situation worse.

When the person is vocalizing specific reasons for their demeanor, be willing to accept criticisms. You might also consider asking them for possible solutions or recommendations to de-escalate the situation. However, do not promise anything to resolve the problem that you cannot deliver. Make sure you never immediately dismiss the individual's demands from the outset.

You may also attempt to reason with the person by breaking bigger problems into smaller, more manageable ones. Do not brush them off or behave in a condescending or impatient manner. Avoid making their problem seem less serious than it is.

You should also never point your finger at the person or make eye-contact for an extended period of time. Don't cross your arms or put your hands on your hips either. That can also come across as threatening.

In the event that the person cannot be reasoned with, call for help. Do not attempt to bargain with them or try to take sides. Explain to them potential consequences if their behavior persists. You can also ask for small favors, such as requesting that they go to a quieter area. You may also try to use delaying tactics until additional support can help resolve the disturbance. This may include offering the individual a glass of water.

REVIEW AND DISCUSSION

- What manner should you speak to a potentially violent individual?
- How far away should you be standing from a potentially violent person when speaking to them?
- What would an example of a delaying tactic be?

SAFETY TRAINING TOPIC

Active Shooter & Workplace Violence

An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and other populated area. In most cases, active shooters use firearms and there is no pattern or method to their selection of victims. Active shooter situations are unpredictable and evolve quickly. You should understand what to do if you are placed in such a situation.

If you are in harm's way, you will need to decide rapidly what the safest course of action is based on the scenario that is unfolding. You should follow these recommendations in order: 1) Evacuate, 2) Hide out, 3) Take action. However, you should only take action as a last resort, and if your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter attempting to move them to a quiet setting, reassuring them that everything will be fine.

The first recommended action is to evacuate. If there is an accessible escape path, attempt to evacuate the premises. When evacuating, have an escape route and plan in mind; leave your belongings behind; help others escape, if possible; evacuate regardless of whether others agree to follow; warn individuals not to enter an area where the active shooter may be; prevent individuals from entering an area where the active shooter may be; do not attempt to move wounded people; keep your hands visible; follow the instructions of any police officers; and call 911 when it is safe to do so.

The next recommended action is to hide out. If safe evacuation is not possible, find a place to hide from the active shooter. The hiding place should be out of the active shooter's view; provide protection if shots are fired (for example, an office with a closed and locked door); and not restrict options for movement. To prevent an active shooter from entering a hiding place, lock the door; blockade the door with heavy furniture; and close, cover, and move away from any windows.

If the active shooter is nearby, take the following actions, lock the door; hide behind a large item (for example, a cabinet or desk); silence your cell phone and/or pager. (Even the vibrate setting can give away a hiding position.); and remain quiet.

Consider the difference between cover and concealment. Cover might protect a person from gunfire, while concealment will merely hide a person from the view of the shooter. If you are in an active shooter situation, you should quickly choose the best space that is available. Finding cover is preferable, but if cover is not available you should find a position of concealment.

When possible, provide the following information to law enforcement officers or 911 operators: location of the active shooter; number of shooters (if more than one); physical description of the shooter(s); number and type of weapons held by the shooter(s); number of potential victims at the location.

Finally, as an absolute last resort, and only if in imminent danger, attempt to disrupt and/or incapacitate the active shooter by acting as aggressively as possible, improvising weapons, throwing items, yelling and committing to your actions.

REVIEW AND DISCUSSION

- What type of Personal Protective Equipment could have prevented this fatality?

Safety
COMPLIANCE ALERT™

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March 1, 2022

SCA *is merging with SafetyNewsAlert.com*

You will receive one more paper issue of *Safety Compliance Alert*.

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Blocked vax ETS withdrawn, but OSHA still working on COVID rules

Is there a 'reasonable accommodation' for medical pot?

Court allows user to pursue discrimination suit

Whether an accommodation for a medical marijuana user is reasonable is a factual determination that should be decided on a case-by-case basis rather than a conclusion based on marijuana being illegal under federal law, the Supreme Court of New Hampshire said in a Jan. 14 decision.

The court reversed a lower court decision dismissing a lawsuit accusing an employer of firing a worker for requesting a reasonable accommodation for medical marijuana.

The former employee was suffering from Post-Traumatic Stress Disorder (PTSD) and his doctor recommended he use marijuana to treat the issue.

No intent to use/possess at work

He then enrolled in the state's medical marijuana program and submitted a written request for an exception from his employer's drug testing policy as a reasonable accommodation for his disability.

In the written request, the employee said he had no intention of using or possessing marijuana during work hours or on the company's premises.

His employer denied the request and later terminated him, according to

*(Please see **Accommodation …** on Page 2)*

INVESTIGATION

Fatality shows need to address situational awareness

A recent fatal incident investigated by the National Transportation Safety Board illustrates the need to help workers focus on situational awareness.

On October 14, 2020, a Housatonic Railroad Company employee working as the roadway worker-in-charge (RWIC) of a group of track workers was struck and killed by a rail-mounted track excavator traveling on an out-of-service track in North Canaan, CT.

The RWIC was standing clear of the track when the track excavator operator moved the machine near the RWIC's location to discuss the measurement. After they talked, the operator moved the excavator forward.

Unknown to the operator, as he moved the machine forward, the RWIC began rolling up his measuring tape while continuing to walk along the track, placing himself between a nearby switch panel and the excavator.

The clearance between the panel and the excavator gradually reduced to about 2 feet as the machine continued to move forward.

Eventually, the excavator's large rubber tire struck and killed the RWIC.

There was no evidence of fatigue or drug use by either worker, and co-workers described both men as being alert and attentive the day of the incident.

Company revises training program

In addressing the incident, the company has since revised its training for RWICs to bring emphasis on being more situationally aware of close clearances when in the field.

Criminal Charges

INSURANCE FRAUD

Owners charged in $1.7M comp scheme

The owners of a California-based chicken processing plant are in hot water after being accused of orchestrating a $1.7 million workers' compensation fraud scheme.

Wei Wen Wu and Feng Wen Lam, the husband and wife ownership team of Golden Food Inc., are charged with 43 felony counts of insurance fraud, grand theft and conspiracy after allegedly underreporting almost $4.5 million in payroll.

The couple are scheduled to appear in court on March 29.

Fake tax docs found on computer

An investigation began after the department received a referral from the state's Compensation Insurance Fund (State Fund).

State Fund suspected the couple of fraud after comparing the payroll reported during annual audits with payroll reported to the Employment Development Department.

Investigators obtained search warrants for Golden Food's true records and found fake tax reporting forms on the company's computer.

The records revealed that between 2015 and 2021, the company underreported its payroll to workers' compensation insurance carriers by $4,489,390, resulting in a loss of $1,681,138 in unpaid premiums to four insurance companies.

Accommodation ...

(continued from Page 1)

Jennifer Mora of law firm Seyfarth Shaw.

The employee filed a discrimination suit against his employer for failing to make a reasonable accommodation for his disability, and the employer asked for the case to be dismissed because marijuana is illegal under federal law.

A trial court agreed with the employer and dismissed the case.

State law doesn't exclude it

The employee argued on appeal that the trial court erred in its decision, which implies "an employer cannot be required to accommodate an employee's use of medical marijuana to treat a disability under state law."

Focusing on the text of the state's medical marijuana law, the Supreme Court agreed with the employee that the statute doesn't contain language excluding the use of medical marijuana as an accommodation.

The court said the status of an accommodation for medical marijuana as reasonable is something decided by the facts of each individual case, so it reversed the lower court decision.

