NECA **IBEW**

Oregon Pacific-Cascade **Local Union #932**

Joint Safety Committee
Oregon Pacific-Cascade Chapter, NECA
IBEW Local 932
Wednesday April 6, 2022
Meeting Minutes

Rollcall: meeting called to order (Sign in Sheet)- **VIA Zoom and in-person**
Approval of prior month Minutes

Communications

Mask mandate- ended Friday 3/11/22, other requirements till 6.15.22
'Unlawful Harassment' program roll-out
Training Record review- Forklift (3-years)

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

National EV Charging Network
Trenching- Focused inspections
OSHA 2022- new standards and more stringent Recordkeeping
LHCP- Workmen's Comp
Women in the workplace- PPE, Culture
First Responders- struck-by incidents (website)
Lone workers- safety and support

OSHA Injury/Incidents

280 1.26- Fall, ladder placement/use, Lost Time
659 2.16- Struck-by, debris in eye, Recordable

Next Meeting – May 25, 2022

Adjourned

_____ May 25, 2022
Elias Campbell- GEW
Senior Safety Consultant

NECA IBEW

Oregon Pacific-Cascade Local Union #932

Joint Safety Committee
Oregon Pacific-Cascade Chapter, NECA
IBEW Local 932
Wednesday May 25, 2022
Meeting AGENDA

Roll call: meeting called to order

1.0 Communications

1.1 Safety Break Oregon site visits 5/25 by Committee members

1.1.1 Inspection checklist attached

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

3.0 OSHA Injury/Incidents

3.1 January

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

3.1.2 280 1.31- Inhalations, Recordable

February

3.1.3 659 2.16- Struck-by, debris in eye, Recordable

March

3.1.4 659 3.22- Struck-by, hit in month, chipped tooth, Recordable

3.1.5 280 3.23- Slip, trip, 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 need 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: June 22, 2022

Safety Meeting Packet

May 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	419,243	1	419,243	120,071	143,818	155,354									
280	Inside Appr.	117,029	1	117,029	32,600	38,674	45,755									
280	MAI	0	1	0	0	0	0									
280	Material	39,786	1	39,786	11,541	13,773	14,472									
280	Residential	22,470	1	22,470	5,937	7,683	8,850									
280	Resi. Appr.	16,536	1	16,536	4,361	5,788	6,387									
280	S & C	49,802	1	49,802	13,122	17,012	19,668									
280	S & C Appr.	19,941	1	19,941	5,438	7,486	7,017									
280	Support Tech/MOU	37,030	1	37,030	8,163	13,754	15,113									
	TOTAL 280	**721,837**	**9**	**721,837**	**201,233**	**247,988**	**272,616**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Total NECA				**172,464**	**220,226**	**240,771**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	% NECA				**85.70%**	**88.81%**	**88.32%**	**#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	63,999	3	21,333	17,421	22,465	24,113									
659	Inside Appr.	32,143	3	10,714	8,904	11,196	12,043									
659	Material	1,873	3	624	536	718	619									
659	Residential	2,002	3	667	633	661	708									
659	Resi. Appr.	1,213	3	404	359	466	388									
659	S & C	2,888	3	963	581	903	1,404									
659	S & C Appr.	854	3	285	177	219	458									
	Total 659	**104,972**	**21**	**34,991**	**28,611**	**36,628**	**39,733**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Total NECA				**19,494**	**27,278**	**29,860**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	% NECA				**68%**	**74%**	**75%**	**#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	24,466	3	8,155	6,804	8,251	9,411									
932	Inside Appr.	10,790	3	3,597	3,041	3,620	4,129									
932	Residential	333	3	111	14	162	157									
932	Resi. Appr.	429	3	143	115	161	153									
932	S & C	1,623	3	541	497	478	648									
932	S & C Appr.	30	3	10	0	30	0									
	Total 932	**37,671**	**18**	**12,557**	**10,471**	**12,702**	**14,498**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Total NECA				**8,823**	**10,973**	**12,747**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	% NECA				**84%**	**86%**	**88%**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**	**#DIV/0!**
	Grand Total	**864,480**		**769,385**	**240,315**	**297,318**	**326,847**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	Total NECA	**742,636**	**3**	**247,545**	**200,781**	**258,477**	**283,378**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	% NECA	**86%**		**32%**	**84%**	**87%**	**87%**	**#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	367,460	3	122,487	102,841	127,609	137,010									
280	Inside Appr.	97,295	3	32,432	26,037	32,474	38,784									
280	MAI	0	3	0	0	0	0									
280	Material	37,140	3	12,380	10,795	12,967	13,378									
280	Residential	14,582	3	4,861	3,486	5,176	5,920									
280	Resi. Appr.	12,583	3	4,194	3,330	4,415	4,838									
280	S & C	47,655	3	15,885	12,395	16,528	18,732									
280	S & C Appr.	19,716	3	6,572	5,417	7,303	6,996									
280	Support Tech/MOU	37,030	3	12,343	8,163	13,754	15,113									
	Total 280	**633,461**	**27**	**211,154**	**172,464**	**220,226**	**240,771**	**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	47,489	3	15,830	12,116	17,102	18,271									
659	Inside Appr.	22,703	3	7,568	5,820	8,063	8,820									
659	Material	1,376	3	459	373	566	437									
659	Residential	866	3	289	279	263	324									
659	Resi. Appr.	456	3	152	148	162	146									
659	S & C	2,888	3	963	581	903	1,404									
659	S & C Appr.	854	3	285	177	219	458									
	Total 659	**76,632**	**21**	**25,544**	**19,494**	**27,278**	**29,860**	**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	21,263	3	7,088	5,629	7,234	8,400									
932	Inside Appr.	9,627	3	3,209	2,697	3,231	3,699									
932	MAI	0	3	0	0	0	0									
932	Residential	0	3	0	0	0	0									
932	Resi. Appr.	0	3	0	0	0	0									
932	S & C	1,623	3	541	497	478	648									
932	S & C Appr.	30	3	10	0	30	0									
	Total 932	**32,543**	**21**	**10,848**	**8,823**	**10,973**	**12,747**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

	Grand Total	**742,636**		**247,545**	**200,781**	**258,477**	**283,378**	**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	297,318	326,847	0	0	0	0	0	0	0	0	0	864,480
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	258,477	283,378	0	0	0	0	0	0	0	0	0	742,636
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

NECA
OREGON PACIFIC CASCADE CHAPTER
NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

Safety Training Topics

June 2022

Home Improvement Ladder Safety

Boating Safety

Bonfire, Grill and Fire Pit Safety

Sun Exposure

Working Hot

SAFETY TRAINING TOPIC

Home Improvement Ladder Safety

During the summer months you are likely to undertake more home improvement projects than any other time of the year. When you are on the job there are numerous regulations and safety precautions used to help protect you from injuring yourself. Unfortunately, far too often when doing the same type of activity away from work, protections are ignored. This especially holds true when it comes to using ladders.

As a refresher, on or off the job, it is imperative that you choose the right ladder. Always read and follow any instructions, labels, markings or manufacturer recommendations and never exceed the maximum load rating of a ladder. Factor in the weight of any tools or equipment that might be used, as well.

