



Wiring a green tomorrow



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

Thursday December 15, 2022

Meeting Minutes

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

Approval of previous Meeting Minutes

Communications

EEW Program Review

Subcontractors on premises- Liability, WC

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

Overconfidence-Risk Conditioning

Zero Accidents-Is it achievable? -Strategies-Culture, Safety as a \$ savings

OSHA Injury/Incidents (July-Dec)

280- Shock- hand, troubleshooting a light fixture, Recordable

280- Struck-by, cut, hand using bandsaw, Recordable

280- Strain, chest, pulling cable, MD

280- Struck-By, head, wearing hardhat, MD

280- Caught-In, hand, Tugger, MD

659- Struck-By, Head, Dig bar, Recordable

659- Struck-by, Shoulder, Temp power pole, First Aid

659- Strain, abdomen, pulling wire, MD

659- Strain, Knee, kneeling, MD

280- Strain, Back, Strain, Apprentice, LT

280- Struck-By, Cut, Leg, using a box cutter, Recordable

659- Struck-By, Arc-Flash, Arm, MD

280- Fall, Elbow, Fall through plywood cover, MD

Class Schedule

Posted online.

Next Meeting –January 26, 2022

Adjournment

January 26, 2022

Elias Campbell- NECA/GEW
Senior Safety Consultant



Wiring a green tomorrow



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

Thursday January 26, 2022

Meeting AGENDA

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

Approval of previous Meeting Minutes

1.0 Communications

- 1.1 2023 Resolution- Patience
- 1.2 OSHA 300 log preparation
- 1.3 2022 Injury, OSHA activity report to NECA office
- 1.4 ITA Submission
- 1.5 2023 Innovative Safety Committee application

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

- 2.1 NFPA 70B- becoming a Standard in 2023 currently 'recommended.'
- 2.2 110.16(B) Service Equipment and Feeder Supplied Equipment.
- 2.3 Hair sample drug testing- FMSCA

3.0 OSHA Injury/Incidents (Jan-Jun)

- 3.1 None Reported

4.0 Class Schedule

- 4.1 Posted online.

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

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

Next Meeting: January 26, 2022



POWERFUL TRADITION ELECTRIFYING FUTURE
OREGON PACIFIC-CASCADE CHAPTER

Safety Meeting Packet

January 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	1,550,574	11	140,961	120,071	143,818	155,354	143,742	143,340	138,854	144,406	143,672	148,415	150,798	118,104
280	Inside Appr.	486,776	11	44,252	32,600	38,674	45,755	43,832	44,534	46,869	47,369	50,097	50,673	47,813	38,560
280	MAI	0	11	0	0	0	0	0	0	0	0	0	0	0	0
280	Material	159,936	11	14,540	11,541	13,773	14,472	13,801	15,080	14,088	15,369	14,746	15,998	18,317	12,751
280	Residential	88,404	11	8,037	5,937	7,683	8,850	9,039	7,776	8,343	7,908	7,900	8,618	7,613	8,737
280	Resi. Appr.	72,590	11	6,599	4,361	5,788	6,387	7,106	6,530	6,489	7,052	6,758	8,253	6,689	7,177
280	S & C	211,634	11	19,239	13,122	17,012	19,668	20,267	17,261	18,997	22,149	20,510	21,905	20,792	19,951
280	S & C Appr.	78,586	11	7,144	5,438	7,486	7,017	7,463	6,588	7,112	7,745	7,620	8,296	7,127	6,694
280	Support Tech/MOU	179,734	11	16,339	8,163	13,754	15,113	18,774	14,335	15,687	17,794	15,629	18,158	20,694	21,633
TOTAL 280		2,828,234	99	257,112	201,233	247,988	272,616	264,024	255,444	256,439	269,792	266,932	280,316	279,843	233,607
Total NECA					172,464	220,226	240,771	233,600	222,978	225,525	251,028	247,118	261,484	258,538	209,994
% NECA					85.70%	88.81%	88.32%	88.48%	87.29%	87.94%	93.05%	92.58%	93.28%	92.39%	89.89%

#DIV/0!

Local#	Contract Type	Annual Total	Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
659	Inside	276,280	11	25,116	17,421	22,465	24,113	27,567	23,683	22,581	27,384	24,671	29,874	27,174	29,347
659	Inside Appr.	141,792	11	12,890	8,904	11,196	12,043	13,406	12,199	12,345	14,723	13,306	15,462	13,973	14,235
659	Material	10,409	11	946	536	718	619	1,000	871	709	1,162	1,062	1,376	1,477	879
659	Residential	8,180	11	744	633	661	708	820	642	726	808	706	886	825	765
659	Resi. Appr.	5,175	11	470	359	466	388	480	462	510	589	490	511	548	372
659	S & C	9,988	11	908	581	903	1,404	980	867	717	1,051	870	1,020	666	929
659	S & C Appr.	1,498	11	136	177	219	458	162	163	56	74	0	0	158	31
Total 659		453,322	77	41,211	28,611	36,628	39,733	44,415	38,887	37,644	45,791	41,105	49,129	44,821	46,558
Total NECA					19,494	27,278	29,860	34,977	29,124	28,473	35,883	33,042	40,106	36,609	38,502
% NECA					68%	74%	75%	79%	75%	76%	78%	80%	82%	82%	83%

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Local#	Contract Type	Annual Total	Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
932	Inside	95,750	11	8,705	6,804	8,251	9,411	9,839	8,412	8,658	9,436	8,525	8,672	8,999	8,743
932	Inside Appr.	45,221	11	4,111	3,041	3,620	4,129	4,348	3,823	4,197	4,678	4,136	4,476	4,695	4,695
932	Residential	1,396	11	127	14	162	157	184	103	119	193	153	0	157	154
932	Resi. Appr.	1,410	11	128	115	161	153	194	158	151	189	162	127	0	0
932	S & C	6,496	11	591	497	478	648	573	462	609	711	617	653	621	627
932	S & C Appr.	99	11	9	0	30	0	8	0	18	30	0	13	0	0
Total 932		150,372	66	13,670	10,471	12,702	14,498	15,146	12,958	13,752	15,237	13,535	13,601	14,253	14,219
Total NECA					8,823	10,973	12,747	13,055	10,886	11,821	13,031	11,818	11,729	12,352	11,855
% NECA					84%	86%	88%	86%	84%	86%	86%	87%	86%	87%	83%

