



Wiring a green tomorrow



Joint Safety Committee  
Oregon Pacific-Cascade Chapter, NECA  
IBEW Local 280

Thursday February 23, 2023

Meeting Minutes

Roll call: meeting called to order, In-person and Zoom

Approval of previous Meeting Minutes

**Communications**

ITA Submission (3/2/23)

2023 Innovative Safety Committee application

Safety Break Oregon-T-shirts sizes

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

OSHA 2023 Outlook- enforcement, additional inspectors

NFPA 70E- 'qualified person' vs 1910.333

OSHA IBI citations changes- what does it mean?

**OSHA Injury/Incidents (Jan-Jun)**

Recordable

280 Pulling action, muscle strain, MD

280 Kneeling, muscles strain, Knee, MD

First Aid/Near-miss

Cut finger, cutting strips of Velcro, no gloves

Cut arm, cutting cable tray, no long sleeves

Wrist twist, drilling concrete with rebar, body placement

**Class Schedule-**Posted online.

**Next Meeting** March 23, 2023

**Adjournment**

March 23, 2023

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Elias Campbell-CHST  
Touchstone Consulting-Consultant



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Joint Safety Committee  
Oregon Pacific-Cascade Chapter, NECA  
IBEW Local 280  
Thursday March 23, 2023  
Meeting AGENDA

Roll call: meeting called to order, In-Person and Zoom

Approval of previous Meeting Minutes

**1.0 Communications**

- 1.1 2023 Innovative Safety Committee application
- 1.2 Confined Space policy- Language update on assessment- Who, When

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

- 2.1 Ladders- 3 points contact, 3' rule.
- 2.2 4-day workweek
- 2.3 Attracting Top Talent- Outreach, social media (Tik-Tok), Message?
- 2.4 Active Shooter

**3.0 OSHA Injury/Incidents (Jan-Jun)**

Recordable

- 3.1 280 Pulling action, muscle strain, MD
- 3.2 280 Kneeling, muscles strain, Knee, MD
- 3.3 280 Slip, muscle strain, chest, MD
- 3.4 659 Stuck-By, Shock to hand, LT
- 3.5 659 Struck-By, Drill handle, broken finger, LT

First Aid/Near-miss

- 3.6 Cut finger, cutting strips of Velcro, no gloves
- 3.7 Cut arm, cutting cable tray, no long sleeves
- 3.8 Wrist twist, drilling concrete with rebar, body placement

**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 27, 2023**



POWERFUL TRADITION ELECTRIFYING FUTURE  
OREGON PACIFIC-CASCADE CHAPTER

# **Safety Meeting Packet**

## **March 2023**

1040 Gateway Loop, Suite A ♦ Springfield, OR 97477

541-736-1443 Office ♦ 541-736-1449 Fax

## 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	103,945	1	103,945	103,945										
280	Inside Appr.	33,080	1	33,080	33,080										
280	MAI	0	1	0	0										
280	Material	11,230	1	11,230	11,230										
280	Residential	7,215	1	7,215	7,215										
280	Resi. Appr.	4,753	1	4,753	4,753										
280	S & C	17,028	1	17,028	17,028										
280	S & C Appr.	4,879	1	4,879	4,879										
280	Support Tech/MOU	17,393	1	17,393	17,393										
TOTAL 280		199,523	1	199,523	199,523	0	0	0	0	0	0	0	0	0	0
Total NECA		180,657	1	180,657	180,657	0	0	0	0	0	0	0	0	0	0
% NECA		90.54%			90.54%	#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	18,216	1	18,216	18,216										
659	Inside Appr.	9,251	1	9,251	9,251										
659	Material	930	1	930	930										
659	Residential	634	1	634	634										
659	Resi. Appr.	287	1	287	287										
659	S & C	953	1	953	953										
659	S & C Appr.	228	1	228	228										
Total 659		30,499	1	30,499	30,499	0	0	0	0	0	0	0	0	0	0
Total NECA		24,825	1	24,825	24,825	0	0	0	0	0	0	0	0	0	0
% NECA		81%			81%	#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	8,218	1	8,218	8,218										
932	Inside Appr.	3,957	1	3,957	3,957										
932	Residential	114	1	114	114										
932	Resi. Appr.	0	1	0	0										
932	S & C	486	1	486	486										
932	S & C Appr.	0	1	0	0										
Total 932		12,775	1	12,775	12,775	0	0	0	0	0	0	0	0	0	0
Total NECA		10,320	1	10,320	10,320	0	0	0	0	0	0	0	0	0	0
% NECA		81%			81%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

Grand Total		242,797	1	242,797	242,797	0	0	0	0	0	0	0	0	0	0
Total NECA		240,627	2	120,314	215,802	24,825	0	0	0	0	0	0	0	0	0
% NECA		99%			89%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!



# **Safety Training Topics**

April 2023

Injury Prevention – Back

Injury Prevention – Ears

Injury Protection – Eyes

Injury Protection – Hands

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# SAFETY TRAINING TOPIC

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## Injury Prevention – Back

### THE BASICS OF THE BACK

The back is essentially a collection of small bones stacked one on top of the other. These bones stay in place because of connective tissues and muscle contraction. Not all of the protective muscles are in the back itself, though.

Computer models have shown the spine, its connective tissues, and the back muscles working together cannot support lifting the kinds of loads electricians lift during the course of their work. The force that prevents the spine from snapping is intra-abdominal pressure, which comes from the abdominal muscles.

Of all the abdominal muscles, it is the *transversus abdominus* that makes the most contribution to preventing back injury. For this muscle to do that job, however, you must follow the traditional boot camp admonition to "suck in your gut." When lifting something heavy, you should contract this muscle. If this muscle is relaxed, the load typically shifts to the lower back muscles and overloads them.

Another muscle that keeps the spine safe is the *recti abdominis*. This is the muscle that allows you to rotate your trunk. When doing heavy lifting, don't rotate your trunk; rotating reduces the contribution that the *recti abdominus* makes to support your spine. The lower back usually has to make up for what the *recti abdominus* can't do.

### PROPER LIFTING

Assess the load. If it is too heavy or awkward to lift safely, ask for help to lift it. This may include using lifting equipment.

Assess the terrain. Don't try to lift a heavy object if you must do so on an unstable or slippery surface. The presence of gravel, water, oil, metal chips, saw dust, or other debris is a good indication that lifting is unsafe until the location is cleaned or you can move the object to a safe location for lifting.

Look for handholds. If there aren't any, consider using a lifting strap.

Lift the object by opposite corners, rather than opposite sides, whenever possible. This reduces the likelihood the load will tilt on you.

Always keep your back straight when lifting. Remember: stomach in, shoulders back. You should feel your abdominal muscles tighten.

To lift an object off the ground, squat down. Allow your legs to do the work. Position yourself so your knees are not past your toes, to avoid knee injury. Position your feet on either side of the load so you are straddling the load.

Under ideal conditions, a male electrician in good physical condition should be able to safely lift a box weighing half his lean body weight. Subtract twice the poundage of your body fat from the amount of your weight to determine the maximum you should attempt to lift under ideal conditions. The average 30-year old male American has 25% body fat. *Example:* if you are 6 feet tall and weigh 170 pounds, you likely have 45 pounds of fat. Subtract 80 pounds from 170. You should safely be able to lift a 45 pound box from the ground to chest height under ideal conditions, but don't assume you always can. Keep in mind that lifting involves many variables and you may not be able to safely lift something even if it isn't very heavy. Pay attention to the lift.

Do not lift and twist. It is better to lift the object, set it down, rotate it, and lift it again rather than tap those *recti abdominus* muscles for rotation during the lift. They may not have the horsepower you need to protect your spine. If you must move the object during a lift, do so by pivoting on your feet and leaving your hips and back straight. This is a motion used in military drills and basketball- you may wish to practice it.

Start each lift slowly. If something doesn't feel right, stop. If lifting with a partner, tell the partner you can't do the lift, and then set the weight down. Re- assess the situation and get help if in doubt.

Lift as close to the body as possible.

Remember that you are being paid for your ability to apply electrical knowledge, not for how much you can lift. There is wisdom, not shame, in knowing your limits.

## **DEMONSTRATION**

Have a crewmember lift the box with spine bent, stopping in mid-motion- have another crewmember help support this person's back during the demonstration. Have the other crewmembers take note of where the stress must go during the lift, looking along the spine.

Have a crewmember lift the box properly. Have crewmembers take note of where the stress is now. Point out that the body is essentially a spring between the load and the earth.