You should always inspect your ladder before using it. If you discover slippery material on the rungs, steps or feet do not use the ladder until you clean it. Damaged ladders must be repaired or thrown away.

When positioning a ladder, it is imperative that it is placed in a location where it cannot be displaced by any other activities. Do not position the ladder on uneven or unstable surfaces or bases such as crates or boxes to obtain additional height.

If your ladder has any locking mechanisms make sure that they are engaged before climbing on it. You should also always maintain 3-point (two hands and a foot, or two feet and a hand) contact. Always keep your body near the middle of the step and always face the ladder. Avoid use the top step or rung, at all costs, unless it was specifically designed for that purpose.

Never attempt to move or shift a ladder while you are on it. Do not reach for items laterally at any point while on the ladder. These actions greatly increase the risk of a fall as a result of the ladder tipping over.

Finally, be aware of any electrical hazards that you could potential come in contact with when working on a ladder. Never use a metal ladder near power lines or exposed energized electrical equipment! If electrical work is necessary, you should use an approved non-conductive ladder.

REVIEW AND DISCUSSION

- Why should you never attempt to move or shift a ladder while you're on it?
- What should you do if you discover slippery material on the rungs, steps or feet of a ladder?
- When is it safe to step on the top rung or step of a ladder?
- If electrical work is necessary, what type of ladder should be used?

SAFETY TRAINING TOPIC

Boating Safety

Hundreds of people are killed each year in recreational boating accidents. During the summer months it is likely that you and or your colleagues will be on a recreational water-vehicle. Here are some safety tips to follow if you plan on being out on the water.

First, always check local weather conditions and forecasts before taking a boat out. If you observe darkening clouds, volatile or rough waters, changing winds or sudden drops in temperature, return to shore immediately.

Before taking a boat you must inspect the vehicle to ensure that it is safe for use. You should ensure that there is a fire extinguisher on board and enough life vests for each passenger on the boat. It is also important that more than one person on board is familiar with all aspects of the boat's handling, operations and features. In the event that the operator is injured or incapacitated in any way, it's crucial that someone else can get everyone back to shore safely.

Once on the water it is imperative to use common sense. This means always operating at a safe speed (especially in crowded areas), being alert at all times and steering clear of large vessels and watercraft that may have difficulty stopping or turning. You should also always adhere to buoys and other navigational aids.

The likelihood of being involved in a boating accident drastically increases when alcohol is involved. Avoid drinking alcohol while boating at all costs. It can be deadly, not to mention it’s illegal.

You should also be able to swim. A large part of safe boating means you can swim in the event your boat capsizes or you fall into the water. Familiarize yourself with any state laws and regulations, prior to operating a boat. Regardless of your state's requirements, it's always important to be educated. Consider taking a boating safety course, even if you are not required to do so.

Finally, you should also consider getting a free vessel safety check. The United States Coast Guard offers complimentary boat examinations to verify the presence and condition of certain safety equipment required by state and federal regulations. They'll provide a specialist to check out your boat and make helpful boating safety tips and recommendations.

REVIEW AND DISCUSSION

- Why should you have more than one person on board is familiar with all aspects of the boat's handling, operations and features?

SAFETY TRAINING TOPIC

Bonfire, Grill and Fire Pit Safety

During the summer months you are likely to use or be around bon-fires, propane and charcoal grills and fire pits. These can all be extremely dangerous if not used properly. Here are a few safety tips to follow to prevent fires and injuries from occurring.

When using any type of grill only do so outdoors. Always have them positioned away from siding, deck railings and out from under eaves or overhanging branches. Grills must be kept a safe distance from lawn games, play areas and foot traffic. As a general rule of thumb a three-foot "safe zone" around the grill should be established. When cooking, use long-handled grilling tools to provide adequate clearance from heat and flames when using the grill. You should also periodically remove grease or fat buildup in trays below the grill to prevent fires from occurring.

In the event, you are using a charcoal grill, always purchase the proper starter fluid and store out of reach of children and away from heat sources. Never add charcoal starter fluid when coals or kindling have already been ignited. Do not use any flammable or combustible liquid other than charcoal starter fluid to light the fire.

Prior to using a propane grill, check the propane cylinder hose for leaks. You can do so by using a light soap and water solution applied to the hose. This will reveal escaping propane quickly by releasing bubbles. You must replace any damaged cylinder or hose before use,

When using a fire-pit, make sure to never use flammable fluids such as gasoline, alcohol, diesel fuel, kerosene, and charcoal lighter fluid to light or relight fires. Do not burn trash, leaves, paper, cardboard, or plywood. Avoid using soft wood such as pine or cedar that likely pop and throw sparks.

If you are building a bonfire never do so in dry conditions or if the campground and area rules prohibit fires. If there is not an existing fire pit, and pits are allowed, look for a site that is at least fifteen feet away from tent walls, shrubs, trees or other flammable objects. Also beware of low-hanging branches overhead.

When you're ready to put out your, follow these guidelines:

- Allow the wood to burn completely to ash, if possible.
- Pour lots of water on the fire; drown all embers, not just the red ones.
- Stir the campfire ashes and embers with a shovel.
- Scrape the sticks and logs to remove any embers.
- Stir and make sure everything is wet and they are cold to the touch.
- If it is too hot to touch, it's too hot to leave

Finally when being around any type of fire it is a good idea to have an appropriate rated fire extinguisher in reach!

REVIEW AND DISCUSSION

- What should you do prior to using a propane grill?

SAFETY TRAINING TOPIC

Sun Exposure

Sun exposure is an extremely dangerous hazard that is encountered both on and off the job. It can result in sunburn and other heat related illnesses. You should be aware of what these potentially hazardous health conditions are, along with the associated symptoms and how to prevent them from occurring.

Sunburn can be painful and result in both short term and long term health complications. Though sunburn can occur year round, you are most at risk during the summer months between 10:00 a.m. and 4:00 p.m. When spending time outdoors, always protect yourself with sunscreen. You should also wear sunglasses to protect your eyes from becoming sunburned.

Skin damage caused by sunburn can occur after short periods of exposure. However symptoms typically begin to occur about 4 hours after exposure, and worsen within 24-36 hours. They may include red, warm and tender skin, swollen skin, blistering, headache, fever, peeling skin, nausea and fatigue. Your symptoms usually will last 3-5 days.

Heat exhaustion is another heat related illness that is caused by dehydration as a result of working in high temperatures or humid conditions. Symptoms of heat exhaustion include clammy, moist skin and pale complexion. These signs and indicators may also be accompanied by extreme fatigue, headache, nausea, vomiting, giddiness and even fainting.

Heat cramps can also occur as a result of dehydration. They usually occur in the calf muscles. If heat cramps become a common occurrence, seek medical attention to determine the best way to treat them. You may also experience heat rash when working in hot and humid conditions. This happens when sweat causes wet or moist clothing to rub against your skin. Heat rash can be prevented by resting in a cool place and allowing sweat to dry and wearing clothing that wicks moisture from the body.