Keep in mind that while technically this case applies only in New Hampshire, the state "joins a growing number of other jurisdictions that have found an employer might have to consider medical marijuana use as a reasonable accommodation," according to Seyfarth Shaw.

Arizona, Delaware, New Jersey, New York and Rhode Island are among those with similar protections.

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.

■ INSPECTION MISHANDLED: DO VIOLATIONS STILL STAND?

"Hey, Pete!" company attorney John Jenkins called out.

Safety Manager Pete Travers was halfway down the dock and couldn't hear over forklift backup alarms and idling trucks – the warehouse crew was loading construction materials for a big project.

Pete looked up in time to see John gingerly making his way closer.

The attorney jumped every time a horn was sounded.

"We really need to get you out of the office more," said Pete.

So upset he forgot his PPE

"We have an OSHA citation," John said. "Something about a roofing crew caught without fall PPE?"

"The supervisor of that crew told me an inspector showed up when he saw our employees on a roof without their fall safety equipment on," said Pete.

"Apparently, the supervisor was running late, and when he arrived he also saw they weren't wearing their gear," Pete explained.

"He climbed a ladder to reprimand them," said Pete. "But he was so upset that he forgot to put his fall PPE on first."

"That's when OSHA arrived and started asking them to take pictures and measurements," Pete explained.

"Whoa, hold on a second," John said. "The inspector made them do it? That's against OSHA's own guidelines. Further, this is also a clear case of unavoidable employee misconduct. We can fight this."

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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Safety Compliance Alert (ISSN 1077-9787), March 1, 2022, Vol. 28 No. 636, is published semi-monthly except once in December (23 times a year) by Progressive Business Publications, 384 Technology Drive, Malvern, PA 19355; PHONE: 800-220-5000. FAX: 610-647-8089. Periodicals postage paid at West Chester, PA 19380. **Postmaster:** Send address changes to *Safety Compliance Alert*, 384 Technology Drive, Malvern, PA 19355.

Subscriptions: 800-220-5000

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TRANSPORTATION

Feds roll out new traffic safety strategy

■ U.S. DOT PLANS NEW APPROACH TO COMBAT RISE IN ROADWAY DEATHS

Safety pros in the transportation industry take note – the U.S. Department of Transportation (DOT) announced a National Roadway Safety Strategy (NRSS) to combat the rise in traffic fatalities.

The NRSS will use a Safe System Approach – a method that builds and reinforces multiple layers of protection – to both prevent crashes and minimize harm if a crash does occur.

This approach acknowledges human mistakes and vulnerability, and "designs a redundant system to protect everyone by preventing crashes and ensuring that if they do occur they do not result in serious injury or death," the DOT states.

Goal = zero roadway fatalities

Transportation incidents remained the most frequent type of fatal workplace incident, even through the pandemic, with 1,778 fatalities accounting for 37.3% of all workplace fatalities in 2020, according to Bureau of Labor Statistics data.

To address the rise in fatal crashes, the NRSS will use a five-pronged model to address safety by making safer people, roads, vehicles and speeds, and through post-crash care.

This effort is being funded by the bipartisan infrastructure law with the NRSS being considered "the first step in working toward an ambitious long-term goal of reaching zero roadway fatalities."

The NRSS will see the DOT:

- working with states to build safer roadways through updates to the Manual on Uniform Traffic Control Devices, a Complete Streets Initiative to provide technical assistance to communities of all sizes, and speed limit setting
- leveraging technology to improve the safety of motor vehicles, including rulemaking on automatic emergency braking, and
- investing in road safety through a new $6 billion Safe Streets and Roads for All program, hundreds of millions for behavioral research and interventions, and $4 billion in additional funding for the Highway Safety Improvement Program.

CRIMINAL CHARGES

Owners to serve prison time for fatal explosion

The owners of Nebraska Railcar Cleaning Services (NRCS) were sentenced Jan. 14 for willful violations of federal safety standards resulting in an explosion that killed two workers.

Steven Braithwaite, president and owner of NRCS, will serve 30 months in prison for his role in the offenses, and Adam Braithwaite, the company's vice president and co-owner, will serve one year and one day.

Each will pay $100,000 in restitution, and NRCS and both Braithwaites must serve five years of probation and a $21,000 fine.

The Braithwaites and NRCS pleaded guilty July 12, 2021, to:

- willful violations of federal worker safety standards that resulted in two worker deaths
- violations of the Resource Conservation and Recovery Act (RCRA) involving hazardous waste
- endangerment to others
- submission of false documents to OSHA, and
- perjury.

Lied to OSHA about testing

The Braithwaites and NRCS failed to implement worker safety standards, mishandled hazardous wastes violating the RCRA and knowingly submitted false documents to OSHA during inspections as a cover up.

"Those decisions led to the deaths of two of their workers," a Justice Department news release states.

TRENDS TO WATCH

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

■ NEW MEDICAL CANNABIS ACT NOW IN EFFECT

The **Mississippi** Medical Cannabis Act was signed into law Feb. 2, permitting the use of medical cannabis to treat debilitating conditions such as Parkinson's disease, muscular dystrophy and post-traumatic stress disorder.

This law was effective immediately upon Governor Tate Reeves' signing, but medical marijuana won't become available in the state for several months.

According to Kathryn Russo of law firm Jackson Lewis, employers:

- aren't required to permit or accommodate the medical use of cannabis
- aren't prohibited from taking adverse employment action against an individual as a result of their medical use of cannabis, regardless of their impairment or lack of impairment from the medical use of cannabis
- aren't prohibited from establishing or enforcing a drug testing policy, and
- may discipline employees who use medical cannabis in the workplace or who work while under the influence of medical cannabis.

■ COVID PRESUMPTION EXTENDED TO 2023

Minnesota's COVID-19 presumption for frontline workers was extended through Jan. 13, 2023.

The law states that a COVID-19 infection is work-related unless an employer is able to prove the infection happened elsewhere.

The law reinstates presumptive eligibility for doctors, nurses, firefighters, paramedics, police officers, long-term care workers, home health workers and correctional officers.

Roundup of most recent OSHA citations

Go to www.SafetyComplianceAlert.com/fines *for more OSHA fines and injury settlements.*

Worker dies under thousands of pounds of soil

An Alabama contractor was cited following an OSHA investigation into a fatal trench collapse that saw a worker die beneath thousands of pounds of soil.

Shortly after the employee entered to work on underground utility pipes, the trench collapsed around him.

"Research estimates that one cubic yard of soil weighs up to 3,000 lbs. – the weight of a small car – giving a worker buried in a trench little chance of survival."

Fine: $110,590
Company: Weaver Environmental Services Inc., doing business as WESCO, Huntsville, AL
Business: Water and sewer line structures construction
Reasons for fine:
One willful violation for failure to:
- protect employees working in trenches from cave-ins by using adequate protective systems

Two serious violations for failure to:
- provide support systems for sidewalks, pavements or appurtenant structures undermined during excavation
- inspect excavations, adjacent areas and protective systems after every rainstorm or other hazard-increasing occurrence

Manufacturer gets $216K fine for repeat hazards

OSHA fined a Milwaukee manufacturer for multiple repeat and serious violations involving putting workers at risk of machine and noise hazards.

The company was inspected twice in 2020 and was cited for similar violations. During a January 2021 follow-up inspection, inspectors found the hazards hadn't been abated.