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Grand Total	3,431,928	311,993	240,315	297,318	326,847	323,585	307,289	307,835	330,820	321,572	343,046	338,917	294,384	0
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Total NECA	3,026,164	11	275,106	200,781	258,477	283,378	281,632	262,988	265,819	299,942	291,978	313,319	307,499	260,351	0
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% NECA	88%	88%	84%	87%	87%	87%	86%	86%	91%	91%	91%	91%	88%	#DIV/0!
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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	1,393,618	11	126,693	102,841	127,609	137,010	126,561	124,895	121,868	134,565	132,830	138,209	140,519	106,711	
280	Inside Appr.	426,143	11	38,740	26,037	32,474	38,784	36,996	36,454	39,666	43,822	46,017	47,108	43,902	34,883	
280	MAI	0	11	0	0	0	0	0	0	0	0	0	0	0	0	
280	Material	151,083	11	13,735	10,795	12,967	13,378	12,608	14,068	12,831	14,823	14,485	15,631	17,847	11,650	
280	Residential	59,026	11	5,366	3,486	5,176	5,920	6,545	5,242	5,403	5,463	5,411	6,052	5,105	5,223	
280	Resi. Appr.	55,684	11	5,062	3,330	4,415	4,838	5,445	4,909	4,857	5,514	5,545	6,609	5,172	5,050	
280	S & C	204,061	11	18,551	12,395	16,528	18,732	19,208	16,487	18,213	21,365	19,581	21,421	20,594	19,537	
280	S & C Appr.	78,593	11	7,145	5,417	7,303	6,996	7,463	6,588	7,000	7,682	7,620	8,296	7,127	7,101	
280	Support Tech/MOU	175,518	11	15,956	8,163	13,754	15,113	18,774	14,335	15,687	17,794	15,629	18,158	18,272	19,839	
Total 280		2,543,726	99	231,248	172,464	220,226	240,771	233,600	222,978	225,525	251,028	247,118	261,484	258,538	209,994	0

Local#	Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
659	Inside	218,763	11	19,888	12,116	17,102	18,271	22,236	17,946	17,575	21,736	20,162	24,758	22,463	24,398	
659	Inside Appr.	108,696	11	9,881	5,820	8,063	8,820	10,256	8,937	9,032	11,447	10,521	12,514	11,490	11,796	
659	Material	8,567	11	779	373	566	437	848	711	522	1,012	872	1,181	1,166	879	
659	Residential	3,805	11	346	279	263	324	333	318	357	357	354	402	429	389	
659	Resi. Appr.	2,031	11	185	148	162	146	162	182	214	206	263	231	237	80	
659	S & C	9,988	11	908	581	903	1,404	980	867	717	1,051	870	1,020	666	929	
659	S & C Appr.	1,498	11	136	177	219	458	162	163	56	74	0	0	158	31	
Total 659		353,348	77	32,123	19,494	27,278	29,860	34,977	29,124	28,473	35,883	33,042	40,106	36,609	38,502	0

Local#	Contract Type	Annual Total		Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
932	Inside	81,934	11	7,449	5,629	7,234	8,400	8,560	6,998	7,401	8,019	7,455	7,355	7,806	7,077	
932	Inside Appr.	40,570	11	3,688	2,697	3,231	3,699	3,914	3,426	3,793	4,280	3,746	3,708	3,925	4,151	
932	MAI	0	11	0	0	0	0	0	0	0	0	0	0	0	0	
932	Residential	0	11	0	0	0	0	0	0	0	0	0	0	0	0	
932	Resi. Appr.	0	11	0	0	0	0	0	0	0	0	0	0	0	0	
932	S & C	6,487	11	590	497	478	648	573	462	609	702	617	653	621	627	
932	S & C Appr.	99	11	9	0	30	0	8	0	18	30	0	13	0	0	
Total 932		129,090	77	11,735	8,823	10,973	12,747	13,055	10,886	11,821	13,031	11,818	11,729	12,352	11,855	0

Grand Total		3,026,164		275,106	200,781	258,477	283,378	281,632	262,988	265,819	299,942	291,978	313,319	307,499	260,351	0
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**IBEW LABOR HOUR RECAP, LAST 5 YEARS
ALL SIGNATORIES**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
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	323,585	307,289	307,835	330,820	321,572	343,046	338,917	294,384	0	3,431,928
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	281,632	262,988	265,819	299,942	291,978	313,319	307,499	260,351	0	3,026,164
Grand Total	680,415	788,381	847,965	763,950	783,556	751,723	790,566	891,248	797,591	939,971	853,077	937,348	9,825,791



Safety Training Topics

January 2023 – Accident Reporting

Accident Investigations

OSHA Recordkeeping

OSHA Reporting

Reporting Incidents

SAFETY TRAINING TOPIC

Accident Investigations

Accidents can be defined as unplanned events that result in personal injury or property damage. By this definition, a worker who slips on a scaffold, but catches himself before falling, did not have an accident. Although there was no injury as a result of this incident, a means of reporting and investigating these near misses, as well as accidents, should be established. By investigating both near-misses and accidents we can do a better job of eliminating or controlling hazards.

Unsafe acts and unsafe conditions cause 98% of all accidents and near-misses. Of that number, 88-90% of the accidents result from unsafe acts, with unsafe conditions making up the other 10 %. Less than 2% of accidents go unexplained or are called "Acts of God." Unsafe acts are often identified by their immediate cause. Carelessness, poor judgment and bad attitudes are all examples of unsafe acts.