Heat stroke is the most dangerous of all heat related injuries. When heat stroke occurs your body loses the ability to regulate its own temperature. Symptoms of heat stroke include loss of the ability to sweat, dry-hot skin, mental confusion, convulsions, delirium, and loss of consciousness or even coma. If you or a colleague exhibits these symptoms, seek immediate medical attention. If you do not seek immediate medical attention, heat stroke can cause death.

Here are a few ways to prevent sunburn and heat related illnesses:

- Wear a hat that allows air circulation around your head
- Wear sunscreen on exposed skin and parts of the body subject to the sun
- Drink plenty of fluids throughout the day
- Avoid caffeine, alcohol and very cold drinks

REVIEW AND DISCUSSION

- When are you at the highest risk of sun exposure?

SAFETY TRAINING TOPIC

Working Hot

Why This Is Important

Every time you work on energized circuits you risk an arc blast or electric shock. If you take the necessary precautions, you can eliminate the risks.

The Potential Harm

Temperatures generated by short-term contact with a circuit even as low as 120V can be 10 times higher than what it takes to cook your tissues. It takes very little electricity to electrocute you. The amount of current it takes to light a 75W lamp is past the threshold of what it takes to cause fibrillation. When you think of fibrillation, think of your heart being rendered useless.

Electrocution burns take place from the inside out.

Contact time is an important determinant in the severity of damage. The less time, the better. Other factors that detern1ine the severity of damage include voltage, resistance, frequency, and victim characteristics such as age, physical condition, and size, plus some environmental factors.

Shock Characteristics

At 60 Hz, AC shock produces a tingling sensation that ranges from slight to violent. DC shock produces a warmth sensation that ranges from warm to burning hot. When current through your body reaches a certain point, it paralyzes your arm muscles so you can't let go. This is what people are talking about when they refer to "let-go current."

The let-go current threshold decreases as frequency increases. It takes less current to pass the let-go threshold when you are working on a 400 Hz UPS than when you are working on a 60Hz system.

Shock Current Path

The path the current takes through your body can determine whether you survive or not. That's why we take measurements with one hand on the probe and one hand in a pocket, rather than with both hands on probes and a path established across the heart.

That's why we also try to eliminate pathways between feet and hands. Your heart is on your left side. Thus, if you must choose a path that includes a hand and a foot, choose the right hand and foot rather than the left hand and foot.

Preventing Electric Shock

Working on de-energized circuits is an obvious way to prevent shock, but it depends on proper lockout/tagout, proper testing for voltage, and using safety grounds. Non-compliance with the requirements for ensuring circuits are de-energized is rampant, and the body count from non-compliance is high.

Using the appropriate PPE and following hot work procedures is your first line of defense, not your last.

Electric Arc Blast Characteristics

The heat from an electric arc can reach temperatures four times as hot as the surface of the sun. The pressure wave generated by an arc fault can hurl you away from the heat source, but usually causes other injuries also. In worst case scenarios, the pressure wave acts like a giant hammer. The pressure waves are sometimes strong enough to level concrete walls.

Protection From Flash

Wear the required PPE, such as a flash suit, hood, and face shield.

Wear clothing resistant to flash flame wherever exposure to an electric arc flash is possible. In the several seconds it takes to remove clothing or extinguish flames, you can be subject to deep and possibly fatal burns.

Reduce the likelihood of arc faults to begin with. For example, make test connections one lead at a time to prevent creating an ionized path that completes a circuit between an energized terminal and ground. Another way is to remove as many loads from the equipment as possible before working on it.

REVIEW AND DISCUSSION

- Why is it important to know the principles of working hot?
- What are the characteristics of AC shock?
- What are the characteristics of DC shock?
- What is let-go current? Regarding hands and feet, what is the proper way to take measurements, and why?
- What is your first line of defense for preventing electric shock?
- How hot can an arc blast get?
- Is the pressure wave from an arc blast powerful? How so?
- What are some clothing and PPE issues, in regard to arc flash and arc blast?
- How can you prevent an arc fault in the first place?

News & Training
Safety Alert
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May 2022

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Transportation board investigations

offer valuable insight for all industries

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May 2022

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Upcoming Events

Safety Webinars

Monday,
April 25th
2022

The 6 Most Commonly Forgotten Health and Safety Risks

Join us for a free webinar where we'll reveal the 6 most commonly forgotten health and safety risks.

sponsored by Avetta ..... learn more

Thursday,
May 5th
2022

Ask an Expert: How to Improve a Struggling Safety Culture

We'll be hosting a free webinar that reveals how to convince leadership to "buy-in" to safety and ensure compliance across your company.

sponsored by AlertMedia ..... learn more

Thursday,
May 26
2022

OSHA's Heat Standard: How Employers Should Prepare Now

In this 60-minute program you'll learn practical strategies for improving or developing your OSHA compliant heat-related injury and illness prevention program, plus guidelines to help you prepare for the upcoming standard. ..... learn more

News Briefs

Safety Stories You Might Have Missed

Owners to serve jail time for workers' comp fraud

published March 9, 2022

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) and Employment Development Department (EDD).

Read more

OSHA begins new COVID-19 enforcement effort

published March 10, 2022

OSHA is starting a short-term increase in highly focused inspections of hospitals and nursing care facilities that treat COVID-19 patients.

This new enforcement effort, which runs from March 9 to June 9, is the agency's latest effort to protect healthcare workers against new COVID-19 variants that could emerge as the U.S. enters the next phase of the pandemic.

Read more

Company, VP charged in fatal hydrogen sulfide release

published March 10, 2022

A Texas oilfield company and its vice president were charged March 8 for worker safety and environmental crimes that led to the deaths of a worker and his wife in 2019.

Aghorn Operating Inc. and its vice president, Trent Day, were indicted by a federal grand jury for obstructing an OSHA investigation, violating federal safety regulations leading to an employee's death and violating the Clean Air Act.

Read more

Department of Justice plans to work closely with OSHA

published March 11, 2022

The U.S. Department of Justice (DOJ) will be working more closely with OSHA in prosecuting companies for environmental crimes that impact worker safety.

In January, a DOJ official told law firm Reed Smith that the department will be formally collaborating with OSHA and the Mine Safety and Health Administration (MSHA) in pursuing cases related to worker safety and safe working conditions.

Read more

Child labor law safety issues caused by workforce shift

published March 11, 2022

Why have there been so many child labor law safety violations over the past year or two? Answer: The historic shift in the nation's workforce making it difficult to retain and recruit employees.

Read more

Online tool tracks inspection data, reveals 2022 trends

published March 14, 2022

Have you ever wondered what OSHA's latest enforcement trends are? Or which industries the agency is focusing on now? If you answered yes to either of those questions, then you'll want to check out the OSHA Inspections Tracker map from law firm Fisher Phillips.

Read more

Contractor held personally liable for $2M OSHA fine

published March 14, 2022

A New Jersey contractor, and one of the state's biggest safety violators, is being held personally liable for $2 million in OSHA fines.

An administrative law judge with the Occupational Safety and Health Review Commission granted OSHA's motion for summary judgment against Juan Quevedo-Garcia, owner of BB Frame LLC, on Feb. 25.

Read more

California, Washington address masks at work

published March 15, 2022

With the ever-evolving guidance regarding masking against COVID-19 in public, it's no wonder employers and workers are confused regarding masks on the job.