## **REVIEW AND DISCUSSION**

- Can the spine and back muscles support heavy loads?
- Where does intra-abdominal pressure come from, and what does it do?
- What is the boot camp admonition you should remember when lifting?
- What should you do if you must rotate a load during a lift?
- Does it matter what you're standing on when you lift? What does this mean?
- What if the object doesn't have handholds?
- If you calculate your maximum safe lift, is it always safe to lift that much?
- What should you do if something doesn't feel right in the lift?
- Where should the load be in relation to the body?
- What is it you are really being paid to do?

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# SAFETY TRAINING TOPIC

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## Injury Prevention – Ears

### WHY THIS IS IMPORTANT

Hearing loss is a major preventable health problem.

Damaged hearing reduces your ability to communicate on the job, and it results in social and marital problems.

There is no sense in leaving yourself open to a personal loss.

### FALSE ASSUMPTIONS

Many of us assume that wearing foam ear plugs when the sign tells us to "wear hearing protection" is all we need to do to protect our ears. This isn't true. Ear plugs are just one form of ear protection, and areas with signs requiring hearing protection are just one situation where you should wear ear protection.

Many of us assume hearing protection and ear protection are the same. This isn't true. Ear protection is more inclusive than hearing protection, but ear protection equipment doesn't necessarily provide hearing protection and vice-versa.

Many of us assume hearing loss is a natural result of aging. This isn't particularly true. Hearing loss due to excessive noise is preventable.

Many of us assume we can always get a hearing aid, so hearing loss isn't important. This isn't true. Hearing aids do not provide the same quality of hearing that undamaged ears do.

Many of us assume that if we have passed a hearing test we don't need to worry about our hearing. This isn't true. Hearing tests don't catch damage until it has happened, and standard hearing tests are not comprehensive enough to catch all damage that does occur.

### HEARING PROTECTION

Wear hearing protection whenever you must raise your voice to carry on a normal conversation.

Wear hearing protection whenever you are around machinery that could start without notice and alarm systems that are likely to go off.

You should wear hearing protection whenever the noise levels exceed OSHA limits on or off the job. Damage can occur even when you are having fun.

Wear hearing protection any time you operate a firearm.

Personal hearing protection includes rollable foam plugs, molded plugs, over the ear muffs, or other devices.



Do not wear ear plugs if you are at risk for an arc blast. The concussion could drive those plugs into your ears and render you permanently deaf.

Environmental hearing protection includes noise shields, soundproofing, restricted access, and closed doors. If you find any of this hearing protection damaged or not functioning properly, report that to your foreman.

Noise isn't the only thing that can damage the inner ear.

Be careful when blowing your nose. In addition to damaging your inner ear, excess pressure can rupture your nasal membranes. There isn't much between them and your brain.

If you are congested, drink plenty of water. Also, take a decongestant to alleviate ear pressure. Because antihistamines have a hangover period, you should take them early enough that the medication's effective time ends two hours before you start work or operate a motor vehicle. For example, take a 4-hour antihistamine no less than 6 hours before you must be alert.

## **OUTSIDE EAR PROTECTION**

Your outer ear does not have great blood flow, and is in an exposed location if your hair isn't growing over it. It is prone to both sunburn and frostbite. It's a prime location for the start of skin cancer, as well.

In summer, apply sunscreen to your ears and nose to prevent sunburn and to reduce the likelihood of skin cancer. Even if you are a person of color, sunscreen will help you in this regard.

A winter hardhat liner provides added cold weather protection for your outer ear.

You may need to supplement your winter liner with a cotton headband around your ears. Do not wear polyester or other synthetic fabrics.

Do not wear a winter knit cap unless you expand your suspension system to allow room for it and the hardhat is still secure with the hat under it. Never wear anything between your suspension and your liner.

## **REVIEW AND DISCUSSION**

- What are some reasons ear protection and hearing protection are important?
- Are hearing protection and ear protection the same?
- Is hearing loss a consequence of aging, or is it preventable?
- Should you preserve your hearing or just plan on getting a hearing aid?
- If you passed a hearing test, are your ear protection worries over?
- When should you wear hearing protection?
- What are forms of personal hearing protection?
- What are forms of environmental hearing protection?
- What are steps you can take to prevent hearing loss?
- How can you protect your outer ears?

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# SAFETY TRAINING TOPIC

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## Injury Protection – Eyes

### BACKGROUND

Electrical work is highly visual. Without your eyesight, you cannot do the job you were trained for.

It is the rare eye injury that wasn't preventable.

Eye injury prevention is painless, easy, and inexpensive. Eye injuries are painful, difficult, and expensive.

### EYE HAZARDS AND PREVENTION

Flying particles, shrapnel from striking an object, grinding dust, elbows, tools, and other objects can easily destroy one or both eyes. You can easily protect your eyes by wearing standard safety glasses as soon as you arrive on the job site. A face shield may also be necessary.

Vapors, paint, chemicals, acids, caustics, splashing hazards and the like can easily cost you your eyesight. You can easily prevent this by wearing goggles.

Arcs from welding can burn your retina, and such damage is permanent. You can prevent such damage by averting your gaze and leaving the area or wearing the proper lenses if you must watch the weld.

PPE is a last line of defense, but one you should always use. Other methods of eye protection include machine guards, distance requirements, and work methods that reduce the likelihood of eye dangers.

When using a multimeter, connect and disconnect it one lead at a time to prevent an arc flash or arc blast.

### IMPROPER PPE

Wearing night vision lenses during the day increases the damage from an arc flash.

Wearing dark lenses in normal lighting simply reduces your ability to see what you are doing or where you are going, thus making you a hazard to yourself and others.

A face shield is not a substitute for safety glasses, nor is a pair of safety glasses face protection.

Glasses without side shields provide front-on protection, only. If you are walking through an area with eye hazards, these glasses are insufficient.

## **SAFETY GLASS CARE**

Many people remove their safety glasses "to see better" or "because I'm doing panel work." The implication here is that the glasses inherently reduce visual capacity. They do not. A projectile into the eye does reduce visual capacity. Any loss of visual capacity with the glasses on is due to improper care of the glasses.

Do not take your glasses on and off during the day. Leaving them on means they won't be rubbing on table tops, floors, and other abrasive surfaces. It also means they will be protecting your eyes full-time.

Clean lenses with lens cleaning papers, only. Wiping a lens on your shirt can easily scratch it.

When you are finished using your glasses for the day, put them in a glasses case - not in your toolbox where they can get scratched.

## **REVIEW AND DISCUSSION**

- Can safety glasses provide very much protection to hard-boiled eggs?
- Can safety glasses provide *very* much protection to your eyes?
- How important is your eyesight to doing the job you were trained to do?
- Are most eye injuries unpreventable?
- Just as eye injury prevention is painless, easy, and inexpensive, what are eye injuries?
- How can you easily prevent injury from flying particles?
- How can you easily prevent injury from chemical splash?
- How can you prevent injury from arc flash?
- What are some issues with improper PPE?
- What are some concerns about caring for your safety glasses?

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# **SAFETY TRAINING TOPIC**

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## **Injury Prevention – Hands**

### **WHY THIS IS IMPORTANT**

The type of work you do requires dexterity and coordination with your hands.

Your hands need strength to climb, hold tools, and carry materials.

Hand injuries are often debilitating, disfiguring, and painful.

The hand is made up of connective tissue and many small bones. It is a true marvel of nature, but easily damaged.

### **IMPACT INJURIES**

To prevent smashing your fingers when using a hammer, use needle-nose pliers to hold the nail or other object you are hammering.

Never put your hand in front of the business end of a power tool, pneumatic tool, or powder-actuated tool unless it is disconnected from its energy source.

Don't use the heel of your hand for striking a chisel, screwdriver, or other tool. You are likely to bruise your hand and strike something-perhaps your other hand-with the tool.

### **CRUSHING INJURIES**

To prevent crushing your hand when moving a cabinet or other heavy object (such as a control cabinet) into position, place a 2x4 between the object and the wall.

When setting a heavy object into place, do not put your fingers under it for lifting purposes. If you find this unavoidable, put a 2x4 or several 2x4s on the surface where the object will sit. For example, if you are lifting a motor onto a pedestal, use boards to allow your fingers somewhere to go.

### **ELECTRIC ARC**

Wear appropriate rubber gloves and outer gloves appropriate to the voltage you are working on.

Do not grab a ground rod with your bare hands-it may be carrying fault current. If you grab it, you become a parallel circuit and the electricity will follow Kirchoff's Law.

Observe clearances based on voltage level.

Use insulated tools when working in or near live circuits. One little slip is all it takes.

### **PUNCTURES AND SLICES**

Wear work gloves when working with sheet metal.

Wear work gloves when using punches, knockouts, and drills.