Fine: $216,307
Company: Tramont Manufacturing LLC, Milwaukee
Business: Metal tank manufacturing
Reasons for fine:
Three repeat violations for failure to:
- ensure employees used appropriate eye and face protection when required
- guard points of operation on machines
- put safety guards on machines with abrasive wheels

Nine serious violations, including failure to:
- clearly outline purpose and techniques to be used in energy control procedures
- conduct periodic inspections of energy control procedures
- ensure forklift operators were properly trained on forklift operations
- conduct frequent inspections of overhead cranes

Court fined $25K after interpreters die from COVID

Cal/OSHA fined the Los Angeles Superior Court more than $25,000 for multiple COVID-19-related violations, which the court plans to appeal.

The state agency notified the court July 7 that it found at least three health and safety violations during an inspection of the Pasadena Courthouse, which is operated by the Superior Court system.

All three of the violations are related to safety measures put in place for the court's interpreters, according to *Pasadena Now*.

Two full-time interpreters and one contract interpreter died from COVID-19 in 2021.

Fine: $25,250
Company: Superior Court of California, Los Angeles
Business: Court
Reasons for fine:
Two serious violations for failure to:
- implement an effective injury and illness prevention program, including lack of COVID-19 prevention training for interpreters
- ensure physical distancing in the interpreters' lounge

WORKERS' COMP DECISIONS

Worker was injured but no one saw it: Can he collect?

A worker fell through a scaffold when an unsecured plank shifted, but no one else witnessed the injury. Can he collect benefits?

What happened: A construction worker was injured when he fell about 6 feet after an unsecured plank on a scaffold shifted. No one else witnessed the incident.

Company's reaction: No one saw the incident, and you must be lying since the planks were nailed down.

Decision: He could collect. The court found the worker was a credible witness, unlike some of his co-workers who were accused of nailing down the planks shortly after the incident occurred.

Cite: *Dyszkiewicz v. City of NY*, NY Court of Appeals, No. 27495/17E, 5/6/21.

Inhalation injury at work or pre-existing lung disease?

A worker with a history of lung issues suffers an inhalation injury at work. Can he get benefits?

What happened: The worker – who was already being treated for chronic obstructive pulmonary disease – was handling sodium hydrosulfite at work when he went into respiratory failure.

Company's reaction: You have a pre-existing condition which means this incident wasn't work-related.

Decision: He couldn't collect. Despite conflicting medical evidence, the court found the worker's respiratory failure was caused by aggravation of his pre-existing lung disease rather than a new, work-related injury.

Cite: *Hamilton v. Logan Water Care*, W. VA Supreme Court, No. 20-0047, 5/20/21.

REAL PROBLEMS, REAL SOLUTIONS

10 principles deliver safety results (part 2)

At the National Safety Council's fall 2021 conference, Brian Fielkow, CEO of GTI Group, discussed 10 principles he used to help deliver safety results he's proud of at his company.

(The following items conclude the list, which began in our Feb. 14 issue.)

6. If your processes aren't understandable by the intended audience, then you don't have processes. You just have words on paper.

GTI asked its drivers to write their handbook, The Jetco Way. The company gathered four or five drivers who were good at a particular topic together with a writer who wrote up what they said. The drivers reviewed what the writer put together. All processes are a maximum of four or five sentences.

Convert processes into checklists and use them. If you keep the checklists as simple as possible, you'll get better results. People don't need to be taught as much as they need to be reminded.

7. Dismiss severity. Fielkow says the fact that an incident had a major or minor outcome isn't the most important thing.

Example: A driver tears up some grass. No big deal? No. The driver wasn't situationally aware. It's only luck that the driver didn't hit a kid.

To be good at prevention, don't treat the behavior behind a minor incident any differently than a major one. Do root cause analysis 100% of the time. It doesn't all have to take a long time and be formal.

Fielkow says a lot of times we come to the table with our minds made up, and we form the analysis to meet our own conclusion. To counter that, bring in someone from another area to help with the analysis.

8. Focus on leading indicators. Most indicators are a look in the rearview mirror. Leading indicators predict outcomes.

If you want to reduce serious injuries, focus on near misses, property damage accidents and minor injury accidents.

Counting near misses is a leading indicator. Want to get more near misses reported? Stop calling them near misses. Instead, call them good catches. Make sure there's a way to report good catches confidentially.

9. Tear down silos. Companies need to have divisions. That's OK. Silos are the kiss of death. What constitutes a silo? It's a state of mind. If someone else is drowning, "too bad." That's a silo.

Fielkow says once upon a time, he would have Operations meetings on Monday, and he would hear a lot about how the Safety team doesn't get it. He'd have Safety meetings on Tuesdays, and he'd hear about Operations playing cat and mouse.

On Tuesday night, Fielkow says he'd take two aspirin and try to figure out how to create harmony. Fielkow says he created his own silos – it was his own fault.

We create silos by how we incentivize people and who we invite to the table at meetings. So Fielkow doesn't have Operations or Safety meetings anymore. Now they're in the room together.

Allowing people to think safety isn't their responsibility is a dangerous silo. Why? Because it allows workers to think that safety is the responsibility of the safety department, instead of being responsible for it themselves.

10. You can't win them all, don't try. Your employees have to be at the intersection of your company values and being technically excellent.

When you have a person who is really aligned with your values but isn't technically competent, you're going to try to train that person, or else they can't be at the company.

But what about an employee who is technically proficient, but they think the rules don't apply to them? Now you have a big problem.

You don't have to fire a person. Coach them. And then coach them some more. But at some point you have to come to the realization that some people are uncoachable.

TRAINING TIPS

Use strong policies to combat distracted driving

With the U.S. Department of Transportation rolling out its new highway safety strategy *(SEE PAGE 3)*, now is a good time to remind drivers they shouldn't use portable electronic devices while driving.

Using a portable electronic device – texting on your phone or switching to a different Spotify playlist – while driving dramatically increases the risk of a motor vehicle injury or fatality, according to OSHA.

Prohibitions against distracted driving should be made clear by:

- having a strong policy that prohibits the use of portable electronic devices while driving
- establishing work procedures and rules that do not make it necessary to text while driving
- making safe driving an integral part of their business culture, and
- providing continuous driver safety training and communication.

Drivers should be trained on driving distractions and to not solely rely on navigation and other advanced technology systems.

In emergencies, think before rushing in to help

During an emergency situation, workers may feel the impulse to rush in and help fellow employees who may be in trouble.

That's understandable but should still be discouraged.

Why? Because it could turn a situation involving a single victim into one involving multiple victims.

For example, Indiana OSHA recently cited a company after one employee fell into a tanker trailer and succumbed to toxic gases.

Two other employees jumped in to help, but they almost succumbed to the toxic gas as well.

ENFORCEMENT

Lack of fall protection during bridge project leads to fatality

The Washington State Department of Labor & Industries (L&I) cited a construction company after a worker fell to his death during a bridge restoration project.

The worker fell 60 feet from the bridge deck to the ground below while laying concrete curing blankets on the bridge.

Investigators found managers and a foreman with Bellingham, WA-based Boss Construction were working side-by-side with workers and none of them were wearing fall protection.

Multiple employee interviews corroborated the lack of fall protection during the project and spoke to a lack of safety enforcement leading up to the fatal fall.

Many of the workers weren't using fall protection on the day of the incident and on other days.

Company slammed with $284K fine

A catenary line – a horizontal line anchored at each end that workers can attach to for safety – had been installed, but it was only one side of the bridge deck.

That line spanned about 2,600 feet, but didn't span the entire 3,052 feet of the bridge, leaving about 200 feet on each end on one side of the bridge without a line for workers to attach to as they walked on the bridge.

The other side of the bridge didn't have a catenary line at all and was completely unguarded as all the guardrails were removed several months prior to the incident.

L&I cited Boss with two egregious serious willful violations for failure to ensure workers used fall protection, leading to a $284,000 fine.