In an effort to clear up the confusion, the states of California and Washington are offering new guidance for employers and workers.

Read more

Was injured driver an employee or contractor?

published March 16, 2022

Is a worker who drives a company vehicle and is paid by the mile but who gets no other benefits an employee or an independent contractor for the sake of workers' compensation?

A Nebraska appeals court found this a question of control, with the facts pointing toward the worker being an independent contractor.

Read more

Owner gets jail time for fatal trench collapse

published March 16, 2022

The owner of a Washington construction company was sentenced to 45 days in jail for a fatal 2016 trench collapse.

The sentencing of Phillip Numrich, owner of Alki Construction, was a landmark decision since it's extremely rare for an employer to face jail time for an on-the-job fatality, according to the state's Department of Labor & Industries (L&I).

Read more

Training Tips

Goal-focused supervision leads to a safer work environment

When employees don't understand goals and priorities, they won't be as engaged in the work they do.

Goals should always include adherence to safety rules and reporting potential hazards ASAP.

Employees who are fully aware of clear goals and expectations are almost three times more likely to be engaged than those who aren't, according to research from Quantum.

Help them succeed

To set better goals:

- Work with employees to set goals so they can determine feasibility, bottlenecks and deadlines
- Establish clear expectations around processes, timelines and feedback
- Require regular goal monitoring, progress reports and coaching, as needed.

Safely storing materials: 4 keys to remember

Here are four keys to remind workers about keeping materials in the right place. Share them at your next training session or toolbox talk:

1. **Stack reasonably.** If you put piles of material from floor to ceiling, it's an invitation for an accident. Make sure piles are kept to a reasonable height.
2. **Aisles should always be clear.** It's OSHA's law – and common sense. Don't block exits or pathways. Not only could it be dangerous for other employees, it could be deadly in case of an emergency.
3. **Never let tools out of your sight.** From the time you take a tool away from its storage place to the time you return it, it should never leave your sight. If an unsuspecting worker puts their hand or foot down on a stray tool, it'll be a nightmare situation.
4. **Don't wait until you're asked.** It's important to keep the workplace well organized at all times. Don't wait until a Supervisor has to remind you to start putting things away.

Read more Training Tips in your Membership Dashboard

Case Study

Top 5 mistakes of online training, and 3 ways to avoid them

Many safety pros had been using online training for several years. It's easier, cheaper, and when it's live there's instant feedback. But the COVID-19 pandemic forced many employers into using online safety training that hadn't done so previously.

The negatives became apparent, too: If it's prerecorded its not as engaging as being face-to-face. There are tech issues. When slides have too much text, people tend to read instead of listening to the presenter.

Training mistakes happen

1. **Training is too complex.** With the technology we now have, we try to take a complex topic and turn it into online training, expecting people to pick up on the subject matter. People have trouble picking things up from just listening and reading.
2. **There's no repetition.** Repetition helps retention. When we try to repeat concepts online, it seems like we're just covering the same things over again and over again. Then the audience checks out.
3. **It's too long.** Some online training is now one, two, even three hours long. Even if it's live, hours of looking at a screen is too long. When we're working, it's normal to have distractions. But in training sessions, there's an expectation we should be there all the time. It's difficult for the facilitator, too, to keep engagement levels high. You just don't have the energy of being together in a room.
4. **Not thinking about the audience.** It's easy to focus on the subject matter when developing training. But you have to think about your audience, too. They might have distractions. Or maybe they're not as technologically savvy as they need to be for the training. Example: How many trainees know how to share their screen on a Zoom call?
5. **Not considering the experience of the audience.** When you're live in a room, you can gauge whether people know some of the material. You can ask preliminary questions, and if they know some of the material, you can skip it. Some online training crams all the information on a topic into one module without any consideration of the audience's previous experience. It's a waste of employees' time to have to sit through that.

Avoiding the mistakes

How do you avoid these mistakes?

1. **Better training design.** Much like planning for a face-to-face session, think about each component of the training. How will the presenter(s) and employees interact?
2. **Invest resources.** For many safety pros, training budgets are limited. However, if the training is essential, if it's compliance-based, or if it involves life-or-death situations, you need to invest enough resources in it.
3. **Don't rush into it.** The best way to improve training is to go back and review what you've already done. How are we doing? How is the delivery? Ask attendees some in-depth questions about how they're receiving the information presented in training. Spend more time on a review if you did rush into online training.

(Based on a presentation by Marilyn Hubner, Managing Director, Buildup Research, Melbourne, Australia, at ASSP's September 2021 conference)

Read more Case Study in your Membership Dashboard

HAZARDS

Investigation highlights how panic can lead to tragedy

by Merriell Moyer

One of the most famous lines from Douglas Adams' The Hitchhiker's Guide to the Galaxy is, "Don't panic." From a safety viewpoint, those words can mean the difference between life and death for a worker.

Ideally, thorough training will overcome feelings of panic, leading a worker to stay calm and follow procedures during an emergency.

In reality, that doesn't always happen, even for experienced workers.

For example, a National Transportation Safety Board (NTSB) investigation found a fatal incident at a Union Pacific Railroad worksite in Arizona was the result of an equipment operator's panicked state.

Ground worker maintained proper distance

On Jan. 31, 2021, a Union Pacific tie gang made up of about 50 people and 23 pieces of equipment was placing new crossties on a stretch of track near Vail, Arizona.

A safety briefing was performed before work started and workers were informed of the proper spacing to be kept between ground workers and equipment operators.

The standard distance between machines and workers was 25 feet, but operators of rail-bound track maintenance tampers (TMT) were to maintain 70 feet between the vehicle and ground workers.

That distance was increased due to the visibility limitations for TMT operators.

As work progressed, one TMT operator was following a ground worker who was marking areas where new crossties were to be installed.

Witnesses said the ground worker was maintaining appropriate distance from the TMT.

Failed to sound horn, activate emergency stop

The TMT operator had just tamped a crosstie and was moving to the next location, so he pushed forward on the machine's joystick controls.

Normally, the machine would stop when the joystick was released, but this time the operator felt the TMT wasn't stopping, and that's when he began to panic.

He tried to activate the machine's horn to warn the ground worker, but was unsuccessful. He also failed to remember to push the emergency stop button, which was right in front of him.

In a last effort to stop the machine, the operator pulled back on the joystick and dropped the tamper workheads, effectively stopping the forward motion of the TMT.

But it was too late. The ground worker was found under the TMT. He was airlifted to a hospital where he later died from his injuries.

Machine wasn't malfunctioning

The NTSB investigation found no problems of any kind with the TMT. Investigators verified the operator, who had 19 years of experience, was well-rested on the day of the incident and his drug tests came back negative.

The final verdict:

"The NTSB determines that the probable cause of the accident was the operator's failure to stop the track maintenance tamper's forward movement due to his panicked state before striking the ground worker."

If the machine operator would have relied on his 19 years of experience and training, and kept a clear head, this incident wouldn't have occurred.

He may have realized the machine was working as intended, or at the very least, successfully sounded the horn or remembered to activate the emergency stop.

All of those things would have kept the incident from occurring. But in his panic, these simple functions were completely forgotten.