Clean metal shavings with a brush, rag, or vacuum, not with your hand.

De-burr any holes you make. De-burr any raceway you cut, even if it's plastic.

Follow this simple rule: "Don't put your hands where they shouldn't be."

## **REPETITIVE MOTION**

Change up the way you perform tasks. For example, don't always use your right hand when you plug things in. Use your left hand to operate a computer mouse.

Vary your tasks throughout the day.

Stretch your hands. Grasp all the fingers of one hand and gently pull them back toward your wrist. Then, do the other hand.

The primary risk factor for repetitive motion disorder is not repetitive motion. It is poor physical condition. Most electricians have above average upper body development, but if you are experiencing pain in your hands and arms consider a program of exercise directed toward improving your overall physical condition.

## **GENERAL HAND CARE**

Keep your skin moisturized. Dry skin tends to crack and let bacteria in. However, use moderation. You don't want to be doing electrical work with hands that are wet with skin conditioner. See your doctor or a dermatologist if you need clarification.

Keep your nails trimmed, but not cut to the root. You can remove grease from under your nails by soaking-don't do so by digging or you can cause an infection.

Wear gloves to keep your hands warm when the ambient temperature is low. Frostbite can permanently diminish the use of your hands. So can weather that is cold but above freezing.

## **REVIEW AND DISCUSSION**

- Why is it important to take care of your hands?
- How can you prevent the old hammer and thumb game from playing out?
- Why should you not use your hand as a makeshift hammer?
- How can you prevent crushing injuries?
- What should you wear to prevent arcing injuries?
- Why should you never grab a ground rod?
- When should you use insulated tools?
- What are some rules for preventing cuts?
- What are some tips on preventing or taking care of repetitive motion injuries?
- What are some general tips for hand care?

# News & Training SafetyAlert

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March 2023

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## Companies' failure to follow safety policies has dire consequences




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March 2023


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
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# News Briefs

## Safety Stories You Might Have Missed

### Judge dismisses class action against Amazon over quotas, older employee safety

January 30, 2023

A U.S. magistrate judge dismissed a proposed class action filed against Amazon that claimed the company's warehouse production quotas counted as discrimination against older employees.

On Jan. 27, the judge found the 2021 lawsuit was too vague and didn't identify specific discriminatory policies, according to Reuters.

The lawsuit said that Amazon warehouses require each employee to move 150 to 300 items per hour, depending on their job duties. Disciplinary action can be taken if quotas are missed.

Because "workers 49 and older are more susceptible to injuries, including those resulting from highly repetitive motions, the quotas amount to age discrimination in violation of California law," the lawsuit claimed.

The judge found it would be improper from a legal standpoint to infer that older workers are more likely to be injured merely because of their age.

The company has come under scrutiny by federal and state regulators recently because of high injury rates within its warehouse facilities.

Amazon, which faces up to \$60,000 in fines, has said it invests hundreds of millions of dollars annually to ensure worker safety.

[Read the story online](#) 

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### New York considering bill that would include Lyme disease under workers' compensation

January 31, 2023

New York state is considering making Lyme disease and other tick-borne illnesses an occupational disease for workers' compensation purposes.

If adopted, SB S3117 would ensure workers' compensation coverage for disability caused by or connected to Lyme disease and other tick-borne diseases while performing work involving outdoor activity or the treatment of animals.

The bill's sponsors said they want Lyme disease and other tick-borne illnesses to fall under workers' compensation because:

- Lyme disease is a lifelong illness that's exacerbated unless treated
- these diseases are generally hard to diagnose since symptoms mimic those of other common illnesses and can lead to misdiagnoses, and
- chronic Lyme disease is still not fully recognized by many infectious disease doctors.

Further, New York "remains one of the states with the highest incidence of Lyme disease" and the state has begun "to experience longer and more severe tick seasons, with the majority of tick-to-human bites occurring in the warmer months when ticks are most active and when more people are outdoors for recreation or work."

[Read the story online](#) 

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## Court: Worker can collect workers' compensation from unwitnessed fall due to dizzy spell

February 2, 2023

An injured worker who fell at work from a dizzy spell brought on by high temperatures can collect workers' compensation benefits despite the incident being unwitnessed, according to an appeals court.

Kimberly Woolford worked part time as a server for Bob Evans Farms. On May 26, 2019, Woolford injured her right knee at work when she got dizzy and lost her footing, which caused her to fall.

Woolford claimed she had become dizzy while walking between the kitchen prep area and the breakroom because she was overheated. She claimed that the restaurant's air conditioner wasn't working properly on what was a warm day.

The hospital took an x-ray and noted that she had a fractured knee. An MRI that was taken later revealed that her right knee was broken with fragments.

Woolford was told to stay out of work while she recovered, which led to her filing a workers' compensation claim.

A claims administrator rejected her claim and her request for an orthopedic referral on June 6, 2019.

The Office of Judges upheld the claims administrator's decision on Nov. 18, 2020, reasoning that because Woolford said her injury didn't stem from a slip or trip and was unwitnessed her account of the incident wasn't persuasive.

A May 24, 2021, decision by the Board of Review overturned the Office of Judges' decision, finding the claim was compensable and granting the requested treatment.

On appeal with the West Virginia Supreme Court of Appeals, the court agreed with the Board of Review decision.

The court said that "for an injury to be compensable it must be a personal injury that was received in the course of employment, and it must have resulted from that employment." In Woolford's case, all of the medical evidence pointed toward an occupational right knee injury and her employer submitted no evidence refuting her testimony, which meant there was no reason to deny her claim.

[Read the story online](#) 

## Researchers find that apprenticeship training can lead to fewer workplace injuries

February 3, 2023

Researchers in Washington have found that journey level plumbers who went through apprenticeship training have fewer work-related injuries and workers' compensation claims.

The state's Safety and Health Assessment and Research for Prevention Program found that journey level plumbers certified between 2000 and 2018 with no apprenticeship training were 46% higher for total workers' compensation claims compared to rates among those who had completed a plumbing apprenticeship.

Those with no apprenticeship training were 60% higher for disability claims.

Apprentice graduates experienced a greater decline in the rate of total claims between the five years preceding their certification and the years after their certification.

The researchers said they began this study knowing that workplace safety was an important component of apprenticeship training, but they wanted to know if that training resulted in fewer work injuries.

To find out, they linked Washington's registered apprenticeship data, plumber certification data, employment data and workers' compensation claims to compare claim rates among journey level plumbers by apprenticeship participation.

After reviewing the data, they concluded that "successful completion of a plumbing apprenticeship program is associated with fewer work injuries throughout the career of a journey level plumber."

They found that "apprenticeships appear to play a key role in reducing work injuries among journey level plumbers, especially acute injuries."

[Read the story online](#) 

## CSB supports EPA enforcement initiative, urges agency to target hydrofluoric acid processes

February 6, 2023

The U.S. Chemical Safety and Hazard Investigation Board (CSB) announced Feb. 3 its support of an ongoing federal enforcement initiative it would like to specifically target potential hydrofluoric acid releases.

This initiative, called Reducing Risks of Accidental Releases at Industrial and Chemical Facilities, was begun by the Environmental Protection Agency (EPA) in 2017. The CSB said it wants to see the initiative extended into the fiscal year 2024 cycle.

The CSB wants this initiative to continue because of the board's "experience in investigating incidents involving the release or potential release of highly toxic hydrofluoric acid (HF) – and concerns about the potentially catastrophic consequences of an HF release."

Specifically, the CSB wants the EPA enforcement initiative to prioritize inspections of fluid catalytic cracking (FCC) units in refineries that operate HF alkylation units.

Three CSB investigations prompted the board's support for the EPA enforcement initiative, including the:

- 2019 fire and explosions at the Philadelphia Energy Solutions (PES) Refinery
- 2018 Husky Energy Superior Refinery Explosion and Fire, and
- 2015 ExxonMobil Torrance Refinery Explosion.

All of these were near-miss incidents involving potential HF releases from alkylation units that could have resulted in major catastrophes, the CSB said in its letter of support for the EPA initiative.

[Read the story online](#) 

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## Cal/OSHA COVID-19 non-emergency regulations now in effect

February 6, 2023

Cal/OSHA's COVID-19 Prevention Non-Emergency Regulations that require California employers to protect workers from COVID-19 hazards are in effect as of Feb. 3, 2023.

The new regulations are in effect through Feb. 3, 2025, with recordkeeping requirements in effect through Feb. 3, 2026.