In an investigation we must look beyond the immediate cause to determine what underlying causes may have been involved. Poor training, lack of supervision and inadequate maintenance may all be contributors to accidents. Unsafe conditions in the work place may also be at fault. An oil spill may be the immediate cause of a fall. Poorly maintained equipment may have caused the spill and would thus be an underlying cause. A thorough accident investigation should reveal both.

Many accidents are caused by assigning workers to jobs that are too difficult to perform. If you don't have the skills or training to do a job, let your supervisor know. Performing a job that you know is beyond your ability is simply poor judgment, otherwise known as an unsafe act.

THE ACCIDENT INVESTIGATION

Accidents may be investigated by an individual or team. In either case, it should be reviewed and used as a learning experience. Both management and workers should review the results of investigations and be free to make comments. While a report might indicate names of people involved, results used for discussion and training should not include these names. The intent of an investigation report should be to find solutions, not cast blame.

ACCIDENT INVESTIGATION PROCEDURES USUALLY CONSIST OF 5 STEPS:

1. Collect the facts. (Use interviews and inspections.)
2. Determine the causes-both immediate and underlying.
3. Recommend actions to prevent future occurrences.
4. Communicate the results of the investigation.
5. Verify that recommendations are implemented.

Facts must be collected immediately. Don't change anything at the scene. Whenever possible, the injured worker(s) will be interviewed first and witnesses second. In most cases, interviews should be conducted separately to avoid confusion and omissions; witnesses may be influenced by what they hear from others. If you are interviewed, try to relax. If necessary, ask to go to surroundings that are more comfortable. Stick to the facts. Tell the interviewer what you saw, not what you think he wants to hear.

Following the interviews, the equipment and work areas should be inspected. If you have any knowledge or records which would be pertinent, such as maintenance records or written procedures, provide them to the inspector. When the results are posted, if you feel that certain causes weren't identified, be sure to let your supervisor know. Be sure to follow any new policies which are developed as a result of the investigation.

REVIEW QUESTION

What are the leading causes for all accidents?

ANSWER

Unsafe acts cause 90% of all accidents.

SAFETY TRAINING TOPIC

OSHA Recordkeeping

The Occupational Safety and Health Act of 1970 requires certain employers to prepare and maintain records of work-related injuries and illnesses. Separate records must be kept for each establishment or site that is expected to be in operation for one year or longer. Some employers are partially exempt from these requirements because of their size or the industry classification of the business.

Employers must decide if a case is recordable within 7 calendar days after they have been notified that an incident has occurred. Employers must also determine whether the incident is a new case or a recurrence of an existing one, and if the case was work-related. Flowcharts and other documents have been prepared by OSHA to assist your employer in the decision making process.

Specific forms have been developed and must be used to record work-related injury and illness information. If the case is recordable, your employer must first complete the Injury and Illness Incident Report form (OSHA 301). Some state workers compensation, insurance, or other reports may be acceptable substitutes, as long as they provide the same information as the OSHA 301.

The Log of Work Related Injuries and Illnesses (Form 300) is used to classify work-related injuries and illnesses and to note the extent and severity of each case. When an incident occurs, your employer should use the log to record specific details about what happened and how it occurred.

A separate form, The Summary of Work-Related Injuries and Illnesses (Form 300A) tracks the total incidents for the year in each category. The Summary must be posted in a visible location from February 1 to April 30. A "Company Executive" must examine and sign the summary certifying the accuracy of the information. All workers are encouraged to review the Summary and be aware of the types of injuries that are occurring in the workplace.

What is a work-related incident?

An injury or illness is considered work-related if an event or exposure in the work environment caused or contributed to the condition or significantly aggravated a preexisting condition. Work-relatedness is presumed for incidents resulting from events or exposures occurring in the workplace, unless an exception specifically applies. The work environment includes the establishment and other locations where one or more employees are working or are present as a condition of their employment.

What incidents get recorded?

Employers must record all work-related injuries and illnesses that result in:

- Death
- A loss of consciousness
- Days away from work
- Restricted work activity or job transfer
- Medical treatment beyond first aid

Your employer must also record any work-related case involving cancer, a chronic, irreversible disease, a fractured or cracked bone or a punctured eardrum. An additional recording criterion includes:

- Any needle-stick injury or cut by a sharp object that is contaminated with a potentially infectious material;
- Any case requiring an employee to be medically removed under the requirements of an OSHA health standard;
- Cases of tuberculosis infection as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional after exposure to a known case of active tuberculosis.

Workers have the right to review the injury and illness records. However, under certain conditions information will not be provided on the forms to protect the "privacy concerns" of affected workers. A separate report containing the omitted information must be kept by your employer and provided to OSHA upon request. Workers should also be aware that cases listed on the forms are not necessarily eligible for workers' compensation or other insurance benefits. Listing a case does not mean that the employer or worker was at fault or that an OSHA standard was violated.

QUESTION

What are the posting requirements of the recordkeeping regulation?

ANSWER

The Summary of Work-Related Injuries and Illnesses (Form 300A) must be posted in a visible location from February 1 to April 30. A "Company Executive" must examine and sign the summary certifying the accuracy of the information.

SAFETY TRAINING TOPIC

OSHA Reporting

Unfortunately there are times when work-related incidents result in the death or hospitalization of workers. OSHA has established criteria for the immediate reporting of these catastrophic events. OSHA will investigate these incidents to ensure the safety of the existing workforce.

Your employer must report to OSHA, within eight hours, the death of a worker or the in-patient hospitalization of three or more employees. The report must be made orally by telephone, or in person, to the nearest OSHA Area Office. If an OSHA representative cannot be reached at the area office the report can be called into the OSHA Central Telephone Number (1-800-321-OSHA). The report must still be given to a person and not through an answering machine, e-mail or fax.