Read this story online

Exclusive Safety News Alert Guide

10 Ways To Create A Better Safety Culture

This Essential Insights gives you concrete steps you can take immediately to gain buy-in for a no-tolerance-for-accidents safety culture, develop safety leaders, get management and front-line workers thinking safety first, measure your success – and keep everyone safer and happier.

get the guide

Real Life Safety

Was worker's death a freak accident or a result of Supervisor negligence?

"All right, since we're all accounted for here, let's go over the jobs schedule today," said Supervisor Sharon Miller.

"We're putting the gangway together," said Sharon. "Hopefully we can knock it out today but it could take longer than that.

"Once we're finished with the gangway, we can get started working on the crane barge full-time."

"Question!" A hand raised.

"Yes?" asked Sharon.

"How are we moving those pieces?" asked Vincent Salvini, a welder.

"You'll be hoisting the segments into position with the crane," said Sharon, pointing to the equipment. "Then you'll be fitting them together by hand."

"Whoa! Those suckers are too heavy for that!" said Vincent.

"They're 250 pounds each," said Sharon. "All four of you can handle them one at a time.

"Like I said before, if we can't wrap it up today, we'll get it done over the next day," said Sharon.

Welder unhappy about work plan

"That crane is too small for the job," said Vincent. "We'd be better off using other equipment. I remember on this one job where we ..."

Sharon cut Vincent off. "Look at the work space we're dealing with," said Sharon, spreading her arms wide and looking from left to right.

"Where do you see us setting up any more heavy equipment? Even if we did have space, we don't have the time or money to lease new gear.

"The gangway segments are manageable if you work together as a team," said Sharon. "You remember the safe lifting techniques we discussed last week. Right?"

"Yeah yeah," said Vincent. "Squat down, lift with the legs."

Like we don't already know that! Vincent thought, but didn't say out loud.

Concerns turn to reality

Vincent and his crew moved gangway segments into place, and Vincent welded them. As the crane operator swung another piece to be set down, a loud SNAP jolted everyone.

The hook snapped and a platform segment plummeted down. A corner of the piece struck Vincent in the head, knocking him cold.

Continued on next page

Real Life Safety

Was worker's death a freak accident or a result of Supervisor negligence?

Vincent awoke in a hospital bed in sharp pain. The blow caused his eye to recess into his head. He couldn't work and needed pain medications around the clock.

A few weeks later, he accidentally overdosed on pain pills and died.

But not before he began the process of a lawsuit and gave a deposition of what happened the day of his injuries.

Freedom to ask questions, voice concerns is a crucial must-have

The employee who died as a result of his injuries swore he brought up safety concerns but the Supervisor didn't follow through on his suggestions.

Were his concerns valid? Should the Supervisor have halted the project until different equipment was secured?

We'll never know the full answer. If the case ever makes it to trial, a jury will determine how much, if at all, the company dropped the ball.

There are times when employees voice safety concerns and a Supervisor must quickly answer to him or herself internally, Is this a valid concern? Should I check further?

At a minimum, Supervisors should always remember to:

- thank and acknowledge safety feedback from employees
- do a little research if necessary to assuage someone's concerns
- follow up with the person if you can't answer a question immediately, and
- remind people their thoughtful feedback is always welcome and appreciated.

(Based on *Bommarito v. Belle Chasse Marine Transportation*. This case has been dramatized for effect.)

Read more Real Life Safety in your Membership Dashboard

Who Got Fined & Why

Brickmaking workers lacked respirators: Firm fined for dust hazards

OSHA received word that the Continental Brick Company in Martinsburg, West Virginia, wasn't following the crystalline silica standard. Inspectors checked and found workers weren't wearing respirators while around silica dust.

Result: Continental was fined for not providing and requiring workers to wear PPE in areas where there was an overexposure to respirable crystalline silica. The company also didn't implement adequate engineering and work practice controls, conduct scheduled monitoring, establish regulated decontamination areas or make a medical surveillance program available for employees exposed at or above the action level, all of which are requirements of the crystalline silica standard.

Note: Continental Brick faces $131,972 in fines. For info on the crystalline silica standard, go to https://www.osha.gov/silica-crystalline

Sewer trench posed more than one preventable deadly dangers

Trenching safety reminder: A trench may require multiple ladders or pulleys depending on how long it is, and be built with safety boxes, to protect workers from being buried in a cave-in.

What happened: Lanigan Construction was installing sanitation sewer pipes in a 15-foot-deep, 75-foot-long trench in Batavia, Kentucky. It put employees' lives at risk by not installing trench safety boxes to prevent a collapse. Workers also had to walk the full length of the trench to enter or exit because Lanigan failed to provide a safe means of egress.

Result: Those weren't the only trenching violations found at the worksite. Lanigan failed to provide PPE such as hard hats, and move soil more than two feet away from the trench to prevent it from falling back in. All totaled, the safety mistakes cost the contractor $214,636.

Note: To prevent trench collapses and save lives:

- SLOPE or bench trench walls
- SHORE trench walls with supports, or
- SHIELD trench walls with trench boxes

Read more Who Got Fined & Why in your Membership Dashboard

HAZARDS

Report: Loose bolt caused fire, almost $4M in damage

by Merriell Moyer

What's it matter if a piece of equipment has a bolt that's a little loose, a worker may ask? No big deal, right? It is when it leads to a fire and almost $4 million in damages.

The crew of a ferry in Washington's Puget Sound found out why good maintenance matters when a single loose bolt led to an engine room fire and $3.8 million in damages.

There were no injuries, according to a National Transportation Safety Board (NTSB) investigation report, and that was thanks in large part to the crew's professional response to the emergency.

Plastic debris found inside valve

The *Wenatchee*, a 460-foot-long passenger and car ferry, had been taken out of service in November 2020 for engine maintenance.

Specifically, two of its four diesel engines were due for a full overhaul in accordance with the manufacturer's guidelines.

The lead technician had nine years of experience and a second technician who assisted with the overhaul had five years of experience. It was a standard procedure with no reported issues.

In February 2021, the crew performed a dockside engine break-in which saw both engines operated for specific amounts of time while the ferry was docked to monitor for problems following the overhaul.

Shortly after the start of the break-in, one of the engines began to exhibit low oil pressure problems, so the crew stopped the test and inspected the engine.

They found plastic debris from a cigarette lighter inside a valve. Technicians were notified. They cleaned an estimated 70% of the debris from the engine, which was enough to allow for normal operation.

Note: There was no explanation in the NTSB report for why or how a cigarette lighter got into the ferry's engine.

'Red, glowing items' popping out of engine

The engines weren't run again until April 22, 2021, when the ferry was due for a sea trial to verify functionality of all of its engineering systems before returning to regular service.

Thirteen experienced crew members were aboard for the sea trial in Puget Sound, and they

gradually increased the load on the *Wenatchee*'s engines to 100% power while monitoring for problems.

At 1:30 p.m., one of the crew members noticed white smoke coming from the engine room. "Red, glowing items" were "popping out" of the main engine as smoke and debris filled the compartment.

The crew took appropriate action to fight the fire, reflecting their years of training and experience. Their only fault was failing to sound a general alarm since everyone had already been notified of the fire via radio.