California employers should note that:

- COVID-19 workplace measures may be addressed within their written Injury and Illness Prevention Program (IIPP) or in a separate document
- the definition of "close contact" is determined by looking at the size of the workplace based on an order of the California Department of Public Health (CDPH)
- the infectious period is defined by an order of the CDPH
- employers must make COVID-19 testing available at no cost and during employees' paid time, regardless of vaccination status, and
- for indoor locations, employers must review applicable CDPH guidance and implement effective measures to prevent transmission through improved filtration or ventilation.

Cal/OSHA is in the process of updating its resources to provide guidance in understanding the new regulations. The current COVID-19 Prevention Resources webpage contains a fact sheet that describes the regulations, has an FAQ resource and an updated model program.

[Read the story online](#) 

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## Can he get workers' compensation benefits for knee pain that doctors say may be arthritis?

February 7, 2023

A worker with ongoing knee pain can continue to pursue workers' compensation benefits since the evidence wasn't clear on whether his condition was caused by a pre-existing condition or his work injury.

Mark Ferrell was employed by Northwest Hardwoods. On March 20, 2013, while he was working, a strong wind blew a piece of tin into his leg and knocked him down.

Ferrell was diagnosed with a left knee contusion. He filed a workers' compensation claim and the injury was held compensable on April 2, 2013.

However, Ferrell continued to experience persistent pain in his left knee. He was evaluated by a doctor on Feb. 11, 2014, and had to undergo arthroscopic surgery on his left knee one month later.

A claims administrator denied the request on May 31, 2019. Ferrell contested the denial while continuing to undergo treatment for his pain.

Ferrell underwent an independent medical examination on Jan. 9, 2020. The independent doctor found there was no causal connection between Ferrell's ongoing pain and his 2013 work injury. Instead, she diagnosed pre-existing bursitis and osteoarthritis.

On Oct. 9, 2020, the Office of Judges found that Ferrell failed to show by a preponderance of evidence that the requested diagnoses should be added to his claim. The Office of Judges also denied the addition of left knee pain as a diagnosis because pain is a symptom, not a diagnosis.

On appeal, Ferrell argued that he had complained of left knee pain since his work-related injury on March 30, 2013, and there was no evidence that he'd ever been diagnosed or treated for bursitis or osteoarthritis prior to the date of injury.

Since the evidence raised a possible inference of causation between Ferrell's work injury and his diagnosis of bursitis and osteoarthritis, the court reversed the denial of benefits. The court remanded the case to the Board of Review for further review.

[Read the story online](#)

## Labor Secretary Marty Walsh steps down, takes leadership role in NHL players' union

February 8, 2023

Marty Walsh, the current head of the U.S. Department of Labor (DOL), is expected to step down from his position in the near future.

NBC News reports that Walsh is taking a new position as the head of the National Hockey League Players Association (NHLPA).

Walsh would take over the NHLPA from Don Fehr, who has held the job since 2010, and in advance of the next collective bargaining agreement fight in 2026.

A hockey news website, Daily Faceoff, first reported the news of Walsh's departure.

Walsh, a former Boston Mayor and leader at the Laborers' Union Local 223, had been confirmed as the Secretary of Labor in March 2021.

In 2016, as Mayor of Boston, Walsh filed an ordinance to give the city the right to deny, revoke or suspend a work permit based on the applicant's OSHA history.

Walsh's proposal came shortly after two workers were killed in Boston when a trench they were working in flooded. The workers' employer had been cited previously by OSHA for safety violations.

[Read the story online](#)

## Feds looking for comments on automated driving systems in commercial vehicles

February 8, 2023

Employers who may be considering the use of commercial motor vehicles with automated driving systems (ADS) take note: The Federal Motor Carrier Safety Administration (FMCSA) wants to hear from you.

On Feb. 1, the FMCSA published its supplemental advance notice of proposed rulemaking on Safe Integration of Automated Driving Systems (ADS)-Equipped Commercial Motor Vehicles. This rulemaking includes a request for public comment about factors that the agency should consider when amending its regulations to include

ADS-equipped commercial motor vehicles, according to law firm Hogan Lovells.

The focus of the notice is on Level 4 and 5 ADS-equipped vehicles, which control all aspects of the dynamic driving task without any human intervention.

FMCSA adopted the levels of automation from SAE International's J3016, according to the notice, and noted that ADS-equipped vehicles pose additional safety risks that require either modification, or adoption, of new standards.

Comments are due March 20, 2023, and can be submitted online [here](#).

[Read the story online](#) 

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## OSHA revises its site-specific targeting inspection plan to use updated injury/illness data

February 9, 2023

Federal OSHA updated its site-specific targeting (SST) inspection program to use Form 300A injury and illness data that's more current than what was used in the previous iteration of the program.

The SST inspection program is OSHA's main site-specific programmed inspection initiative for non-construction workplaces that have 20 or more employees.

This program uses "objective data from injury and illness information provided by employers" through the annually submitted Form 300A. Employers must submit their Form 300A data before March 2 this year.

The SST program "helps OSHA achieve the goal of ensuring that employers provide safe and healthful workplaces by directing enforcement resources to those workplace with the highest rates of injuries and illnesses."

In January 2023, OSHA stated that it's changing its enforcement guidance to "target employers who put profit over safety."

[Read the story online](#) 

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## 2 smoothie franchisees in hot water for allowing teen workers to operate trash compactors

February 9, 2023

Investigations by the U.S. Department of Labor (DOL) Wage and Hour Division found that two operators of Tropical Smoothie Café franchisees in Tampa, FL employed teen workers in hazardous jobs.

Both owners allowed minors to load powered trash compactors, a job considered hazardous under the Fair Labor Standards Act (FLSA).

JAB Adventures Inc., the operator of eight Tampa-area franchise locations, allowed workers under the age of 18 to load a trash compactor while the keys were inserted and the machine was in the "on" status, according to investigators.

The franchisee also allowed 11 teen employees, ages 14 to 15 years old, to work more than 18 hours during a school week, before 7 a.m. or after 7 p.m. on a school day and more than 40 hours during non-school weeks, all in violation of the FLSA.

These violations led to a fine of \$10,054.

A separate investigation of Three Grls LLC, operator of seven Tampa-area franchises, found that the franchisee allowed a 15-year-old to load a trash compactor. It also allowed 11 teen employees to work more than three hours on a school day and more than eight hours on a non-school day.

Three Grls LLC received \$10,564 in penalties for the child labor violations.

These investigations are part of an ongoing cross-regional food services initiative in the southeast U.S. by the Wage and Hour Division.

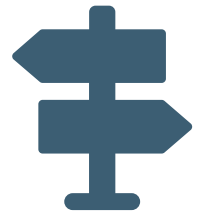
In fiscal years 2020 and 2021, the agency's Southeast region found child labor violations in more than 190 food service employers investigated, resulting in more than \$1 million in penalties assessed to employers.

More information on the FLSA and child labor laws can be found [here](#).

[Read the story online](#) 

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# Is worker's brief lapse of situational awareness really a serious near-miss incident?



As Manager Mike Kelly made his way into manufacturing during a safety walk, he saw Rachel Cochran, a forklift operator, taking a pallet of materials to resupply a production machine.

After unloading the materials from the pallet, Rachel got back on her forklift and began to back it out of the area next to the equipment, turning the vehicle as she did so. As Mike watched, Rachel seemed to lose control of the forklift, which had begun to accelerate too quickly.

Before he could call out to her, Rachel slammed on the brakes, causing the forklift to stop suddenly and the empty pallet to clatter loudly on the forks.

Once the forklift was stopped, Mike ran over to check on Rachel, who was visibly shaken.

"Are you OK?" Mike asked.

"Yeah," Rachel said, her voice quavering. "I'm alright."

"Do you need a moment?" asked Mike.

"No," she answered. "I'm fine."

### 'I zoned out, I guess'

"Then can I ask what happened? It looked like you lost control while making that turn," Mike said.

"I don't know," Rachel said. "One minute I'm backing up and then the next I just suddenly lost focus. I zoned out, I guess."

"Zoning out isn't a good thing when you're operating a forklift," Mike said. "That lift could've tipped over

or you could've hit someone. I'm going to have to write this up as a near-miss incident."

"I wasn't being reckless and it wasn't like I did it on purpose," said Rachel. "You know I'm one of the safest operators in here. C'mon, Mike, please don't write me up for this."

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

### A loss of situational awareness

If Rachel really is known as one of the safest forklift operators in the facility, then maybe it would be OK to let this near-miss slide.

Rachel just had a momentary lapse of situational awareness. Her zoning out meant that, for one moment, she wasn't aware of her surroundings. When she regained her situational awareness, she slammed hard on the brakes thinking she was losing control of the forklift.