Judge blocks vaccination rule for federal employees

A judge for the Southern District of Texas issued a nationwide preliminary injunction blocking a Biden administration executive order that required employees of federal agencies to get COVID-19 vaccinations.

The judge found Jan. 21 that the choice federal employees had to make between their jobs and getting vaccinated amounted to irreparable harm.

Statutory authority asserted by the federal government gives "the President substantial powers, but not so substantial as to … require millions of federal employees to undergo a medical procedure as a condition of their employment," the judge said, according to law firm Vorys Sater Seymour and Pease.

Under the injunction, the federal government can't enforce the vaccine mandate for federal employees in any state or territory of the U.S.

The Department of Justice intends to appeal the decision.

No comp for wellness program injury

Can a worker get workers' comp if injured while participating in a company wellness program?

According to the Oregon Court of Appeals, no.

In *Watt v. SAIF Corp.*, an employee tripped and fell while walking through a residential neighborhood during her break. This was in participation with a company-sponsored wellness program.

She filed a claim, which her employer denied as not being work-related.

The appeals court upheld the denial because there was nothing in her regular work duties that exposed her to the risk of tripping on a crack in a sidewalk away from the jobsite.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, Pete's company lost when the court found that the inspector's alleged failure to follow OSHA's Field Operations Manual during the inspection didn't invalidate the legitimacy of the violations.

The supervisor in this situation – who was actually the owner of the company – admitted to OSHA via a signed statement, "My fall protection plan is roof anchors, ropes, fall harnesses, and rope grabs. The fall protection plan was not in effect upon my arrival at approximately 10:15 a.m. I do not know why the employees did not have the fall protection plan in effect."

A similar statement from an employee was also admitted as evidence, so employee misconduct couldn't be proven since the owner and the employees acknowledged there was a fall protection plan which wasn't in use that day.

■ ANALYSIS: PLANS ARE NO GOOD IF NOT FOLLOWED

The workers in this case were exposed to falls that could've seriously injured or killed them – the simple existence of the safety plan would've done nothing for them.

We've said it here before: Just having a safety plan is not enough if no one follows it.

Safety pros know this, but getting it across to management, supervisors and employees can be difficult at times, especially when it's busier than usual.

However, this is an obstacle that must be overcome.

Cite: *Secretary of Labor v. Bonded Roofing Services,* Occupational Safety and Health Review Commission, No. 20-0554, 12/14/21. Dramatized for effect.

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* SafetyCompliance Alert.com/category/federal-activities.

COURT DECISION

A Florida construction contractor was fined $50,000 for lying to OSHA following two inspections in October and December 2017.

Alcir DeSouza, owner of DeSouza Framing Inc., pleaded guilty Jan. 26 to a felony count of making a false statement during an OSHA investigation.

The court found DeSouza lied to OSHA inspectors after the agency conducted investigations at two of his worksites, resulting in fall hazard violations and a proposed $199,178 fine, according to the Department of Labor.

DeSouza was accused of willfully exposing workers to fall hazards by allowing them to work without fall PPE then lying about it to inspectors.

During both inspections, employees were observed working at heights of between 11 and 22 feet without using any fall protection devices.

The inspections were part of a Regional Emphasis Program for Falls in Construction.

MINING

The convergence of mines with oil and gas wells has recently become more of an area of concern for the Mine Safety and Health Administration (MSHA).

Nationwide, thousands of oil and gas wells penetrate coal seams that are being actively mined, and an accidental intersection could cause problems for miners.

MSHA and state agencies evaluate thousands of requests to mine within 150 feet of oil and gas wells every year.

Those evaluations are conducted under the "Pennsylvania Joint Oil and Gas Well Pillar Study," which was published in 1957.

Coal mines today are deeper than ever before and the proliferation of high-pressure gas wells has increased the potential consequences of an incident, according to MSHA.

New scientific information is now available, most notably downhole gas well surveys that show that depth has a big effect on the possible deviation between a well's surface location and its location at the coal seam level.

MSHA urges mine operators to review the agency's best practices for mining near oil and gas wells, which can be found at *msha.gov/training-education/safety-topic-development-mining-near-wells*.

RECORDKEEPING

Injuries sustained in a crash during an off-hours trip to work should be recorded as a work-related injury, according to OSHA.

The agency addresses this topic in a new standard interpretation letter that presents the following scenario:

As part of his normal workday, an employee commutes in his personally-owned vehicle from home to the workplace. At the end of his shift, the employee commutes from the workplace to his home. Later that same day, there is an emergency at the workplace, and the employee's supervisor calls him to return to work. The employee starts driving back to the workplace, but is involved in a crash resulting in an injury and hospitalization.

Can that injury be considered recordable?

In the letter, OSHA says that while injuries and illnesses occurring during an employee's normal commute from home to work, and from work to home, aren't work-related and not recordable, the scenario presented above is a different case.

Since the employee is traveling back to work "in the interest of the employer" then his travel becomes work-related and any injuries sustained during that travel time would be recordable.

WHERE TO GET HELP

NEW HOW-TO DOCUMENT ON SILICA DUST MONITORING

A new publication from the National Institute for Occupational Safety and Health (NIOSH) details how to implement monitoring for respirable crystalline silica.

This is primarily intended for industrial hygienists and safety professionals specifically within the mining industry, although those in other industries may also find it useful, according to NIOSH.

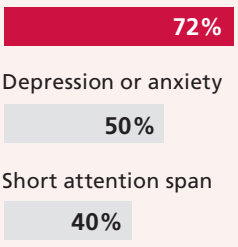
The document details how to implement field-based monitoring for respirable crystalline silica.

It was written for users with experience in respirable dust exposure assessment but who do not necessarily have specialized training in analytical techniques.

Info: *cdc.gov/niosh/mining/works/coversheet2175.html*

What safety officers told us

How much more likely is it that an injured worker's child will suffer from mental health disorders?



Source: National Institute for Occupational Safety and Health

NIOSH found that children with parents who were injured at work are far more likely to suffer from mental health disorders.

Info: *bit.ly/32TEF5M*

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

Blocked vaccination ETS withdrawn, but OSHA still working on COVID standards

Q: Since the U.S. Supreme Court blocked OSHA's COVID-19 vaccination-or-test emergency temporary standard (ETS) for employers with 100 or more employees, is the agency still looking to implement the standard?

A: For now, no. OSHA announced on Jan. 25 that it was withdrawing the ETS that would have required employers with 100 or more employees to mandate COVID-19 vaccines for their employees or subject them to weekly testing and mask wearing.

But there are some things to keep in mind – which are detailed below – according to law firm Shawe Rosenthal.

For example, healthcare employers need to remember there is a vaccine mandate in effect for those involved with Medicare and Medicaid programs, which the U.S. Supreme Court did allow while blocking the OSHA rule.

Another vaccination-or-test rule could be in the works

Q: Is OSHA working on a permanent vaccination-or-test standard for employers outside of health care?

A: Probably. In its announcement on the withdrawal of the COVID-19 vaccination-or-test ETS for employers with 100 or more employees, OSHA makes clear that it's not withdrawing the ETS as a proposed rule.

Shawe Rosenthal says that means a version of the ETS could be proposed as a permanent standard at some point in the future.

The notice and comment period for the proposed rule closed on Jan. 19, and OSHA will likely review any comments it received, along with the restrictions imposed by the Supreme Court's opinion.

Healthcare standard could include vax requirement

Q: Is OSHA working on a permanent standard to replace its COVID-19 healthcare ETS and could that standard have a vaccination-or-test requirement?

A: Yes, the agency is working on a permanent standard to replace the healthcare ETS it withdrew in December 2021.