At the time the report is given, OSHA will need to know the following:

- Establishment name
- Location of the incident
- Time of the incident
- Number of fatalities or hospitalized employees
- Names of any injured employees
- Contact person and his or her phone number
- Brief description of the incident

Even work-related heart attacks need to be reported. In these cases the OSHA Area Director will decide whether to investigate the incident, depending on the circumstances of the heart attack. Some fatalities and multiple hospitalizations do not need to be reported. Motor vehicle accidents that occur on a public street or highway and not in a construction work zone do have to be reported. Incidents that occur on commercial airplanes, trains, subways or buses also need not be reported. However, these injuries must be recorded on the OSHA injury and illness records, if the employer is required to keep such records.

There are times when a fatality or hospitalization occurs long after the incident. Your employer is only required to report fatalities or multiple hospitalizations that occur within thirty (30) days of an incident. If your employer did not learn of a reportable incident at the time it occurred and the incident would otherwise be reportable, the report must be made within eight (8) hours of the time your employer is informed. Your employer depends on the supervisors to immediately report these incidents to management. Workers also play a key role in keeping their Supervisors immediately informed so that action can be taken to prevent a reoccurrence.

SAFETY TRAINING TOPIC

Reporting Incidents

If you were involved in a work-related incident, would you know what action to take? All incidents, and even near miss incidents, should be immediately reported to your supervisor. Injury and illness information serves many purposes. It assists management in meeting the requirements established by OSHA. More importantly, the information can be used to identify hazards in the workplace. Once the hazards are identified, corrective action can be taken. Management also uses this information to file worker's compensation claims, identify accident trends and compile reports requested by clients, insurance providers, and government agencies.

Most of the information contained in these reports comes from the affected workers. It is collected by the supervisors and then forwarded to management. Your supervisor depends on you notify him of work-related injuries, illnesses and near misses as soon as they occur. By promptly reporting these incidents to your supervisor you also protect your rights if a workers' compensation claim is filed. Prompt reporting will help establish the injury or illness as work-related. Prompt will also allow your supervisor to take immediate corrective action.

Management understands that some injuries and illness that occur in the workplace are of a private and personal nature. OSHA also recognizes that the "privacy concerns" of workers need to be protected. In "privacy concern cases" the employee's name and other information can be omitted from the reports.

The following types of injuries or illnesses are considered to be privacy concern cases:

- An injury or illness to an intimate body part or to the reproductive system,
- An injury or illness resulting from a sexual assault,
- A mental illness,
- A case of HIV infection, hepatitis, or tuberculosis,
- A needle-stick injury or cut from a sharp object that is contaminated with blood or other potentially infectious material,

Other incidents can be classified as "privacy cases" if the employee independently and voluntarily requests that his or her name not be entered on the log. Our workers can be sure that their rights to privacy will be respected and that all data collected will be used to assist supervisors, management and government agencies create a safer workplace.

QUESTION

Why is it important to promptly report any accident?

ANSWER

By promptly reporting an accident you:

- Help prevent future accidents from occurring
- Assist management in complying with OSHA regulations
- Establish the work relationship if a worker's compensation claim is filed

January 2023

The best stories and biggest fines of 2022

Top 10 Safety News Alert stories
of 2022 8

OSHA's top 6 most expensive
fines of 2022 12

Nonfatal workplace injuries,
illnesses decreased 1.8%
in 2021, BLS reports 24



News & Training SafetyAlert


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January 2023


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
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News Briefs

Safety Stories You Might Have Missed

Motor carriers can soon use FMCSA Clearinghouse for safety history investigations

December 1, 2022

On Jan. 6, 2023, employers operating under Federal Motor Carrier Safety Administration (FMCSA) regulations can conduct part of the employee safety performance history investigation in the FMCSA Clearinghouse.

The safety performance history investigation, which provides information on a driver's past drug and alcohol violations, is required for all driver-applicants and each CDL driver employed by a motor carrier, according to law firm Jackson Lewis.

These investigations previously required the employer to directly contact all U.S. Department of Transportation-regulated employers that employed the driver in the past three years to gather that information.

Beginning Jan. 6, 2023, employers will be able to use the FMCSA Clearinghouse to satisfy this requirement for FMCSA-regulated employers.

Employers can log in to the FMCSA Clearinghouse to see if their annual queries are due.

[Read more](#) 

Court: Worker can collect workers' compensation benefits on his own account of the incident

December 1, 2022

A Louisiana appeals court upheld a decision granting workers' compensation benefits to an injured worker even though he failed to initially report the injury and despite there being no witnesses.

Josue Rabadan was a welder for Turner Industries working at the Occidental Petroleum plant in Geismar, Louisiana.

On May 7, 2018, Rabadan was sweeping in the fabrication shop when he began to feel hot and dizzy. He tried to hold onto a table but fell to the ground, hitting his head and right shoulder.

On June 25, 2021, a workers' compensation judge found that Rabadan sustained his shoulder injury in the course and scope of his employment.

[Read more](#) 

NIOSH to celebrate 45th anniversary of Pocket Guide with revised 2023 edition

December 2, 2022

There's a new edition of the National Institute for Occupational Safety and Health (NIOSH) Pocket Guide to Chemical Hazards (NPG) coming in 2023 in celebration of the guide's 45th anniversary.

NIOSH developed the NPG to inform workers, employers and safety professionals about workplace chemical hazards. It describes chemical and physical properties for nearly 700 chemicals commonly found in the work environment and provides information on exposure limits, PPE and first aid measures.

[Read more](#) 

Texas janitorial company convicted in \$180K workers' compensation fraud scheme

December 5, 2022

A Texas janitorial company was convicted of a second-degree felony for attempting to defraud Texas Mutual Insurance Company in a \$180,000 workers' compensation fraud scheme.

The court found HSC provided the false information from Sept. 2, 2014, until Dec. 5, 2016, according to the Texas Department of Insurance.

HSC pleaded guilty to the felony conviction and will pay \$180,000 in restitution.