It isn't like she did this on purpose, so maybe some verbal coaching would be more appropriate than a full write-up. After all, who hasn't zoned out on the job before?

### Tragedy can happen in a single moment

Just because Rachel wasn't acting recklessly doesn't mean this near-miss incident wasn't serious. A brief loss of situational awareness is all it takes for a worker to get seriously injured or killed.

What if someone had been walking by? What if the forklift had tipped

over? The only reason Rachel is presenting this argument is because it really was a near-miss incident rather than the worst-case scenario.

### Lapse leads to trolley crash, injuries, \$2M in damages

A worker's loss of situational awareness can be a serious matter. The National Transportation Safety Board (NTSB) released a report in December 2022 addressing just such an incident.

The NTSB investigation report is on a July 30, 2021, incident involving a trolley that collided with another trolley in Brookline, Massachusetts.

Both trolleys derailed during the collision. As a result of the incident, 24 passengers and three crewmembers were transported to local hospitals with minor injuries. The cost of damages was estimated at about \$2 million.

### Operator didn't apply brakes before collision

In interviews with NTSB investigators, the striking trolley's operator reported that he saw the other westbound trolley as he was crossing a bridge over a highway. He said that he slowed before crossing the bridge to ensure there weren't two trolleys on the bridge at once.

The striking trolley's operator stopped at a station about 2,000 feet west of the bridge where he waited for a signal to proceed through to a railroad-grade crossing. When he got the signal to proceed, he told



## What Would You Do?

### Is worker's brief lapse of situational awareness really a serious near-miss incident? (continued)

investigators that "everything went black" and he didn't know what happened after that. However, he said he believed that he may have fallen asleep.

Event recorder data from both trolleys showed that the striking trolley accelerated under full power for about 500 feet between the stop at the station and the point of impact. The striking trolley reached a speed of about 33 mph when it struck the back of the other westbound trolley, which was traveling at about 10 mph. The operator of the striking trolley didn't attempt to apply the brakes.

The impact accelerated the struck trolley to about 24 mph and caused it to derail and travel 240 feet westward before coming to rest.

### No indication of mechanical issues, fatigue, drugs

Investigators reviewed the striking operator's work schedule and found that there was no indication that he had been fatigued for work-related reasons. The track and trolley showed no signs of defects or sight distance issues. Drug tests were negative for all tested-for substances. Weather wasn't a factor in the incident.

The striking trolley operator did have a history of disciplinary problems. In his seven years as a trolley operator, he'd received eight documented disciplinary actions for six policy violations, including two for speeding. He lost his job because of this incident.

A failure to brake before impact told investigators that the striking

trolley's operator wasn't engaged in his duties and didn't take any actions to avoid imminent danger, according to the NTSB. He told investigators that he blacked out and may have fallen asleep – what investigators called a momentary lapse of situational awareness.

### No explanation found for lapse of situational awareness

What investigators couldn't determine was what caused this lapse of situational awareness. Work-related fatigue, drugs and distractions were ruled out. Maybe it was fatigue stemming from his personal life. Or maybe he just zoned out for a moment.

Regardless, that loss of situational awareness caused people to get hurt and cost millions of dollars in damages. It could have been much worse.

### A common problem


However, keep in mind that these moments when workers lose situational awareness – zone out or whatever you'd like to call it – are commonplace among human beings. These moments can come early in the morning when people are still waking up, or later in the day after they've been working hard for hours. Sometimes work that requires a great deal of focus can act as blinders, effectively narrowing a worker's vision and limiting their situational awareness.

How do you combat something that's so pervasive and that can be so deadly?

There's no easy answer, but awareness is always a good place to start. If workers are made aware of the fact that this is a common issue that could happen to anyone, they can at least monitor themselves for it. And maybe help look out for one another at the same time.

Something else that could help is rotating workers through different tasks to help them continue to engage their minds throughout the day. Changing tasks can make the brain refocus since there's something new to pay attention to, which could pull a worker out of that autopilot state that can lead to these lapses.

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[Read more What Would You Do? in your Membership Dashboard](#) 

# 19 state attorneys general file brief against lawsuit that claims OSHA is unconstitutional



by Merriell Moyer

## 'SUIT JEOPARDIZES STATES' ABILITY TO ENSURE SAFETY OF WORKERS

**N**ineteen attorneys general filed an amicus brief in *Allstates Refractory Contractors LLC v. Walsh*, a case that challenges OSHA's ability to issue permanent safety standards, arguing it's unconstitutional.

The attorneys general argue that OSHA's permanent safety standards ensure workplace safety and are critical to their states' own efforts to protect workers, according to law firm Cozen O'Connor.

Congress didn't exceed federal nondelegation principles when it authorized OSHA to create and enforce safety standards that are "reasonably necessary or appropriate to provide safe or

healthful employment and places of employment" under the agency, the attorneys general argue.

### Company filed lawsuit September 2022

This case was brought before the U.S. District Court for the Northern District of Ohio, Western Division in September 2022 by Allstates Refractory Contractors LLC, a general contractor that provides furnace services to glass, metal, and petrochemical facilities. The case is currently on appeal with the U.S. Court of Appeals for the Sixth Circuit.

Allstates has four full-time employees, but hires up to 100 part-time employees, depending on the job. In its lawsuit against OSHA, the company states that it "prides itself on its commitment to worker safety" and spends "thousands" of dollars on training employees and complying with OSHA safety standards.

However, in 2019 Allstates was cited for multiple safety violations, including a serious violation regarding an employee who was injured when a catwalk brace broke, causing the catwalk to fall. Allstates didn't fight the citation, and instead settled with OSHA for \$5,967.

## **‘OSHA authority too broad, abusive, burdensome’**

In its lawsuit, the company argues that:

- OSHA’s authority to issue safety standards under the Occupational Safety and Health (OSH) Act is unconstitutionally broad
- OSHA imposes penalties in a way that is arbitrary and abusive, and
- a number of OSHA standards are unnecessarily burdensome or dangerous.

Allstates also claims that the federal nondelegation doctrine prohibits OSHA from promulgating permanent safety standards. This doctrine is based on the principle that Congress can’t delegate its legislative powers to other entities.

The Ohio court dismissed the lawsuit finding there was “no binding or persuasive authority supporting (Allstates’s) argument” and the company’s argument “falls short of demonstrating actual success on the merits.” Ultimately, the court found that OSHA’s discretion is sufficiently limited.

## **‘If successful, basic worker safeguards wouldn’t be required’**

The attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, and Washington filed the amicus brief asking the Sixth Circuit to affirm the Ohio court’s decision.

They argue that if the company’s lawsuit succeeds, it would mean that “OSHA would not be able to establish or enforce any safety standards, including the rules that require companies to take basic safeguards.”

The lawsuit “threatens the stability of the statutory regime under which OSHA operates, and in doing so jeopardizes amici states’ ability to ensure the safety of workers in their jurisdictions.”

According to the attorneys general, “The district court’s decision was consistent with both settled legal principles and common sense: (The company’s) position would be devastating both to workers throughout the United States and to amici states, all of which depend on OSHA to promulgate and enforce safety standards in a wide range of industries.”

[Read this story online](#) 



# LOTO program faulty for failing to cover ‘stored gravitational energy’ of raised scrap chute?



*How hard is it to remember to put up a wet floor sign, Safety Manager Pete Travers thought as he placed a sign in front of the recently mopped floor. Slip and falls can lead to some pretty nasty injuries.*

Pete made a mental note to call the new cleaning contractor about this once again.

As Pete began to walk away from the wet floor, he heard a door open behind him. Pete turned and saw John Jenkins, the company attorney, begin to step out onto the wet floor.

“Be careful, John!” Pete shouted down the hall. “That floor is wet and slippery.”

John froze like a deer caught in headlights, one foot raised slightly above the wet floor tiles. He slowly moved his foot back inside the door, took a step back and shut the door.

A moment later, as Pete was making his way back to his office, the intercom buzzed and John said, “Pete Travers, please come back to my office.”

## ‘Part of his middle finger had to be amputated’

“I was just coming to look for you about this OSHA citation when you shouted at me,” John said after Pete caught up with him again.

“I wasn’t shouting at you to be mean,” said Pete. “I just didn’t want you to fall and hurt yourself.”

The look on John’s face said he wasn’t buying it. “Anyway, I need you to explain this OSHA citation to me,” he said.

Pete looked over the documents from OSHA and said, “One of our manufacturing employees, Marco Williams, had part of his middle finger amputated after a raised scrap paper chute fell on it.

## Company rule forbid raising scrap chutes

“We had an incident about two years ago when an employee had a finger severed by a cutting die when he raised the scrap chute to try to clear a paper jam while the machine was running.” Pete explained. “In response, we made a rule that those chutes were never to be raised for any reason.