OSHA says it's focused on finalizing the permanent healthcare standard and promised to rely on the General Duty Clause and certain standards to protect healthcare workers in the meantime.

And while the original ETS didn't require vaccination, a permanent standard quite possibly could incorporate a COVID-19 vaccine mandate.

Like the mandate for healthcare workers involved in Medicare/Medicaid, a permanent COVID-19 healthcare standard with a vaccination requirement would likely be specific enough to satisfy legal requirements to move forward.

If you have a safety-related question, email it to Merriell Moyer at: mmoyer@pbp.com

OUTSIDE THE LINES

SECURITY CRIES FOWL: CHICKEN ARRESTED AS SPY

Let's face it, in today's world, workplace safety and security often go hand in hand.

And who in the U.S. takes security very seriously? The Pentagon.

Case in point: A chicken was recently detained at an undisclosed security checkpoint near the Department of Defense headquarters, according to the *Associated Press*.

The chicken – a Rhode Island Red, no less – was taken into custody by the Animal Welfare League of Arlington, VA, and has since been adopted.

Henny Penny, as the bird has been named, gained some notoriety as Jimmy Fallon performed a song about her on "The Tonight Show."

"Are you a normal clucker or an undercover spy?" Fallon sang.

Did you know …

Warm-up before shoveling snow

Employees should **warm-up before shoveling snow** to **avoid injuries** and **exhaustion**.

Source: *OSHA*

Shoveling snow can be a strenuous activity. Workers should warm-up before shoveling, scoop small amounts of snow at a time and push the snow instead of lifting it.

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

Safety
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FINAL PRINT ISSUE

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March 14, 2022

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Fishing vessel incident offers valuable lesson on fatigue

Sleep-deprived captain took big risk, lost his ship

The term "impairment" is often associated with drugs and alcohol, although there's a well-known, yet often overlooked other aspect: fatigue.

Long hours and shift work can lead to fatigue, which workers often try to push through to get the job done – an honorable notion, but one that can come with dire consequences.

A recent National Transportation Safety Board (NTSB) investigation of the sinking of the fishing vessel *Tenacious* off the coast of Alaska offers a perfect example of this situation.

The captain of the *Tenacious* had 32 years of experience operating fishing vessels. In July 2021, he and his crew of five were transitioning to fishing waters.

Awake for more than 20 hours

On July 23, the captain didn't get any sleep as he and the crew attempted to repair a skiff, which they eventually had to go ashore to replace.

Further, the captain was experiencing back pain and hadn't been sleeping well for a few days.

The crew was weary from taking care of the skiff, so the captain, who'd been awake for more than 20 hours, told everyone to get some sleep while he piloted the *Tenacious*.

*(Please see **Valuable lesson …** on Page 2)*

RESEARCH

Report: U.S. needs respiratory protection framework

The COVID-19 pandemic highlighted the need for U.S. workers and employers to have a national respiratory protection framework to provide them with guidance and support in combating future respiratory hazards, according to a new report.

Throughout the pandemic, workers – and the public in general – have been required to wear some form of respiratory protection, but they've often had to overcome obstacles to do so in the form of availability and ever-changing guidance.

Workers need to be able to turn to a clear and authoritative source of information on respiratory hazards and how to protect themselves from such threats, according to *Frameworks for Protecting Workers and the Public from Inhalation Hazards*, a new report from the National Academies of Sciences, Engineering, and Medicine.

More authority for OSHA

The report recommends that Congress revise the Occupational Safety and Health Act to give OSHA authority to ensure respiratory protection for workplaces currently outside its jurisdiction.

The agency should "adopt the broadest permissible interpretation of 'employee' and 'employer' to expand coverage of its respiratory protection requirements," the report states.

Workers covered under the expanded definitions should include gig economy workers, unpaid volunteers, domestic workers in residential settings and certain independent contractors.

More info: *tinyurl.com/637report*

CRIMINAL CHARGES

WORKERS' COMPENSATION

Owners to serve jail time for comp fraud

A California business owner and her husband will be serving jail time and paying more than $925,000 in restitution after pleading guilty to workers' compensation fraud totaling almost $1 million.

Carmen Hall Soruco and her husband, Antonio Soruco, were sentenced Feb. 7 to each serve 120 days in jail and pay more than $925,000 in restitution to the State Compensation Insurance Fund (SCIF).

Hall Soruco was also sentenced to two years of probation following her guilty plea on multiple felony counts, while Soruco will serve one year of probation after pleading guilty to multiple misdemeanor charges.

An investigation into Soruco Structures, a general contractor company, began after an employee filed a workers' compensation claim,

Failed to report employees, payroll

The company hadn't reported employees or payroll on their workers' compensation insurance policy until the claim was filed.

Investigators found the couple committed workers' compensation insurance premium fraud by failing to report employees and payroll to SCIF from Oct. 15, 2013, through Dec. 8, 2016, leading to a premium loss of $585,666.

Valuable lesson …

(continued from Page 1)

Early on July 24, the captain fell asleep and lost control of the vessel, which drifted into rocks in shallow water along the coast.

The crew attempted to save the vessel, but ultimately had to abandon it.

One crew member suffered a minor injury, and the vessel, which was worth $660,000, was a total loss.

The captain claimed responsibility for the incident, stating to investigators that the owner would not have faulted him if he had chosen to stay in port.

Perceived loss = acceptance of risk

The NTSB calls this an example of the prospect theory of human decision-making, meaning "human beings are more likely to accept higher levels of risk when faced with the perception of guaranteed future losses."

The captain knew that if he and his crew missed the July 24 fishing waters opener they'd suffer financial losses.

To avoid that perceived loss, his risk tolerance was higher, resulting in the decision to get underway later than planned and travel during normal sleep hours all while in a fatigued state.

The National Safety Council says employers can help address fatigue by:

- optimizing schedules to avoid long shifts and permanent night shifts
- providing adequate time to recover between shifts
- adopting a culture that promotes sleep health
- allowing napping wherever feasible, and
- educating employees about fatigue.

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.

SERVICING MACHINE MINOR ENOUGH TO BE EXCEPTION?

Safety Manager Pete Travers leaned back in his office chair and stretched.

"I'll have this presentation finished within the next hour barring any distractions," Pete said.

His phone rang.

"Great," said Pete. "Didn't I just say distractions were something I didn't want?"

He looked at his phone and saw that an old friend was calling.

Pete sighed and answered the phone.

'It's pretty specific'

"Hello Carl. How are you?" Pete asked.

"Hi Pete," said Carl. "To be honest, I'm not doing that great at the moment. That's why I'm calling.

"My company is being cited by OSHA, and I was hoping you could give me some advice," Carl added.

"OK, can you give me the details?" asked Pete.

"One of our production workers injured her hand on the conveyor belt while she was cleaning up at the end of her shift," Carl explained.

"OSHA says we should have shut down the conveyor and locked it out for cleaning," he added. "But we thought that cleaning fell under the minor servicing exception – OSHA says otherwise."

"That exception is pretty specific." Pete said. "Cleaning could fall under it, I guess. It would have to be a pretty minor operation, though."

Carl'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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Safety Compliance Alert (ISSN 1077-9787), March 14, 2022, Vol. 28 No. 637, is published semi-monthly except once in December (23 times a year) by Progressive Business Publications, 384 Technology Drive, Malvern, PA 19355; PHONE: 800-220-5000. FAX: 610-647-8089. Periodicals postage paid at West Chester, PA 19380. **Postmaster:** Send address changes to *Safety Compliance Alert*, 384 Technology Drive, Malvern, PA 19355.