[Read more](#) 

Appeals court: 'Definite proof' refers to evidence quality in workers' compensation hernia cases

December 5, 2022

A worker who sustained a hernia at work can collect workers' compensation benefits since the "definite proof" he provided was of high enough quality, according to the Maryland Court of Appeals.

Definite proof in hernia cases refers to the quality of evidence, the appeals court found, and doesn't "elevate the claimant's burden of persuasion to clear and convincing evidence."

The appeals court upheld prior decisions from the state's Workers' Compensation Commission and lower courts granting benefits based on the quality of the worker's medical evidence.

[Read more](#) 

NSC report: 4 ways safety software, apps can help employers prevent serious injuries, fatalities

December 7, 2022

Safety software and mobile apps can help in preventing serious injuries and fatalities on the job, according to a new report from the National Safety Council (NSC) Work to Zero initiative.

The report, "Managing Risks with EHS Software and Mobile Applications," builds on Work to Zero's initial 2020 research and outlines how employers can use environment, health and safety software and apps to enhance their safety operations.

The NSC report points out that, as with change to digital platforms, "educating across all levels of the organization is a critical step in technology deployment."

[Read more](#) 

Permanent injunction entered against Packers Sanitation for endangering teen workers

December 7, 2022

Packers Sanitation Services was ordered by a federal court to immediately comply with child labor laws at all facilities it operates in after an investigation revealed the company was endangering teen workers.

A temporary restraining order was placed on the company Nov. 10 after the Department of Labor (DOL) Wage and Hour Division found 31 children – from ages 13 to 17 – employed by Packers in hazardous occupations at multiple JBS USA plants.

[Read more](#) 

New safety video details events leading to fatal boiler explosion at Loy-Lange Box Company

December 8, 2022

The U.S. Chemical Safety and Hazard Investigation Board (CSB) released a safety video Dec. 7 on the events leading to the April 2017 fatal explosion at the Loy-Lange Box Company in St. Louis, Missouri.

The video includes an animation of the sequence of events leading to the incident and interviews with CSB Interim Executive Steve Owens and Lead Investigator Drew Sahli.

Investigators found that “over the course of many years, an area of the failed pressure vessel had thinned due to a known corrosion mechanism that was poorly controlled at Loy-Lange.” A CSB investigation report said the company “repeatedly ignored clear warnings that corrosion was causing major problems within its operations.”

[Read more](#) 

Study: Production, maintenance, construction workers had highest levels of COVID-19 infection

December 8, 2022

New research reveals that production, maintenance, construction, healthcare support and food preparation workers had the highest levels of infection early in the COVID-19 pandemic.

In these jobs, the rate of positive tests ranged from around one in three to one in five workers. The differences persisted even after controlling for additional factors such as age, gender and other medical issues.

[Read more](#) 

Proposed rule clarifies emergencies that would cause relaxed hours-of-service requirements

December 9, 2022

The U.S. Federal Motor Carrier Safety Administration (FMCSA) published a notice of proposed rulemaking that would ensure hours-of-service requirements would only change in the event of actual emergencies.

Commercial drivers who transport goods and property are generally restricted to 11 hours of driving and 14 hours of on-duty time. These drivers aren't allowed to drive after 60 or 70 hours on duty in seven or eight consecutive days.

However, current regulations include an exception for declared emergencies where employers can allow drivers regulated by the Department of Transportation to work for longer periods of time. That means, for example, if there was an emergency declared after a hurricane struck, drivers could rush emergency supplies for relief efforts.

[Read more](#) 

Missouri decriminalizes recreational marijuana: 7 important things employers need to know

December 12, 2022

An amendment to Missouri law decriminalizing the purchase, possession and use of recreational marijuana went into effect Dec. 8. This amendment could cause some headaches for employers.

Arguably the biggest open question is regarding an employer's potential liability for discrimination based on marijuana use. Unlike the Missouri Human Rights Act for medical marijuana, the amendment doesn't provide a private right of action for lawsuits. Whether it will provide an exception for causes of action for wrongful termination is unknown at this time.

[Read more](#) 

What Would You Do?



Is worker wrong for thinking PPE makes him safe even if he's not using it appropriately?

Manager Mike Kelly was walking through the warehouse on his way to meet with Jack Hall, the shipping supervisor.

The warehouse was busy and Mike could see two forklifts and an order picker being operated along the aisle he was in.

As Mike got closer to the order picker, he could see its platform was elevated near one of the topmost shelves of a rack. He noted the operator was wearing his fall protection harness and had the line tethered properly to the order picker.

However, as Mike looked more closely, he noticed that the safety line was a little too long.

"Excuse me, Charlie?" Mike called out to the operator.

"Hold on a second," Charlie replied as he finished grabbing the items he was picking for his order. "OK. Now what can I do for you, Mike?"

'I'm wearing the safety gear and you're just nitpicking'

"I noticed you're wearing fall protection and that you're tethered to the right point on the order picker – good job on that," Mike said. "But I think you should know that your safety line is too long."

"What do you mean?" Charlie asked as he pulled the line in after stepping back onto the order picker. "The length is perfect. It's long enough that I can comfortably reach the places I need to go on the racks. And it's not so long that it wouldn't prevent me from hitting the floor."

"You're right," Mike said.

"However, it's also long enough that if you fell you'd end up at a level where you'd be swinging like a pendulum between the order picker and the racks."

"Yeah, but I wouldn't fall to the floor," said Charlie. "That's the point of the fall protection, right? To keep me from hitting the floor."

"You'd also be very likely to get hurt if you were swinging back and forth between the order picker and those racks," Mike said.

"You're grasping at straws," Charlie argued. "I'm wearing the safety gear and you're just nitpicking for no good reason."

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

'A little too long' not enough to worry over

One may think that Mike was a bit too hard on Charlie. After all, Charlie was wearing the PPE and had it tied off correctly.

When Mike saw the length of the line, he thought it was "a little too long" but was it actually long enough to cause the pendulum effect Mike warned about?