“In this case, Marco was trying to clear a jam near the scrap chute itself, and didn’t have his hand near the cutting die,” Pete continued. “He also shut the machine down as per our lockout/tagout rules.”

“But he never should have lifted the scrap chute?” John asked.

“Exactly,” Pete replied. “Regardless of what he was trying to do and which protocols he followed, he raised the chute when he had been explicitly told not to.”

“That rule is clearly communicated?” John asked.

“Yes,” said Pete. “We made it very clear when we introduced

it and we’re very clear about it with new hires.”

## OSHA citation made under wrong standard?

“You mentioned lockout/tagout,” John said. “That’s the standard OSHA is citing us under, but you said he followed the company’s lockout/tagout rules.”

“He did, yes,” Pete said. “I think OSHA is referring to the kinetic energy from the raised chute being pulled down by gravity.”

“That doesn’t sound right,” said John. “I think they’re trying to cite us under the wrong standard. I think we can fight this, if not for OSHA citing us under the wrong standard, then for unpreventable employee misconduct.”

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

## The decision

Pete’s company did win, but not because OSHA cited them under the wrong standard. The Occupational Safety and Health Review Commission found that OSHA’s lockout/tagout (LOTO) standard did apply to the raised scrap chute.

OSHA cited the company under 1910.147(c)(4)(i), which states, “Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are

## Sharpen Your Judgement

### LOTO program faulty for failing to cover ‘stored gravitational energy’ of raised scrap chute? (continued)

engaged in the activities covered by this section.”

The agency also claimed the company's rule that the scrap chutes weren't to be raised for any reason was inadequate and poorly communicated.

The company argued that the LOTO standard didn't apply in this case because it wasn't until the employee lifted the scrap chute that stored energy became an issue. The machine was in a “zero mechanical state” at the time of the incident, the company said, and the scrap chute, which was held down by gravity, was at rest until lifted by the employee to clear the jam.

As for the work rule governing scrap chutes, the company asserted that its rule was clear and direct.

#### ‘Gravitational energy accumulates’ in raised chute

On review with the Occupational Safety and Health Review Commission, the commission ruled that OSHA's citation under the LOTO standard was appropriate.

The commission said that the “LOTO standard covers the servicing and maintenance of machines and equipment in which the unexpected energization or start up of the machines or equipment, or release of stored energy could cause injury to employees.”

Hazardous gravitational energy accumulates when a scrap chute is raised to clear a paper jam, a servicing and maintenance activity, so it must be controlled by a

physical restraint to prevent it from unexpectedly falling and injuring an employee.

The company's zero mechanical state argument failed “to recognize that the stored gravitational energy in a raised scrap chute ‘could ... be released while the servicing operation is being performed,’” according to the commission.

While the citation was made under the appropriate standard, OSHA failed to prove that the company's rule regarding scrap chutes was an inadequate effort in preventing this sort of incident, and the commission vacated the citation.

### Analysis: Interpreting the lockout/tagout standard is tricky

The LOTO standard can be a bit tricky to interpret. If you browse through past Occupational Safety and Health Review Commission decisions you'll see more than a few companies that were fined when their personal interpretations led to inadequate LOTO programs.

To make matters worse, OSHA itself has been confused by recent technological advancements that employ computer-based controls of hazardous energy, which are in conflict with the current LOTO standard. This has led OSHA to propose an update to the standard. A notice of proposed rulemaking on that update is scheduled for July 2023.

This case makes it clear that the LOTO standard does cover things like gravitational energy – something as simple as the potential for a raised chute or guard to fall – during the maintenance of a machine. That has caused some confusion for companies in the past, just as it did for this company.

Another thing to keep in mind that can also cause confusion for employers is that a general LOTO program that broadly covers every machine isn't adequate under OSHA's standard. OSHA requires that each separate type of machine needs to have its own specific LOTO instructions.

**Cite:** *Secretary of Labor v. AJM Packaging Corp.*, Occupational Safety and Health Review Commission, No. 16-1865, 4/1/2022. Dramatized for effect.

[Read more You Be The Judge in your Membership Dashboard](#)

## Case Study

# Situational awareness: An engaged brain is required since just seeing hazards isn't enough



Situational awareness is a real and important issue, but it's not very well understood.

If you really think about situational awareness and how it applies to safety, think about Sherlock Holmes when he tells Dr. Watson, "You see, but you do not observe."

Situational awareness is about our ability to observe beyond seeing and put what we're observing into context. But human beings don't detect change well. The brain doesn't take in everything we think it does.

Seeing a hazard isn't enough as context plays a key part in situational awareness. It comes down to:

- do we appreciate the hazards around us
- can we put our exposure to those hazards in context, and
- can we recognize the change in vulnerability to the hazard.

No one purposely fails to see what's going on, or fails to detect critical changes going on around them. Nobody wants that, but it happens every day, and it can lead to injuries.

Failing to notice important changes around you is called inattentional or change blindness.

Fortunately, there are things we can do to prevent this.

## Engage the brain

One way to ensure employees can take in the context is by having them pause their work. This is about them stepping back, engaging their brains and thinking about their level of exposure.

For example, we've worked with some delivery drivers who we've had shift gears in thinking about going from driver to delivery person as they perform their duties. The exposures and mindset of being a delivery person is totally different than that of a driver.

What we're training them to do is when they show up to a home to deliver a product, they pause. They talk themselves through the new exposures they're about to get into.

This is only for a few moments, but it allows them to think things through instead of just running on autopilot.

## Minimize distractions

Another way to enhance situational awareness is to minimize the distractions your workers face.

Go out into your workplace and stand in one location. Look for distractions. Is there anything there that's causing problems for your employees? You won't see it unless you actually look for it, so be sure to make a list of potential distractions to keep an eye out for.

Look from a worker's perspective. What distractions can you eliminate? What things – warning lights, bells, signs – are truly important for that area? Once you've determined what should stay, try to work around that because those other distractions add to your employees' inattentional blindness, preventing them from paying attention to what is actually important.

*(Adapted from presentations by Donald Groover, Industrial Hygienist, Dekra Consulting, Oxnard, CA, and Christina Ross, Human Resources, Morton Salt, Grantsville, UT.)*

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## 4 LESSONS LEARNED FROM INCIDENT **CAN BE APPLIED IN ANY INDUSTRY**

### HAZARDS

# Company's failure to adhere to policy leads to worker fatigue, 4 injuries, \$360K in damages



by Merriell Moyer

**F**atigue led to four worker injuries and more than \$360,000 in damages after a company failed to adhere to a 12-hour work limit it set for workers, according to the National Transportation Safety Board (NTSB).

The company's failure to give a worker enough time to recover from fatigue led to one of its offshore supply vessels striking an oil and gas production platform, the NTSB said.

### He was tired, groggy behind wheel

On June 25, 2021, the offshore supply vessel Elliot Cheramie was on its normal route between its home port in Louisiana and the oil and gas production platform VR-397A in the Gulf of Mexico. The vessel had a crew of four and was carrying five offshore workers.

The mate and deckhand were assigned the midnight-to-noon watch in the wheelhouse, with the mate steering the vessel in autopilot mode.

But the mate was more tired than usual and felt groggy, and he fell asleep. When he woke up, VR-397A was dead ahead. The mate attempted to avoid it, but the vessel struck the platform, resulting in four minor injuries and more than \$360,000 in damages to the vessel, platform and pipelines.

### Worked 12+ hours per day in 4 days leading to incident

In the four days leading up to the incident, the mate consistently worked for periods longer than the 12 hours recommended by

the company's fatigue management policy. The day before the incident, the mate reported working for 17 hours with some of that work requiring high levels of physical exertion.

The deckhand, who wasn't in the wheelhouse when the incident occurred, had set an alarm to wake himself for the watch. However, he slept through it and missed his assignment. His duties would have included assisting the mate on the navigation, but other duties would have taken him away from the wheelhouse for extended periods of time.

The company's safety management system recommended crewmembers get at least 24 hours of notice before beginning a night shift. However, the deckhand was assigned to the watch when he arrived onboard, only five hours before.



## Company didn't follow its fatigue management policy

National Transportation Safety Board investigators found that the probable cause of the incident was the company's failure to adhere to its 12-hour work limit policy, which led to the fatigued mate falling asleep while on watch.

Specifically, the vessel operating procedures stated that "licensed personnel may not work for more than 12 hours in a consecutive 24-hour period." Investigators found this practice wasn't followed based on the work and rest histories of the mate.