They had the fire under control by the time help arrived.

Lighter wasn't the culprit

Engineers inspected the engine room and found a broken connecting rod, part of a piston, and an inspection cover laying on the deck. Inside the engine, part of a piston had fallen down and was resting on top of the crankshaft.

Initially, investigators thought the remaining debris from the lighter was the culprit, but closer inspection of the engine revealed the damage wasn't consistent with that kind of problem.

Based on the condition of several nuts and bolts from the engine's connecting rods and cylinders, investigators determined that a nut on one of the bolts had unfastened while the engine was running.

The loose bolt caused other connecting rods and pistons to become misaligned, which in turn caused other parts to lose lubrication and generate severe heat.

Those high temperatures transferred to other parts which broke free, caused gases to release into the engine room and ignite.

Bolt wasn't torqued properly

All of this because of a single loose bolt, which NTSB investigators said hadn't been torqued to recommended settings. This caused the bolt to vibrate enough to loosen.

The NTSB report mentions that over-torquing can cause a bolt or other fastener to become overstressed and break, so it's best to make sure torque wrenches are properly calibrated and manufacturer torque requirements are followed.

Washington State Ferries, the owner of the *Wenatchee*, has since begun to require secondary verification for critical component installations, assemblies, measurements, cleanliness and testing during maintenance and repair activities.

Three similar incidents investigated by NTSB

This wasn't the first incident of this nature, the NTSB report states.

In 2015, the Carnival Liberty cruise ship experienced an engine room fire due to one inadequately tightened bolt on a fuel injection pump, which caused $1.7 million in damage.

The bulk carrier Nenita grounded after its main engine failed due to three excessively torqued bolts, with damage estimated at $4 million.

An offshore supply vessel, Red Dawn, had an engine failure in 2017 after a connecting rod assembly came loose due to improper tightening of its bolts during an engine overhaul. That incident resulted in almost $1 million in damages.

Good equipment inspections crucial to safety

This sort of incident isn't confined to the maritime industry. Forklifts, construction vehicles, hydraulic presses, trash compactors and all sorts of other equipment are held together by something: nuts and bolts, machine screws, etc.

Imagine if a forklift had extended its mast and picked up a load off a high shelf. Now imagine what would happen if the mast collapsed because a loose or broken bolt finally came free from a critical component.

That's why good maintenance programs are crucial to safety. And that includes the pre-shift or post-shift inspections equipment operators perform.

Those inspections can catch problems in between scheduled maintenance functions and they can be used as another verification method after routine maintenance is completed.

The *Wenatchee* incident occurred during a thorough post-maintenance safety test without any passengers or cars aboard the ferry to make sure nothing tragic would occur during regular operations.

Equipment operators should look at their pre-shift inspections in much the same way. Then, if they notice a loose bolt, hopefully they'll think again before writing it off as nothing to worry about.

Read this story online

You Be The Judge

Fatal fall due to misconduct or safety program failure?

Sharpen your judgment by trying to guess the outcome to this case.

"Pete, I know this whole situation is upsetting – and I hate to revisit it again," said company attorney John Jenkins. "But can we go over this one more time?"

Safety Manager Pete Travers was filled with conflicting emotions over the incident – a fatal fall – and subsequent OSHA citation.

He gathered his thoughts and started over from the top.

Foreman 'spaced out' while writing hazard assessment

"Mike Adamo and another worker were replacing insulation on some pipes at a client's facility," Pete said. "Gary McCabe was the foreman in charge of the project.

"They were working on a mezzanine area about 9 feet above the floor," Pete explained. "The work area wasn't well-lit, but we requested additional lighting from the general contractor and it was provided.

"Gary and his crew were told to work on specific pipes on one portion of the mezzanine," said Pete. "They were to do nothing else unless they got permission from a supervisor."

"But Mike didn't stay in that area?" John asked.

"From what I gathered from Gary and other witnesses, Mike must have strayed off to another part of the mezzanine and fell," Pete said. "He wasn't wearing fall protection. Apparently, none of them were."

"Why weren't they wearing fall protection?" John asked. "Company safety rules require it when working at those heights, right?"

"Yes. Gary's answer to that question was that he 'spaced out' while writing up his job hazard assessment, so he failed to specify the need for it," Pete explained. "Gary was demoted and placed on unpaid suspension."

"You said the company put him on probation as well?" asked John.

"That's right. Six months of probation and a single violation of a safety rule will result in termination – that's company policy," Pete said. "We've never shied away from enforcing our safety rules."

"This was unpreventable misconduct from a supervisor and an employee, Pete," John said. "This OSHA citation won't stand up in court."

Pete's company fought the citation.

Did it win? See the decision on the next page

You Be The Judge

Fatal fall due to misconduct or safety program failure?

The decision

Yes, Pete's company won when an administrative law judge vacated the citation.

OSHA cited the company for failing to protect employees from falls from unprotected edges 4 feet or more above lower levels.

The agency claimed the company had constructive knowledge of the violation through its foreman and that it failed to have work rules in place to prevent such violations from occurring.

The company argued that the foreman and the deceased employee caused the violation through their unpreventable misconduct – they knew the rules but didn't follow them.

As evidence, the company provided its employee handbook, safety manual, training and disciplinary records, and even the video it uses for fall protection training.

The disciplinary records showed that in the year before the incident, the company issued 23 disciplinary write-ups for violations of its fall protection rules and 11 disciplinary write-ups for failure to complete or turn in job hazard assessments.

All of this evidence convinced the judge that the company had a good safety program that was well-communicated and properly enforced.

Analysis: Discipline matters

Writing someone up for violating a safety rule isn't fun, but to have an effective safety program it is necessary.

The company in this case had a good written safety program that ultimately protected it against an OSHA citation.

But discipline and disciplinary records are far more important when looked at from another angle – they can help save lives.

How? By:

- reinforcing the fact that the company cares enough about employee safety to enforce its rules – if the company shows it cares, then employees are more likely to care as well
- offering a chance to coach an employee about safety and why it's in their best interest to follow the rules, and
- potentially revealing an employee's pattern of disregard for their own and other workers' safety.

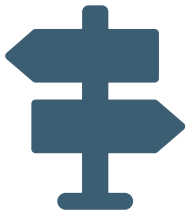
That first write-up and discussion regarding the broken rule could be what makes that policy stick in the employee's head forever after. Unfortunately, in this case, that one time breaking the rule led to the employee's death.

Based on: *Secretary of Labor v. Miller Insulation Co.,* Occupational Safety and Health Review Commission, No. 19-1431, 1/24/22. Dramatized for effect.

Read more You Be The Judge in your Membership Dashboard

What Would You Do?

Can worker with history of seizures do safety-sensitive job?



Manager Mike Kelly had just left his office to begin his morning safety tour when the voice of HR Manager Susan Reynolds rang out over the loudspeaker.

"Mike Kelly, please report to the office," Susan announced.

Mike turned around and went straight to Susan's office.

Good fit but prone to seizures

"What can I help you with, Susan?" Mike asked.

"Sorry I had to call you back in here," said Susan. "I couldn't catch up with you before you walked out.