Subscriptions: 800-220-5000

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PANDEMIC

Companies fined after COVID outbreak

- MANAGEMENT'S ACTIONS CONTRIBUTED TO VIRUS' SPREAD

Three companies were collectively fined more than $285,000 after 250 workers at the same warehouse contracted COVID-19.

The Washington State Department of Labor & Industries (L&I) opened multiple inspections after a local health department reported the outbreak.

United Natural Foods Inc., Capstone Logistics LLC and Prime 360 were all cited for knowingly putting workers at risk of COVID-19 exposure, and six other businesses associated with the warehouse were cited for less serious COVID-19-related violations.

Workers from a Lewis County warehouse – and who were being housed in several Thurston County hotels – got sick from COVID-19 and walked to a nearby hospital for help.

Ill workers afraid to lose their jobs

They were afraid they would lose their jobs if they went home sick, according to an L&I news release.

About one in four employees working at the warehouse between July 7 and Oct. 5, 2021 tested positive for COVID-19. Five out of the 253 who did test positive had to be hospitalized.

"Our investigation uncovered a widespread outbreak that put employees, their families, and their communities across 10 counties at risk for COVID-19," L&I Director Joel Sacks said in the news release. "The actions these companies took or failed to take undoubtedly made it worse – contributing to faster and broader spread of the virus in the workplace."

United Natural Foods, the owner of the warehouse, was fined $140,000 for failing to provide contact information for COVID-positive employees, claiming it didn't know who some workers were employed by and allowing COVID-positive employees to come to work.

Capstone Logistics was fined $75,400 for failing to verify worker vaccination status, enforce mask use and prevent COVID-positive workers from coming to work.

Prime 360 was fined $70,000 for failing to verify worker vaccination status.

WHISTLEBLOWER

Contractor sued for firing worker with safety concerns

A Florida security contractor is being sued by the U.S. Department of Labor (DOL) after allegedly terminating a worker with safety concerns regarding COVID-19 exposure and firearm storage protocols.

The worker filed a retaliation complaint with OSHA, leading to an investigation and lawsuit by the DOL in the U.S. District Court for the Eastern District of Texas.

Move prompts COVID complaints

VRP Group Inc., doing business as Regius Investigations and Protective Services, is accused of illegally firing the worker in August 2020, shortly after the worker texted supervisors on a secure messaging app to report hazardous working conditions.

The worker was part of a group of Regius employees assigned to work for Entergy Texas to secure property near Port Arthur.

This group was initially based in a hotel but was later moved to temporary housing at another location.

The worker was concerned about the move and conflicts that would arise with social distancing and firearm storage policies, and they brought these concerns to supervisors.

An investigation by OSHA found that the company violated federal whistleblower provisions by terminating the employee for engaging in the protected activities of making a good faith health and safety complaint.

TRENDS TO WATCH

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

ANOTHER STATE SAYS IT WILL PROTECT OFF-DUTY WEED USE

Montana is joining the growing list of states that will protect the off-duty use of marijuana.

Bill HB 701, which went into effect Jan. 1, 2022, amended the state's lawful off-duty conduct statute to include marijuana as a lawful product.

That means employers can't deny job applicants or discriminate against current employees because of their legal use of marijuana during non-working hours, according to law firm Hunton Andrews Kurth.

The prohibition includes a number of different employment actions, including hiring decisions, compensation, promotion, and the terms, conditions and privileges of employment.

But nothing in HB 701 prevents an employer from taking adverse action against an employee who is intoxicated at work. The law only protects lawful "off-duty" conduct.

COMPANY SUED FOR WORKERS' COMP FRAUD

A **New York** real estate company is being sued by its workers' compensation insurance provider after allegedly lying about the number of workers it employed.

Alpha Omega Realty is being accused of applying for workers' compensation insurance for one employee in 2016, but actually employed more than 90 people at the time and avoided nearly $1.5 million in premiums.

The insurer, Charter Oak Fire Insurance Co., is suing Alpha Omega and its owner, Anthony Frascone, for fraud and demanding the premium that was never paid, according to the *Westchester & Fairfield County Business Journals*.

Roundup of most recent OSHA citations

Go to www.SafetyComplianceAlert.com/fines *for more OSHA fines and injury settlements.*

Worker caught in, killed by crane trolley drive shaft

OSHA cited an Alabama equipment manufacturer following an investigation into the death of an apprentice who got caught in a crane trolley's drive shaft.

The 22-year-old worker was part of a five-man team that was repairing a 50-ton hoist while on top of a crane bridge 30 feet in the air.

He was killed while guiding a heavy steel cable onto a hoist drum.

Fine: $89,141
Company: SPI/Mobile Pulley Works, Mobile, AL
Business: Construction machinery manufacturing
Reasons for fine:
21 serious violations, including failure to:
- provide employment free from recognized crushed-by hazards likely to cause death or serious physical harm
- train employees on correct use of personal fall protection equipment
- plainly mark rated load of crane on each of its sides
- complete periodic inspections of cranes
- provide adequate machine guarding
- evaluate performance of powered industrial truck operators every three years

Worker's fingers severed by press: $412K OSHA fine

A Texas manufacturer was cited by OSHA after a worker's fingers were severed inside a 500-ton hydraulic press.

The company has a history of violations with a citation in 2014 for 34 serious and other-than serious violations and two citations in 2015 for a total of four willful, six serious and three other-than serious violations.

Fine: $412,750
Company: D&D Manufacturing Inc., El Paso, TX
Business: Metal stamping manufacturer
Reasons for fine:
Three willful violations for failure to:
- provide employment free from recognized caught-between hazards likely to cause death or serious physical harm
- guard points of operation of machinery
- ensure point-of-operation devices adequately protected machine operators

13 serious violations, including failure to:
- train employees on noise hazards
- ensure employees wore eye, foot and hearing protection when required
- take unsafe powered industrial trucks out of service
- ensure containers of hazardous chemicals were properly labeled

Roofers caught without fall PPE 6 times in 3 years

An Ohio contractor was cited for the sixth time in three years for exposing roofers to fall hazards on its jobsites.

OSHA cited the contractor for similar hazards in February 2021, June 2020 and May 2018, as well as another contracting company with the same owner in April and September 2019.

Fine: $136,453
Company: JMH Roofing LLC, Medina, OH
Business: Roofing contractor
Reasons for fine:
Two willful violations for failure to:
- ensure employees used eye or face protection when exposed to eye or face hazards
- ensure employees engaged in construction activities 6 feet or more above lower levels are protected by guardrail, safety net or personal fall arrest systems

Two repeat violations for failure to:
- initiate programs providing regular inspections of jobsites, materials and equipment
- ensure employees wore protective helmets in areas where they were required

WORKERS' COMP DECISIONS

Can injured worker collect from general contractor?

A contractor's injured worker filed a claim against the general contractor in charge of a worksite. Can he collect benefits?

What happened: A worker with an elevator installation contractor was injured on a jobsite. He filed a Labor Law claim against the worksite's general contractor.

Company's reaction: Your company controlled the work you were doing, so we're not responsible for your injury.

Decision: He couldn't collect. The fact that the general contractor held safety meetings and completed daily safety reports demonstrates only that it was responsible for the overall safety of the site, according to the court.

Cite: *Moldaver v Pref. 34 E. 51st St., LLC*, NY Court of Appeals, No. 162881/15, 5/4/21.

Can worker with bad knee get benefits for injury?

A worker with a pre-existing condition injured his right knee while carrying a heavy tarp across a railroad track. Can he collect?

What happened: The worker was carrying a heavy tarp across some railroad tracks when he tripped and fell, injuring his knee. Medical exams showed he had pre-existing osteoarthritis.