In short, "crew fatigue was a significant causal and contributing factor," according to investigators.

The NTSB said that, to avoid this kind of incident, company operational policies and requirements should follow fatigue management best practices to ensure crewmembers receive enough rest to perform their critical duties.

Further, companies should ensure their vessels are crewed with the appropriate number of trained personnel to safely perform operations without compromising work/rest schedules. They should also actively monitor schedules along with off-shift work performed by their crews to ensure that fatigue mitigation policies are adhered to.

## Fatigue is a problem no matter the industry

This incident, while being both maritime and in the transportation industry, is relevant to safety professionals in all industries.

Fatigued workers in warehousing, manufacturing, health care, and other industries are a danger to themselves, co-workers and even the public, depending on what their job duties involve.

Effects of fatigue can include a reduction in vigilance, concentration, memory and reduced performance on complex or sequential tasks that require high levels of attention. These effects can lead to incidents that result in worker injury or death along with the high cost of damages for the company.

## Methods to combat fatigue

Some of the NTSB's recommendations for the maritime industry can certainly apply to other industries. If possible, companies should:

- have a fatigue management policy in place
- ensure workers have enough time to rest between shifts
- have enough trained workers to safely perform operations without compromising work/rest schedules, and
- actively monitor worker schedules to make sure they're adhering to the fatigue management policy.

And if long shifts can't be avoided:

- eliminate overtime since those extra few hours can lead to an accident
- schedule the easiest jobs at the end of the shift to reduce risk of injuries or accidents, and

- allow for power naps because a brief 20-minute nap can make a world of difference for workers who are pushing themselves.

[Read this story online](#) 

# Preventing and treating frostbite



Workers who are exposed to the elements are at risk of frostbite, a serious condition that can lead to permanent damage.

See how much your staffers about this hazard and its treatment by having them answer *True* or *False* to the following statements:

**check answers on the next page**

- 1 TRUE OR FALSE:** Frostbite is a condition in which your skin freezes.
- 2 TRUE OR FALSE:** Indications of frostbite include skin changing colors.
- 3 TRUE OR FALSE:** Windy conditions are more likely to cause frostbite.
- 4 TRUE OR FALSE:** Frostnip is the most serious stage of frostbite and leads to permanent damage.
- 5 TRUE OR FALSE:** To treat frostbitten skin, stick the affected body parts in hot water, rubbing the skin occasionally.



## Test Your Knowledge

### Answers from previous page



- 1 FALSE:** Frostbite is caused by the skin and the underlying tissue freezing, usually due to exposed skin in cold, windy conditions.
- 2 TRUE:** Skin will often turn red, white, gray, yellow or blue. This is an indication of frostbite.
- 3 TRUE:** Wind and cold can make frostbite more likely to occur. In a wind chill of -16 degrees, frostbite can occur within a half hour.
- 4 FALSE:** Frostnip is the first stage of frostbite. It's characterized by prickling and numbness in the affected area, but doesn't permanently damage the skin.
- 5 FALSE:** Don't rub frostbitten skin. Soak it in warm, but not hot water (between 99 and 108 degrees). And do not rewarm frostbitten skin with direct heat like a fireplace or heating pad.

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[Read more Test Your Knowledge in your Membership Dashboard](#) 



## INJURIES

# Feds: Worker's fatal fall due to company's failure to ensure use of PPE



by Merriell Moyer

INVESTIGATORS  
FOUND EMPLOYEE  
**DIDN'T CONSISTENTLY  
FOLLOW FALL  
PROTECTION RULES**



**A** contract laborer died when he fell from an elevated platform at a coal mine. An investigation found that his employer's failure to ensure the use of PPE was the root cause of the fatal fall.

An investigation by the U.S. Mine Safety and Health Administration (MSHA) found that the miner, who was making repairs to a piece of equipment, fell because the company didn't ensure that its workers used safety belts and lines while working at heights.

### Repairs performed between 5th, 6th floors

Jeffrey Phillips, a 44-year-old contract laborer with more than 13 years of mining experience, was working for NexGen Industrial Services,

a company that specializes in concrete, oil and gas, electrical and fabrication services.

NexGen was contracted by West Virginia's Ohio County Coal Resources to service a belt conveyor in the Ohio County Mine's preparation plant.

On Jan. 14, 2022, Phillips traveled with the rest of the NexGen crew to the plant's feed transfer belt conveyor to discuss the work to be done on the equipment. The conveyor was located between the fifth and sixth floors of the plant. A snub roller on the conveyor was damaged and needed to be replaced.

The NexGen crew split up to gather tools, perform lockout/tagout procedures and check on some other things before starting work.

Phillips and a co-worker retrieved their tools and then began working to relieve tension on the belt before dismantling the snub roller. They removed the damaged roller, moved it down the catwalk onto a landing below, and then moved the new roller up the catwalk and prepared it for installation.

### Co-worker told him to use PPE just before his death

While they were working, Phillips and his co-worker both used fall protection on two separate occasions earlier in the shift. As they were preparing to install the new snub roller, Phillips had to climb on the top belt to operate a chain hoist. He wasn't wearing fall PPE as he was performing this task.

The co-worker told Phillips twice to put on his fall PPE, but Phillips didn't listen. A short time later, the co-worker bent down to see how high Phillips would have to hoist the roller to install it and saw Phillips fall from the belt to the fourth floor below. Another member of the NexGen crew was nearby and heard Phillips' co-worker calling for help. At 11:14 a.m., the two crewmembers hurried to the fourth floor where they found Phillips lying on the concrete. He had no pulse.

A short time later, other members of the NexGen crew arrived, performed first aid and attempted CPR until EMS arrived. EMS was unable to resuscitate Phillips. He was pronounced dead at 11:34 a.m.



## **Investigators: No problems with gear, no other hazards present**

MSHA investigators found that NexGen had a written policy that miners would wear fall protection wherever there was a hazard of falling. They inspected the fall PPE that was onsite and found:

- it was all in good condition
- it had all of its attachments in place, and
- there were suitable anchorage points available.

Pre-shift examinations by the mine operator found no hazards or violations in the general area of the incident and investigators determined that no other hazards existed that would have contributed to the incident.

Records revealed that Phillips had been up to date on all of his required training, including fall protection.

## **Root cause: Failure to ensure use of PPE**

The MSHA investigation team found that the root cause of the incident was NexGen's failure to assure that its workers used safety belts and lines while working from elevated work locations.

NexGen has since developed and implemented an updated training plan on the effective use of safety belts and lines and retrained its employees according to the updated plan.

[Read this story online](#) 

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### A safety oath to live by

Try this idea one safety supervisor suggested to hammer home the need for safety at work.

He asked workers to agree to the following safety pledge:

*"I promise that to stay safe while I'm at home, I won't ...*

- *Stick my hands in moving fan blades, garbage disposals, blenders or lawn mowers*
- *Touch downed power lines or frayed wires with bare hands, or*
- *Put any household chemicals or sharp objects in my eyes.*

*To stay safe at work, I'll make sure to use machine guards and PPE."*

It's a good reminder that your procedures aren't just rules to follow: They're common sense ways to stay safe.



### Get the most from your in-house safety experts

Many supervisors take advantage of a great asset to hammer home their safety message: longtime employees.

These veterans have seen it all – and know what to look out for to stay safe on the job.

Even though these workers can be a real boost to your safety message, don't assume they'll be ready to share information right off the bat.

They're used to doing their jobs, but they probably don't have as much skill instructing as you do.

#### Putting in prep work

Here are two ways you can get them prepped for a teaching role:

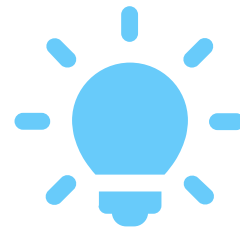
- 1. Make a list.** Help the workers compile the top 10 things they wish someone had told them when they were getting started. This puts them in the audience's shoes and reminds them of what matters the most.
- 2. Work on the 'why.'** Safety training works best when the audience understands why they're being given the info. Remind them to tie their lessons to experiences they've had on the job – good or bad.

*Continued on next page*

## Training Tips



### 2 tips to boost eye safety work habits



No Supervisor wants to catch his or her workers doing the job without their PPE – especially when that PPE could save their eyes.

So if you catch workers without their safety goggles on, try these two steps at the next safety meeting:

1. **Try an eye patch.** Have workers at the meeting wear an eye patch over one eye and ask them to do simple tasks like lifting a box. (Obviously, don't let them use machinery!) The point: Workers will see what it's like to do a job without the use of one eye. It's a surefire way to make sure they put on eye PPE.
2. **Let them pick glasses.** New eye PPE got one safety supervisor the results he wanted after he caught staffers without their goggles. He let them pick new stylish goggles and ordered pairs for the group. The new goggles looked so cool, his workers put it on every shift. Not a bad ROI on some new goggles.