Obviously, it would be different if Charlie had his harness on backwards, wasn't tied off correctly or wasn't tied off at all. Right?

Significant enough that it was easily noticed

On the flip side, the length of the safety line was enough of a problem that Mike, a seasoned safety professional, took notice of it as he was passing by.

Mike wasn't doing an inspection. He was on his way to a meeting. The fact that he noticed something wasn't right with the safety line without having to look too hard is significant.

PPE is practically useless if not used correctly

For PPE to be truly effective, it must be used correctly.

In this scenario, Charlie tried to make his point by telling Mike that the way he was using his PPE would prevent him from getting injured in a fall. However, as Mike pointed out,

What Would You Do?

Is worker wrong for thinking PPE makes him safe even if he's not using it appropriately? (continued)

the way Charlie was using his PPE could still cause him to be injured.

Instead of striking the floor, he was likely to strike the rack, the order picker or maybe even both. When you consider the momentum of the uncontrolled fall along with the pendulum effect it's easy to imagine how that could lead to a serious injury.

Charlie using the long safety line is no different than a worker handling chemicals with a torn glove or tying off fall PPE on something that won't support the weight of a fall. All of them are very likely to result in an injury.

Carpenter killed in fall through floor

For example, on March 10, 2022, a 33-year-old carpenter was killed when he fell through the floor of the room over a garage where he was installing OSB sheathing.

He was working with his two brothers for about a month as part of a three-person crew. He was laying the floor sheathing while his brothers were busy with other tasks.

The carpenter went down a ladder to the ground floor to get some nails. After coming back up the ladder, he started nailing down a sheet. Shortly after, he fell through the joists of the unfinished floor to the concrete 14 feet below. He died the next day while in the hospital.

He wasn't wearing a fall protection harness when he fell.

Wrapped safety lines around trusses instead of using anchors

However, when investigators with the Washington State Fatality Assessment & Control Evaluation (FACE) program interviewed the brothers after the incident they demonstrated their method of tying off.

When the brothers used fall PPE, they didn't use fixed or temporary anchors. Instead, they wrapped their safety lines around roof trusses. FACE investigators found that method was inadequate since the trusses weren't rated for that use.

Sure, the brothers were using fall PPE, but because they weren't using it correctly they could've been hurt or killed.

Investigators said that fall PPE must not only be provided and installed correctly, but it must also be used in accordance with regulations and tied off only to approved anchors.

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

HAZARDS

Top 10 Safety News Alert stories of 2022



by Merriell Moyer



Cyber attacks that led to burning food facilities. Amazon, Dollar General and Starbucks on the National Council for Occupational Safety and Health's Dirty Dozen list. An injured worker who received workers' comp despite being intoxicated on beer and cocaine.

These are just a few of the stories that made Safety News Alert's top 10 for 2022.

1 What's behind the string of food facilities burning to the ground? FBI warns

of trouble to come: Five major food distributors in four states were destroyed by explosions and fires within a span of a few weeks. The FBI's cyber division warned that these incidents may have been the result of cyber attacks on the U.S. food supply chain.

2 Amazon, Dollar General, Starbucks make Dirty Dozen: Large, well-known companies such as Amazon, Dollar General and Starbucks made the National Council for Occupational Safety and

Health's 2022 Dirty Dozen list. Amazon was included for the high injury rates in its warehouses, along with worker deaths from COVID-19. Dollar General made the list after news reports revealed the stores had become "magnets for crime" along with numerous OSHA citations for storage and fire safety violations. Starbucks was included because of its failure to protect workers from COVID-19.

3 Fatal crash in mine shows importance of pre-op

inspections: A West Virginia mine operator's lack of procedures for pre-operation inspections and removing unsafe equipment from service led to the death of an assistant maintenance shift supervisor.

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

A single loose bolt caused a major fire in a ship's engine room. Thankfully, there were no injuries, but the fire caused almost \$4 million in damages.

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

The Kentucky Supreme Court granted workers' compensation benefits to a worker who was injured in a car crash on his way home from work. The traveling employee exception applied in this case since the worker's travel was more beneficial for his employer than it was for him. This case demonstrated that there are some limitations to the going-and-coming rule.

6 Fatality shows need to address situational awareness: The National Transportation Safety Board issued an investigation report on a Housatonic Railroad Company employee who was struck and killed by a rail-mounted track excavator traveling on an out-of-service track in Connecticut. The employee was walking next

to the excavator and a switch panel when he got crushed between them.

7 He was intoxicated on beer, cocaine when he fell: Can he collect workers' compensation?: A construction worker did some cocaine and drank some beer before falling off a ladder and getting injured. He still received workers' compensation, though. Why? Because the court found he would still have gotten injured even if he'd been sober.

8 OSHA's proposed injury reporting rule set to cause big changes for smaller companies: OSHA is planning on expanding reporting requirements for high-hazard employers with at least 100 employees having to submit injury and illness forms electronically to the agency, down from the current 250 employees. This revised rule is supposed to be published some time in December 2022.

9 Confined space fatality shows why just having a safety procedure isn't enough: MSHA investigators were called to a mine in Greenlee County, Arizona, to investigate a fatality involving a contract welder who died while working with argon gas in a confined space. The contract company had a confined space safety procedure created jointly with

the mine operator, but much of it had been ignored, leading to the welder's death.

10 Truck in fatal crash was noted as unsafe: Why did it remain in service?: One worker was killed and another severely injured when the cement mixer truck they were operating crashed while traveling down a ramp at an Arizona mine. The brakes were defective, which was noted on pre-operational inspections. Despite the fact that employees and management knew the vehicle had defective brakes, it remained in service and eventually caused the fatality.

[Read this story online](#) 

Was company or subcontractors responsible for injured employees on multi-employer worksite?



"Pete Travers, please report to the office," Attorney John Jenkins said over the intercom in the main office. "Safety Manager Pete Travers, you are needed in the office immediately."

A few minutes later, Pete arrived at the office looking a bit disheveled.