Company's reaction: You may have injured your knee at work, but the more extensive damage is from your pre-existing condition.

Decision: He was able to collect for the work injury, but further benefits were terminated since his continuing medical condition was related to osteoarthritis.

Cite: *McKinney v. Kingston Mining*, W. VA Supreme Court, No. 20-0137, 5/20/21.

REAL PROBLEMS, REAL SOLUTIONS

A risk-based approach to manage fatigue

Why aren't fatigue and lack of good sleep addressed more often as factors in workplace safety?

There are several barriers:

- lack of awareness and information
- often not recognized as a safety and health hazard in the workplace, and
- lack of understanding of the strategies needed to manage it.

Workplace culture can also contribute. Are long hours or "working through" fatigue rewarded? A superperson mentality is common in a lot of industries.

And even if fatigue does affect a worker, they might not want to tell their co-workers about it.

Hands down, this "tough guy" attitude is the biggest failure we face in trying to manage fatigue in the workplace.

If you drove by a construction site and noticed a worker resting, sitting against a building with their hardhat over their eyes, what would you think?

Many would think the worker is being lazy.

What if, instead, we thought, it's a good thing that the worker is using their break to get some needed rest?

This mentality has to change to fight fatigue in the workplace.

Share info with employees

How do we overcome these barriers?

One way is to share information with employees on how sleep – or lack of it – affects people.

When we sleep, blood vessels in the brain shrink, allowing spinal fluid in between the vessels to clear out toxins and replenish our brain cells.

Reaching the fourth stage of sleep – REM sleep – is essential because, besides being the dream stage, that's when memories are processed and long-term learning occurs.

It takes 90 to 120 minutes to go through the four stages of sleep. If someone is getting seven to eight hours of sleep but doesn't feel rested, quality of sleep may be the issue.

People who work odd hours should know that due to circadian rhythms, the body's 24-hour cycle, if you're working at 2 a.m., you're at a disadvantage. During off hours, neurotransmitters convey information more slowly. People can work during odd hours, but they're impaired and need to recognize that.

Some specific best practices:

- Schedule work so higher risks don't have to be taken at odd hours
- If you can't eliminate higher risk tasks at odd hours, make sure you take extra precautions to mitigate the risks
- Document anti-fatigue measures so there's no guesswork on what needs to be done
- Train employees about fatigue management – it will increase employee engagement
- Make sure to rule fatigue in or out during incident investigations, and
- Align all of these fatigue and management practices in your existing safety program.

Maximizing naps

Naps can be a good way to fight fatigue, but there are ways to maximize their effectiveness.

Timing is everything when it comes to naps.

A nap should be either under 30 minutes or over 90 minutes.

Reason: If it's under 30 minutes, the person will awake during stage one or two sleep and feel refreshed.

If it's over 90 minutes, they'll gain the benefits of REM (stage 4) sleep.

What you don't want to do is nap between 30 and 90 minutes. That will mean waking up during third stage sleep which produces a groggy feeling.

Another nap trick: Have a nappucino. Grab a caffeinated beverage and drink it quickly. Then set an alarm for a 20-minute nap.

Caffeine takes about 20 minutes to kick in. So after you're done napping, the caffeine will do its work.

(Based on a presentation by Susan Sawatzky, Director, In-Scope Solutions, Calgary, Alberta, at the ASSP's September 2021 conference)

TRAINING TIPS

Get them to remember key point with this step

Safety professionals put time and effort into their presentations and training sessions.

The last thing you want is people walking away without a safety talk making any kind of impression on them.

Idea: Ask participants to repeat back one (and only one) important part of your talk.

For example say, "We're all responsible for looking out for each other's safety."

Ask a member of the session, "Who's responsible for keeping you safe on the job?"

A correct answer would be, "My co-workers and I are."

Then ask the group, "Who's responsible for safety here?" If they don't all answer, ask the question again until they all reply in unison.

Do workers understand safety data sheets?

It's not enough to provide safety data sheets (SDS) for the chemicals, solvents and cleaning materials at your workplace.

Employees need to be trained at least once on how to read a SDS so they understand why a chemical is hazardous and what other kinds of substances it shouldn't be allowed to come in contact with.

Staffers also need to know where they can find the binder with an SDS or where they can access the info online.

You can post the SDS for all of your chemicals on your company's website or post easy-to-find hypertext links to SDS. Show staffers how they can do this on their phones or using company computers.

SAFETY PROGRAMS

Healthcare employers called on to address high injury rates

Healthcare workers experienced a whopping 249% increase in injury and illness rates in 2020, and OSHA is now calling on employers in the industry to implement proactive safety and health programs to keep those workers safe.

During the COVID-19 pandemic, workers in the healthcare and social assistance industries combined suffered more injuries and illnesses than workers in any other industry in the U.S.

Now, OSHA wants healthcare employers to take immediate action to help make 2022 a less hazardous year for workers in the industry.

One good way to combat workplace injuries and illnesses is to adopt a proactive safety and health program to address hazards, endorse training and use preventive measures to keep employees safe and healthy.

Kansas hospital shining example

An example of how effective such a program can be is Community Hospital Onaga, a Kansas-based facility that's part of the Community HealthCare System's nonprofit healthcare system.

The hospital contacted OSHA's On-Site Consultation Program about enhancing workplace safety in 2000.

Following visits from program staff, the hospital corrected all hazards inspectors identified and then continued to improve its safety and health programs.

By December 2002, OSHA awarded the facility Safety and Health Achievement Recognition Program (SHARP) status, and the hospital has since kept its injury-and-illness rates below the industry average.

The facility's SHARP status has been renewed eight times, with its most recent achievement having occurred in June 2021.

Bakery cited: Allowed teen to operate slicer

A Florida bakery is in hot water with the U.S. Department of Labor (DOL) after investigators found a 13-year-old "volunteer" worker was allowed to operate a power-driven bread slicer.

Bread & Co. engaged the 13-year-old as an unpaid volunteer then had the teen undertake a hazardous occupation in violation of the Fair Labor Standards Act (FLSA), according to a DOL news release.

The company "used a minor as free labor and then exposed the child to a dangerous machine with the potential to cause serious injury in violation of federal law," Wage and Hour Division District Office Director Wildalí De Jesús said in the news release.

Wage and Hour Division investigators also found the company's pay practices violated the wage requirements of the FLSA.

A fine of $9,979 was assessed to Bread & Co. for the child labor law and other FLSA violations.

New rule would update industrial truck standard

OSHA announced Feb. 15 that a new proposed rule will update the design and construction requirements for the powered industrial trucks standards for general industry and construction.

The rule would add references to the latest design and construction requirements published by the American National Standards Institute and Industrial Truck Standards Development Foundation.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, Carl's company lost the case when the court found the end-of-shift cleaning didn't fall under the lockout/tagout (LOTO) standard's minor servicing exception.

The LOTO standard defines service or maintenance as "activities such as constructing, installing, setting up, adjusting, inspecting, modifying, and maintaining and/or servicing machines or equipment."

Cleaning – along with unjamming machines, making tool adjustments or changing tools – is included in the list of other activities associated with servicing.

All of these activities expose employees to unexpected energization of equipment, according to the court.

The court found the company should have required the conveyor belt to be shut down and locked out for such a thorough cleaning.

■ ANALYSIS: EXCEPTIONS ARE RARE, WELL-DEFINED

While some OSHA standards do come with exceptions, they're infrequent and are usually very specific, as this case demonstrates.

For example, for the cleaning involved in this case to fall under the exception, it needed to be a very minor operation that presented no extra risk to employees than those presented by their regular duties.