[Read more Training Tips in your Membership Dashboard](#)

## Real Life Safety

### Worker buried alive after company removed equipment guard



Kip White grabbed a shovel and started to climb up the stairway of the hopper.

"Stuck again?" asked his co-worker, Michael Gamble.

"Are you surprised?" Kip asked. "I'm in here four times a day trying to clear stuck grain."

#### Jams were a common occurrence

The hopper contained tons of grain that would funnel out the bottom.

But sometimes the grain would clump at the bottom of the funnel, jamming it.

"Didn't the screen they installed help stop the clumping?" asked Michael. "Some of the guys said it did the trick."

"Well, for a while," Kip said. "But that thing slowed us down so much. They had to remove it just to keep up with work."

"That stinks. Anyway, gotta go load up some trucks in this heat if you want to trade jobs," Michael joked.

"No thank you!" Kip replied. "I'll take a job with air conditioning any day."

#### Horror in the workplace

After loading the trucks, Michael went to take his lunch break. He decided to see if Kip wanted anything.

"I'm going to grab a sandwich from the deli, if you want," Michael said outside the hopper.

There was no response. Michael looked around for Kip, and was

## Real Life Safety

### Worker buried alive after company removed equipment guard (continued)

horrified when he saw a shoe sticking out of a pile of grain.

Kip had become entrapped freeing the stuck grain. He was buried alive and suffocated.

- enforce safety rules at all times, even when things are busy.

*Based on a facility at CSC Sugar.*

### OSHA fines but rewards firm for quick action

Inspectors investigated the fatality.

**Result:** OSHA fined the company \$25,855 initially for safety hazards. When the company reinstalled the screen and instituted better work procedures, the fine was reduced by \$10K.

**Key:** Putting production over the lives and health of workers will never be tolerated by OSHA.

The primary role of a Supervisor should always be to protect his or her workers. Anything less could wind up in fines, or in this case, tragedy.

[Read more Real Life Safety in your Membership Dashboard](#) 

### What you need to know

Companies that value production over safety are going to be in deep trouble with safety regulators.

Make sure to:

- set realistic goals for how long a job will take to discourage rushing or taking shortcuts
- remember that safe guards don't slow anything down – they dictate how fast a job can be done safely, and

## WORKERS' COMPENSATION

# Can she get workers' compensation for head injury leading to headaches, depression, anxiety?



by Merriell Moyer

## YEARS OF MEDICAL EVIDENCE TIED HER MENTAL CONDITION TO THE WORK INJURY

**C**an a worker with a head injury get workers' compensation benefits for conditions involving headaches, depression and anxiety that began after she was injured?

The West Virginia Supreme Court of Appeals found that the worker was entitled to benefits since all of the medical evidence supported the fact that her headaches, depression and anxiety were causally related to the head injury she sustained at work.

### Post-injury headaches different than her past migraines

A nurse's aide who the court identifies only by her initials, D.N., was injured on Feb. 2, 2012, when

she struck her head on a television stand while picking up a bag of trash off the floor.

Following the incident, the nurse's aide was seen by a doctor for increased headaches related to her injury. The same doctor had treated the nurse's aide in the past for migraine headaches.

During a 2013 independent medical examination, the nurse's aide reported that the headaches resulting from her head injury were different than those she suffered in the past. The independent doctor noted her complaints of an abnormal sensation across her forehead, which was sensitive to touch and spread around both temples and the face. The doctor also noted this condition was related to the compensable work injury.

The independent doctor later amended his notes to reflect that he was aware of the nurse's aide's pre-injury migraines. He mentioned that her current headaches, combined with other neurological symptoms, were different than the headaches she suffered in the past.

### 'Physical, mental status put her, others at risk'

From August 2014 through January 2020, the nurse's aide was seen by various doctors and neuropsychological specialists for:

- depression
- head and neck mobility deficits
- pain and tingling associated with muscle spasms and headaches

- abnormal blood pressure
- chronic migraines
- generalized anxiety disorder, and
- major depressive disorder.

She expressed feelings of sadness and discouragement regarding her future, a loss of interest in pleasurable activities, an increase in crying, restlessness and agitation, loss of energy, and feelings of fatigue.

One doctor noted that the nurse's aide couldn't return to work because her "physical and mental status from the compensable injury may put her and other people at risk."

All of the nurse's aide's doctors said her headaches and psychiatric problems were related to her occupational head injury and were compensable.

## Request to add conditions denied

On Dec. 4, 2019, a claims administrator denied a request to add major depressive disorder and generalized anxiety disorder to the claim. The nurse's aide filed a protest, which she supported with testimony regarding her headaches, saying, "It is like a throbbing sensation in the top of my head ... a lot of burning in my forehead area ... like somebody taking the tip of a knife and just cutting my face. I also have a lot of numbness and tingling in my facial area."

She also explained the stress resulting from her chronic condition and her belief that her depression and anxiety were related to her chronic compensable condition.

The Office of Judges reversed the claims administrator's decision,

finding that the nurse's aide proved, by a preponderance of evidence, that her headaches, depression and anxiety were covered under West Virginia's laws regarding the compensability of psychiatric disorders.

## Decision supported by years of treatment notes

On appeal, the nurse's aide's employer, Genesis Healthcare, argued that the Office of Judges erred by allowing compensability to be determined under a preponderance of the evidence standard after the submission of additional evidence. Genesis asked the court to remand the case back to the claims administrator.

However, the appeals court agreed with the reasoning of the Office of Judges. It found that the nurse's aide's conditions met all the criteria of being compensable under state law. The court said the Office of Judges' decision was supported by medical evidence with years of treatment notes and testimony from many doctors regarding the issue of compensability.

[Read this story online](#) 

## Who Got Fined & Why



### Climbing belt chokes worker to death: Company tries getting OSHA fines thrown out

An OSHA citation for an employee fatality or severe injury often swings a jury decision against a company. That's why a Vermont company contested OSHA fines related to a worker's fatal fall.

**What went wrong:** A work crew for Eustis Cable Enterprises was lashing fiber optic cable to a support strand between a series of utility poles when the lashing machine malfunctioned. The crew lacked a ladder or other means to reach the machine. The foreman went out onto the strand, using his climbing belt as a seat as he advanced hand over hand down the line. Midway back to the pole, he lost his grip on the wire, the climbing belt slid up his back and cinched at the neck. He choked to death while hung suspended from the climbing belt.

**Result:** OSHA fined the company \$24,290 for failing to provide the employees with required safeguards, including effective training and PPE. Eustis Cable appealed the citations, but the Administrative Law Judge hearing the case sided with OSHA.



### Poor prep work is a big no-no under lead paint rule

State regulatory agencies and EPA count on eagle-eyed citizens to report violations of the lead paint rule. Contractors are increasingly paying fines for not prioritizing workers' and building occupants' safety.

**What went wrong:** CertaPro Painters of Maine didn't comply with all of the requirements of the lead Renovation, Repair and Painting (RRP) rule. Based on reports from and records of jobs done in the New England region, CertaPro failed to:

- ensure all workers were EPA-certified
- cover floors with plastic sheeting to prevent lead paint chips and dust to spread, and
- tape air ducts in the work area.

**Result:** The company was issued fines totaling \$16,636. For a 2002 EPA FAQ on complying with the RRP rule, click [here](#).

*Continued on next page*

## Who Got Fined & Why



### Workers complained, company didn't respond – but it will answer to OSHA

Not all employee concerns about safety are on the mark, but you're always better off hearing what folks have to say and exploring their validity. And it's crucial to give them feedback whichever way you go!

**What went wrong:** Employees raised concerns about safety violations to management of Simwon North America, a vehicle parts manufacturer in Kyle, Texas. After not getting the action wanted, someone reported the company to OSHA. Inspectors cited the company for more than a dozen serious violations, including failure to:

- failure to follow required machine safety procedures
- provide procedures for safe entry into permit required confined spaces
- prevent workers' exposure to slips, trips and fall hazards
- provide workers with required safety equipment, and
- provide procedures for safe crane operations.

**Result:** Simwon got walloped for \$298,338 in fines – and is squarely in OSHA's sights for a follow-up inspection. "OSHA found that – despite concerns voiced by its workers – Simwon ignored serious safety issues, putting its workers at risk," OSHA said in a press release. "The company must act quickly to comply with federal safety standards before an employee suffers serious injury or worse."

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[Read more Who Got Fined & Why in your Membership Dashboard](#) 



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