"I need your opinion on a job candidate," she added. "He's applying for a maintenance position."

"OK," Mike replied. "That's a 'safety-sensitive' position."

"Exactly. And this candidate is a good fit," Susan said. "But during his fitness-for-duty exam it came out that he's prone to seizures.

"I just want a second opinion here, but do you think that would disqualify him from this position?" she asked.

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

He'd put himself, others at risk

From a safety standpoint, the first reaction to Susan's question is probably to say no.

After all, if the worker was operating a forklift, for example, and had a seizure it could result in tragedy.

Giving this worker a safety-sensitive position would put him and other employees at risk, right?

Medication can help

Actually, it depends.

There are medications that can greatly reduce the risk of seizures as long as a patient follows the treatment plan determined by their neurologist.

In this case, and with the doctor's clearance, the worker would be able to perform those safety-sensitive job duties with no additional risk to himself or other employees.

Deviated from treatment

However, if the worker has deviated from the recommended treatment then a company may have the right to deny employment for safety reasons.

For example, in *Pontinen v. United States Steel Corporation*, a worker with a history of seizures filed an Americans with Disabilities Act (ADA) lawsuit against his potential employer for denying him a safety-sensitive position.

The employer wouldn't give him the job because he had three seizures in a short span of time and was diagnosed with a seizure disorder.

While the worker's neurologist had him on a treatment plan that included medication to control the seizures, the worker decided he no longer wanted to rely on the drugs.

Before applying for the job, the worker convinced his neurologist to slowly reduce his medication to the point he wouldn't have to take it at all.

The neurologist was reluctant, but began the process anyway, noting that the worker's seizure disorder was "not well controlled."

All of this came out during the worker's fitness-for-duty examination. Since the worker's disorder couldn't be safely accommodated, the company refused to hire him.

Decision made on objective medical evidence

In court, the worker claimed the company discriminated against him over a perceived disability.

A district court ruled in favor of the company, finding the worker's uncontrolled seizure disorder was a direct threat to himself and others.

On appeal with the U.S. Court of Appeals for the Seventh Circuit, the court found that the company relied on objective medical evidence, including the Department of Transportation's (DOT) physical job requirements, in its reasoning for denying employment.

Government, industry guidelines aren't enough

The appeals court made a point to note that the worker's claims would have been evaluated differently if the company had made its decision entirely on the DOT regulations.

That means employers need to make sure their hiring decisions over safety-sensitive positions don't rely solely on general government or industry guidelines, according to Erin Foley and James Nasiri, attorneys with law firm Seyfarth Shaw.

This kind of a decision "must also be supported by substantial evidence relevant to the specific employee at issue," Foley and Nasiri state.

Read more What Would You Do? in your Membership Dashboard

WORKERS' COMPENSATION

Off-hour crashes aren't comp claims? Think again

by Merriell Moyer

The Kentucky Supreme Court recently demonstrated the limitations of the going-and-coming rule in a ruling in favor of a worker who was injured in a crash on his way home from work.

If a worker gets hurt while traveling from home to work or from work to home, workers' compensation typically doesn't apply because of the going-and-coming rule, but there are some limited exceptions.

One such exception, called the traveling employee exception, applies if the worker's job duties require travel – such as a truck driver or traveling salesperson.

Another is called the service to employer exception, which applies if the injured worker's travel was in some way beneficial to the employer.

Both applied in the Kentucky case.

Trip home wasn't paid for

Austin Ellison was a general laborer for Dee Whitaker Concrete. He would meet other employees at the shop each morning, pick up the tools needed for the day, then travel to a worksite.

They were paid from the time they arrived at the shop until the job was finished at the end of the day, but they weren't paid for their travel time back to the shop.

On the morning of Aug. 4, 2017, Ellison arrived at the shop before getting into a truck to travel to a worksite two hours away.

Off-hour crashes aren't comp claims: Think again

Ellison was a passenger in the vehicle. The truck, which was often used for work, was owned by the employer's son, who was driving the vehicle.

They stopped along the way to eat lunch and fuel the vehicles then continued to the worksite despite the probability of rain in the forecast.

Ellison and his co-workers poured concrete until it began to rain too hard to continue.

Then he got into the same vehicle as before and began the journey back to the shop.

Crash leaves him with lung, spinal injuries

The crew intended to stop for supper along the way, but before they could pull over at a restaurant the vehicle Ellison was in left the roadway and overturned.

Ellison, who wasn't wearing a seatbelt, was thrown from the vehicle and sustained injuries to his face, teeth, ribs, spine and lungs. Later, he underwent several procedures to remove and repair his teeth, including a bone graft, and underwent treatments to alleviate his neck and back pain.

Company: He was carpooling, so his injuries aren't covered

On Nov. 20, 2017, Ellison filed a workers' compensation claim for work-related injuries from the crash.

Whitaker contested the claim, arguing Ellison's injuries weren't covered by workers' compensation since they weren't work-related.

The company said Ellison was carpooling at the time of the crash, so his injuries didn't occur during work time as per the going-and-coming rule.

Travel was required, benefited employer

An administrative law judge found that Ellison's injuries fell within the traveling employee and service to employer exceptions to the going-and-coming rule because:

- his work required travel away from his employer's premises
- the travel was more of a benefit to his employer than it was to him, and
- that travel is what placed him in danger.

Whitaker appealed that decision with the workers' compensation appeals board and the Kentucky Supreme Court. Both found that the judge's decision was correct.

The state's Supreme Court added that while Ellison's carpooling to and from jobsites was convenient for him, it was more beneficial to Whitaker because of the nature of the work.

Having the crew start together at the same time allowed for certain tasks related to pouring concrete to be done more efficiently than if everyone showed up at separate times.

And the Supreme Court stated that the intention to stop for a meal, which never happened thanks to the crash, wasn't enough of a deviation to fall outside of the traveling employee exception.

Read this story online

Who Got Fined & Why

Two 19-year-old electrician apprentices killed: What did OSHA say the company did wrong?

OSHA says an electrical contractor could've done more to bolster workplace safety and possibly saved the lives of two young men just getting started in the trades.

What happened: Pike Electric LLC in Mount Airy, Alabama, was called out to repair a damaged 7,200-volt electric distribution line and restore power after Hurricane Ida walloped the region. Eli Nathaniel Babb and Layton River Ellison, both 19, worked on the power line but didn't clear all jumpers from the power source first. They were electrocuted on the spot.

OSHA fined the contractor for three serious citations:

- not adequately training the young men on recognition of electrical hazards
- provide two observers with first-aid training before letting employees work near 50 volt or higher energized lines, and
- not ensuring power lines were deenergized.

Result: Pike Electric was fined $43,506. The company could face wrongful death and negligence lawsuits

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Read more Who Got Fined & Why in your Membership Dashboard

HAZARDS

Why it's important to notify contract employees of risks

by Merriell Moyer

Multi-employer worksites can make for complicated situations when it comes to safety as there can be confusion over who's responsible for what.

On construction sites, the general contractor is often held responsible for ensuring subcontractors and their employees are on the same page when it comes to safety.

In general industry, depending on the contract, it's often the host employer's responsibility to make sure contractor or temporary employees are at least aware of hazards in the workplace.