"What's going on?" Pete asked. "I dropped what I was doing and came here as quickly as I could. Is there some kind of emergency?"

"Yes," John said. "OSHA is citing us and I need to talk to you about it."

"That's not really what I meant by emergency," Pete replied.

'Crew received instruction from general contractor'

"Tell me about the collapse of the concrete slabs," John said when they entered his office.

"Wait. OSHA's citing us for that?" Pete asked.

"Yes," John said. "Specifically, we're being cited under the Concrete

and Masonry subpart of the Construction Standard for placing construction loads onto a concrete structure that wasn't capable of supporting said loads."

"That would be the proper standard to cite us under, if this was our fault," Pete said. "The thing is, our crew was on a multi-employer worksite, and the way I understand it, our crew did what they were instructed to do by the general contractor."

"Explain," John demanded.

Slabs were fabricated by subcontractors

"Our onsite supervisor, John Ortega, was working with a small crew of our employees installing hollow core slabs that would eventually serve as a floor for the building that was being built," Pete said. "After installation, John and the crew were placing bags of concrete onto the slabs when they collapsed."

"John and another worker, Craig Holland, were injured," Pete added. "The general contractor and two

other subcontractors were involved in making the slabs and prepping them for installation."

"John and our crew were there to install the slabs," Pete continued. "The general contractor and subcontractors didn't attempt to stop them from doing so. And, again from my understanding of the situation, John didn't have the final say on whether or not to go ahead with the installation."

"In other words, there could have been something structurally wrong with the concrete slabs, which we didn't fabricate?" John asked. "And installing them on the day they collapsed wasn't our choice?"

"As far as I know, that's correct," Pete said.

"Then we may be able to fight this," John said.

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

Decision on next page

You Be The Judge

Was company or subcontractors responsible for injured employees on multi-employer worksite? (continued)

The decision

No, Pete's company lost when an administrative law judge with the Occupational Safety and Health Review Commission (OSHRC) found that it was ultimately the company's responsibility to protect its workers "with the exercise of reasonable diligence."

OSHA claimed the company violated 1926.701(a), which states, "No construction loads shall be placed on a concrete structure or portion of a concrete structure unless the employer determines, based on information received from a person who is qualified in structural design, that the structure or portion of the

structure is capable of supporting the loads."

The company argued the standard didn't apply since it was involved in a multi-employer worksite where it didn't fabricate the slabs or call the shots on when it was appropriate to proceed with installation.

Company responsible for ensuring safety of its employees

No matter who fabricated the slabs or who made scheduling decisions, the company was responsible for ensuring the safety of its own employees, according to the judge.

Under OSHA's multi-employer enforcement policy, an exposing employer who created the violation may be cited for the violation as a creating employer, and in this situation, the company

qualified as both a creating and exposing employer.

In short, the company created the hazard when it proceeded with installation of the slabs while failing to verify those concrete structures had been cured long enough that they could support a load. The company was also an exposing employer since its employees were exposed to the hazard it created.

Further, the judge found that the company, through its onsite supervisor, could have easily verified the condition of the slabs via visual inspection or by checking the engineer's notes on the blueprints, which stated the length of time required before they could safely be installed.


Analysis: Multi-employer worksites are tricky

As this case illustrates, when incidents occur on multi-employer worksites it can be difficult to determine who was responsible for what.

Note that the contractors who incorrectly fabricated the slabs and the general contractor also received citations for their roles in this incident. However, that fact had no bearing on the judge's findings that this company failed to take "reasonable alternate steps" to protect its employees.

From a safety standpoint, the easiest way to cut through the complexity of a multi-employer worksite is to realize that an employer is ultimately responsible for ensuring the safety of its own employees, as the judge pointed out.

Cite: *Secretary of Labor v. Revolution Erecting LLC*, Occupational Safety and Health Review Commission, No. 21-0142, 9/26/2022. Dramatized for effect.

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

OSHA's top 6 most expensive fines of 2022



by Merriell Moyer



FALLS, MACHINES,
OTHER HAZARDS
**COST WORKERS
THEIR LIVES,
COMPANIES
MILLIONS**

OSHA's most expensive fines of 2022 include three construction companies that ignored fall safety requirements and an auto parts plant that exposed its workers to numerous different hazards.

The full list is below:

1 ALJ Home Improvement - \$1.3 million

OSHA cited this New York roofing contractor after investigators found fall protection violations during three separate inspections of its worksites in May 2021.

Inspectors found violations that exposed workers to falls from heights of 18 to 20 feet along with exposing employees to head and eye injuries from falling or flying debris.

The company was cited for fall-related hazards at three other worksites in New York and New Jersey between 2019 and 2021, including one which involved a worker who died following a fall in February 2019.

2 My Auto Store - \$1.2 million

This auto parts plant in Camden, New Jersey, let a

variety of safety hazards and work habits slide for years. For example, OSHA inspectors found a damaged circuit breaker was strapped to a pole with a bungee cord instead of being repaired by a licensed electrician.

OSHA investigated the manufacturer after an employee's hand was crushed in an auto lift that started up suddenly. Inspectors determined the cause was a lack of lockout/tagout procedures and controls.

Just a few of the other things the company failed to do included:

- prohibiting the use of sparking tools near gasoline vapors

7 key steps to bring values and strategies to life

- removing boxes and other obstacles blocking emergency exits
- protecting employees from being caught in auto lifts
- providing workers with PPE
- training workers on using fire extinguishers
- addressing various electrical, noise, machine guarding, crushing and flammable material hazards, and
- affixing guardrails to stairways and open areas of elevated platforms.

3 NOX US - \$1.2 million

Luxury vinyl tile flooring manufacturer NOX, a serial violator, was fined \$1,232,705 after an employee's finger was first caught in a rotating spindle on a plastic winding machine, then his body was pulled around the machine's spindle. The worker, who had been on the job just six weeks, suffered multiple severe injuries that required surgery.