In this situation, guards were removed and hands were placed closer to moving parts than normal duties required.

Cite: *Secretary of Labor v. Anthony Marano Co.,* Occupational Safety and Health Review Commission, No. 19-0622, 12/20/21. Dramatized for effect.

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.

CHILD LABOR LAW

Two fast food restaurants in South Carolina were fined by the U.S. Department of Labor (DOL) after an investigation revealed teen workers were employed in hazardous occupations.

The DOL's Wage and Hour Division conducted investigations at several Burger King, Subway, Popeyes and Frodo's Pizza locations and found multiple child labor law violations, a few of which involved safety hazards.

Two Subway locations operated by Pleasantway Inc. were fined $4,902 after investigators discovered four 15-year-olds were employed in "prohibited baking activities," according to a DOL news release.

One Frodo's Pizza restaurant allowed three 16-year-old employees to work as delivery drivers. Federal law prohibits minors from operating motor vehicles as part of their occupation. The restaurant was fined $3,006.

Several other restaurants were fined for allowing teens to work hours deemed excessive under the Fair Labor Standards Act.

ENFORCEMENT

OSHA cited a federally-operated refinery for its unsafe handling of chemicals, including the agency's first use of the egregious violation policy against a federal facility.

The refinery, an industrial gas manufacturing facility owned by the U.S. Department of Interior's Bureau of Land Management, was investigated following employee complaints to the Department of Interior's Office of the Inspector General.

OSHA issued 21 notices of unsafe workplace conditions involving process safety management that would carry a private sector penalty of $1,023,987.

Five willful violations were labeled egregious, which marks the first time OSHA has ever used its egregious policy against a federally operated facility.

All five of those violations were for failure to perform inspections on processing equipment.

HEARING PROTECTION

Northrop Grumman's facility at St. Augustine, FL, won the 2022 Excellence in Hearing Loss Prevention Award.

The award – part of the National Institute for Occupational Safety and Health (NIOSH) Safe-In-Sound Award Program – is given to companies that exceed normal expectations to protect their workers' hearing, incorporating prevention measures into daily work practice.

The Northrop Grumman facility is an example of these practices, according to NIOSH contest judges, who found the company demonstrates a strong safety culture by:

- implementing noise controls
- adopting buy-quiet strategies in the purchase of new equipment and tools
- providing several alternatives of hearing protection devices, hearing protection fit-testing, and state-of-the art communication-enhanced electronic hearing protection devices as needed
- carefully reviewing and analyzing audiometry results aiming to identify early changes in hearing, and,
- continuously improving their training to ensure relevance.

The facility engages employees at all levels in these initiatives.

The Safe-In-Sound 2022 Innovation in Hearing Loss Prevention Award went to Rational Acoustics, an audio software development company that designed software to manage sound exposure risk for live sound mixers, event crew and concert attendees.

WHERE TO GET HELP

VISUALIZATIONS SHOW TRENDS IN LEAD EXPOSURE

The National Institute for Occupational Safety and Health (NIOSH) has a new set of interactive data visualizations on workplace lead exposures.

These visualizations show the latest trends in lead exposures by year, state and industry.

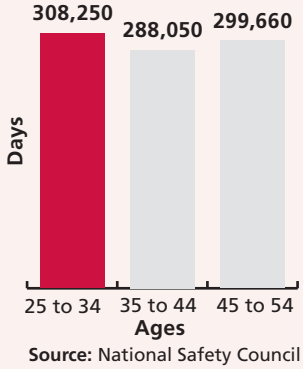
Data used to support the visuals come from the NIOSH Adult Blood Lead Epidemiology and Surveillance (ABLES) data set, which is used to examine U.S. trends in adult workplace lead exposure, identify where exposures occur and find ways to prevent further occurrences.

States provide NIOSH with ABLES data related to workplace lead exposure, including information on workers' blood lead levels.

More information: *cdc.gov/niosh/topics/lead/trends.html*

What safety officers told us

Among construction workers, which age range saw the most days away from work due to injury?



Source: National Safety Council

From 2011 to 2020, workers of ages 25 to 34 saw an increase in injuries resulting in days away from work. From 2019 to 2020, all age group saw a sharp increase.

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."

Worker says supervisor dressed him down for driving forklift 'a little too fast'

The Scenario

"Alright, now I have you thinking safe, so let's get to work," Manager Mike Kelly said, closing his morning safety meeting.

Workers filed out of the conference room and began heading toward their respective work areas.

However, one remained behind.

"Mike, I need to talk to you about something," said Todd McAllister, a day shift dock worker who was hired just a few months ago.

Safety used as an excuse

"How can I help you, Todd?" Mike asked as he gathered up his meeting materials.

"My supervisor, Jack Hall, yelled at me yesterday in front of the whole dock crew," Todd said. "He used safety as an excuse to dress me down."

"What happened?" Mike asked.

"OK, I'll admit I was driving my forklift a little too fast – we were busy, after all – but that's no reason to yell at somebody," Todd said.

"When you say he yelled?" Mike began to ask.

"He hollered at me from across the dock, then stomped over and dressed me down like he was some kind of drill sergeant," Todd explained. "In front of everyone, no less."

I've worked with Jack for years, and this isn't like him, Mike thought. *But there was that one time about 10 years ago, he caught two of his guys racing their forklifts down the dock – that had him pretty upset, and rightfully so, in my opinion.*

If you were Mike, what would you do in this situation.

Click www.safetycompliancealert.com/category/what-would-you-do/ to see other safety pros' comments on challenging scenarios

Reader Responses

1 Joseph Wickenhauser, Safety Excellence Coordinator, Wieland, E. Alton, IL

What Joseph would do: I would say to Todd, "I understand that no one likes being yelled at, but you did say you were across the dock from Jack. So he would have had to raise his voice for you to hear him and for safety concerns he probably wanted you to slow down right away. You need to slow down for everyone's safety."

Then I would speak with Jack to get his version of events, and if warranted, have a conversation with him about better coaching methods.

Reason: You always have to hear both sides.

It's not uncommon for someone with hurt feelings to exaggerate the situation. Todd admittedly was driving too fast, so he needed a warning or coaching.

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

What Elise would do: I would talk to Jack to hear his side of the incident. But it sounds like some "retraining" of employees is needed for Todd and maybe a few others, as well as some supervisor tips for Jack.

But there is always more to the story than what we are first told. Maybe Todd had already been reprimanded for excessive speed.

Reason: I know from experience that all of the operators have a different idea of what is the right speed and horn honking frequency.

I have had many conversations with operators when I get a tip of bad driving.

OUTSIDE THE LINES

HE CAN PULL A CAR 27 YARDS WITH HIS SHOULDER BLADES!

Musculoskeletal disorders, or MSDs, are a common type of workplace injury that many safety pros do their best to address.

Repetitive stress and working at awkward angles are things most people are told to avoid.

But Christian Enmanuel Castellanos is different. He's looking to break a world record – with his shoulder blades.

The Cuban man recently claimed he broke the Guinness World Record for pulling a car with his shoulder blades, dragging the 2,425-pound vehicle more than 27 yards, according to *Reuters*.

Earlier this year – and in defiance of ergonomics specialists everywhere – Castellanos claims he crushed 82 beer cans between his shoulder blades in a minute, beating the Guinness record by 14 cans.

Did you know …

Train workers on the risks from all chemical hazards in the workplace

Workers should **know** what **chemicals** are **present** and **how to protect** themselves from those **hazards**.

Source: *OSHA*

According to OSHA, employees should be trained on the chemical hazards they're exposed to in the workplace as well as easy access to safety data sheets.

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