Question of control

When it comes to OSHA inspections, workers' compensation claims and lawsuits involving multi-employer worksites, it typically comes down to a question of control.

Which company had the most control of the site? Who had more direct control over the affected employees?

Regardless, companies should find a way to share the details of known worksite hazards and figure out who's responsible for things like PPE and training, before work begins.

Why? Because failing to do so could put contractor employees at risk and get the host employer in legal trouble.

For example, in *Kevin Sinyard et al. v. Ford Motor Company*, Georgia Power Company and Piedmont Hospital, a contractor employee sued three companies for failing to warn him about asbestos exposure at their worksites.

He didn't know much about asbestos

Kevin Sinyard was a pipefitter who worked for 41 different contractors in his 25 years in the occupation. From 1975 to 1989, Sinyard worked on long-term projects at Ford Motor Company, Georgia Power Company and Piedmont Hospital.

Sinyard received jobs through the Local Plumbers, Pipefitters & HVAC Technicians Union 72 in Atlanta.

In the 1970s and early 1980s, the union wasn't training workers on the dangers of asbestos, so Sinyard had very little knowledge of the risks associated with the toxic substance.

At the time he was told only that if he encountered asbestos he should put on a paper mask and wet down the substance to help control dust.

By the late 1980s, Sinyard had learned more about asbestos and realized he'd been exposed to it often during his years as a pipefitter.

Companies' own workers trained

Ford, Georgia Power and Piedmont were just learning of the dangers posed by asbestos in the late 1970s and early 1980s, and all three began to implement safety training on it for their employees at that time.

Sinyard, as a contractor with these companies, didn't receive any of this training.

Equal knowledge?

In 2014, Sinyard was diagnosed with malignant pleural mesothelioma. He and his wife filed lawsuits against Ford, Georgia Power and Piedmont for exposing him to asbestos at their facilities.

A trial court granted summary judgment in favor of the companies, finding that all three were Sinyard's statutory employers and were protected by the workers' compensation exclusive remedy provision.

On appeal with the Georgia Court of Appeals, Sinyard argued in part that his lawsuit should move forward because there were issues of fact over whether he had the same awareness of asbestos hazards as the companies' regular employees.

The appeals court found there was evidence to support Sinyard's argument that the companies failed to properly inform him of known asbestos risks in their facilities.

In court, each company had acknowledged that it:

- was aware of the hazards posed by asbestos during the time Sinyard was at its facility
- had protected its own employees via training and proper PPE, and
- didn't provide the same training or PPE to contractors.

However, each company argued it wasn't responsible for such training for contractors and that Sinyard should have been made aware of the hazard by the union.

Sharing info may have made a difference

Because this presented triable issues of fact, the appeals court allowed Sinyard's lawsuit to move forward.

The evidence led to questions of who had more control over Sinyard's training and who had more knowledge of the risk during Sinyard's time with the three companies.

While this case is ongoing, one thing is for certain:

If each company had shared the information regarding its asbestos hazards with its contractors, Sinyard may not have gotten mesothelioma and the companies probably wouldn't be fighting this court battle.

Read this story online

Worker's sleeve pulled into moving machine: Is facility liable for her injuries?

"It's freezing in here," Rita Crane said, putting on a hoodie sweatshirt. "Can't we do something about that?"

"Yesterday you were complaining how hot it was," Supervisor Shawn White said.

"Yeah," Rita replied. "But I didn't mean we should turn the place into a walk-in freezer."

"The good news is you're going home in 20 minutes," Shawn said. "And you can set the thermostat to whatever you want to there.

"Now let's clean these machines and get going."

Rita grabbed a rag to wipe down the conveyor belt at her work station.

"Remember to put the belt on the slowest setting," Shawn said.

"I know," Rita said. "But it would be much faster if it was on 'medium' instead."

"Please, Rita," Shawn said with a sigh. "Just follow the rules so we can all get out of here."

After wiping the machine down for a minute, Rita went over to the controls and turned the dial up. She wanted to work faster and get going.

But the sleeve of her sweatshirt got caught in the rollers. Suddenly her arm was jerked into the machine.

"Help me!" she screamed.

Hazardous energy program fell short of OSHA regulations

Shawn rushed over and hit the emergency stop button.

Rita pulled her mangled hand out of the gears as co-workers ran to dial 911.

Result: OSHA showed up to investigate, and cited the company for failing to guard machines and failing to control the flow of hazardous energy when workers were cleaning the conveyor system.

The fines totaled $112,000.

Key: If workers are exposed to moving parts while cleaning or maintaining machines, they're at serious risk. Power machines down and control energy sources to keep them safe at these high-risk times.

Before workers maintain or clean machines, make sure:

- Everything is powered down. Energy sources for the machine should be deactivated.
- Machine guards are in place. Workers shouldn't be exposed to any moving parts of the apparatus, and
- Employees are trained. Knowing hazards goes a long way toward preventing injuries.

Based on an accident at Basic Grain Products.

Read more Real Life Safety in your Membership Dashboard

Test Your Knowledge

Sprains & strains: How to recognize and treat them

Sprains and strains are one of the most common workplace injuries.

So how do they happen? Most are the result of improper lifting. Are you prepared to deal with them if someone suffers one on the job? Test your knowledge of sprains and strains by answering ***True*** or ***False*** to the following questions:

Check answers on the next page

1 **TRUE OR FALSE:** To treat a sprain or strain, it's best to place ice on the injured area for at least 30 minutes.

2 **TRUE OR FALSE:** Strains are injuries to a tendon, the tissue that connects muscles to bone.

3 **TRUE OR FALSE:** The easiest way to prevent sprains and strains is to prepare for a job before anyone starts working.

4 **TRUE OR FALSE:** Muscle spasms, bruises and stiffness are all signs of a strain.

Go to the following page to see if you are correct.

Test Your Knowledge

Answers from previous page

1 **FALSE:** The sprained or strained area should only be iced for 20 minutes at a time, four to eight times per day. Any longer than that can lead to frostbite or other cold injuries.

2 **TRUE:** Strains are tendon injuries that usually occur in the back, upper thigh and elbow. Sprains are injuries to ligaments and usually happen in the ankle, knee and wrist.

3 **TRUE:** Preparation reduces the chance someone will suffer a sprain or strain. To prevent sprains and strains, have workers stretch for five to 10 minutes before each shift. Also remind them to plan how they're going to lift heavy boxes and objects before they start the job.

4 **TRUE:** Muscle spasms, bruising and stiffness are symptoms of both sprains and strains. Very rapid bruising is a sign of a sprain.

Read More Test Your Knowledge in your Membership Dashboard

about Safety News & Training Alert

Safety News & Training Alert, part of the **Success*Fuel*** Network, provides the latest Safety and employment law news for Safety professionals in the trenches of small-to-medium-sized businesses. Rather than simply regurgitating the day's headlines,

Safety News Alert delivers actionable insights, helping Safety execs understand what Safety trends mean to their business.

But we don't stop there.

Our editors read and vet hundreds of sources and hand-select the most relevant, practical content. Then we add our seasoned perspective and deliver actionable insights to help you understand what today's trends mean for your business.

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