OSHA also fined the company for exposing workers to machine hazards, lacking PPE and failing to train workers on safety hazards and precautions.

This is the seventh worker injury related to lockout/tagout at the company since 2017. NOX is in OSHA's Severe Violator enforcement program.

4 DME Construction Associates - \$1.2 million

This inspection was conducted following the death of an employee who fell 18 feet through an unprotected skylight on the

construction site of a municipal building in Setauket, New York.

OSHA found that, in addition to the unprotected skylight, the employer exposed workers to falls of up to 22 feet from other unguarded roof openings and roof edges, and failed to provide employees with any personal fall protection equipment.

Before this inspection, OSHA had cited DME seven times since 2011 for fall-related hazards, including not providing protection from falls through skylights and from roof edges, with more than \$50,000 in unpaid fines.

DME was placed into OSHA's Severe Violator Enforcement Program.

5 JDC Demolition Company - \$1.2 million

OSHA began an investigation of JDC Demolition Company after a heavy equipment operator working on the eighth floor of the Government Center garage in downtown Boston died when the partially demolished floor collapsed.

The 11,000-pound excavator and its operator fell 80 feet, resulting in the worker's death. It was their first day on the job.

OSHA found JDC failed to adequately train its workers on the demolition plan and safety management system to help them recognize and avoid unsafe conditions.

On the morning of the collapse, another heavy equipment operator, who had started demolition on a concrete beam on an upper floor bay, told the foreman they had concerns about the floor's safety. Despite those concerns, the employee who later died in the incident was assigned to operate

the excavator. That worker never received a safety briefing and wasn't trained to follow the engineer's demolition plan.

OSHA also found that JDC Demolition deviated from the demolition plan by imposing unsafe loads, in the form of heavy equipment, on the partially demolished seventh, eighth and ninth floors. The demolition plan prohibited the placement of heavy equipment on partially demolished floor bays.

6 Charm Builders - \$1.1 million

This contractor already had a long history of disregarding workplace safety standards before this OSHA inspection revealed employees working at dangerous heights without fall protection, this time at a West Virginia work site.

OSHA found that Charm allowed its employees to work at heights of up to 28 feet without required fall protection.

The agency issued citations for 12 violations – six egregious-willful, five repeat and one serious – for failing to ensure the use of fall protection, not training employees on fall hazards, allowing unsafe use of portable ladders, and not making sure workers used safety glasses.

This was the 12th time Charm was cited since 2009 for violations related to fall hazards. The company was placed in the Severe Violator Enforcement Program.

[Read this story online](#) 

Marijuana at work: 4 methods for determining employee impairment



Despite the number of states who have legalized marijuana in one way or another over the past decade or so, the drug is still considered an illegal Schedule I drug by the federal U.S. government.

Between the federal government stance, the states that have legalized recreational and/or medical marijuana and the cannabis products that have popped up everywhere, it's easy for safety professionals to become confused by the whole situation.

The science of marijuana

That's why it's best to start with the fundamentals, since having those can help you get the big picture.

Cannabis is a family of plants. Within that family is hemp and marijuana. The big difference is in the chemical makeup of the two.

Cannabinoids is a group of chemicals found within cannabis plants. Cannabidiol, or CBD, can be found in both hemp and marijuana.

Tetrahydrocannabinol, or THC, can be found in hemp, but in really low concentrations. THC, particularly Delta 9 THC, is the primary psychoactive cannabinoid. This is the one that gives you the high.

There are other types of cannabinoids that we find in

marijuana plants that haven't been studied as much and we're still uncertain about what their role is in determining a person's impairment.

Most of the CBD items on the market are derived from hemp, which means they have low levels of THC.

To be sold in places where marijuana is illegal, CBD products must contain 0.3% or less of THC. However, because the CBD industry isn't well-regulated, there are CBD products out there that do have higher levels of THC.

Medical, recreational marijuana are the exact same drug

People who take inordinately large doses of CBD – in the ballpark of 1,000 to 2,000 milligrams – can bump up the THC in a drug test for marijuana even though a person may not have had enough to become impaired.

Keep in mind that marijuana doesn't know if it's medical or recreational – it's all just marijuana. The terms medical and recreational are terms used only for legalization purposes, so just because it's medicinal marijuana doesn't mean there isn't impairment.

Marijuana does cause impairment. It can significantly impair judgment, motor coordination and reaction

time. Both the American College of Occupational and Environmental Medicine and the National Safety Council have issued statements expressing concern about the workplace safety implication of the continued push for decriminalization and legalization of marijuana.

Studies have found that there is a direct relationship between THC concentrations and impaired driving ability. Further, states with legal recreational or medical marijuana are reporting an increase in fatal motor vehicle crashes involving THC.

Challenges in determining impairment

Then the question becomes, "How do you determine impairment?" Unlike alcohol, there are definite challenges to this when it comes to marijuana.

THC levels should never be assessed in isolation. There also has to be definable signs of impairment either documented by a supervisor or in a medical examination.

This is because the degree of impairment frequently can't be defined by the THC level, especially at lower levels. Also, long-term users are likely to experience less acute impairment by some performance measures.

Case Study

Marijuana at work: 4 methods for determining employee impairment (continued)

Urine and hair drug testing aren't helpful in determining impairment in marijuana cases. This is because there can be traces of THC present in the system even if the individual used THC days or weeks ago and there is no longer any impairment.

To further complicate the situation, measurable concentrations and known potency of psychoactive ingredients in marijuana products can vary and is poorly regulated.

Considering all of this, what can an employer do?

Supervisor training is the key

Supervisor training to identify and document signs of impairment are critical and must be clearly defined in advance.

We have to have a workforce that's trained to look for the visible signs of impairment.

They have to be able to consistently apply their training and document and articulate those signs. We can use this along with one of these other existing methods to combat this problem.

Existing test panels still the most practical solution

You could use existing marijuana test panels, but these really have limited clinical value and they're not standardized for the workplace.

For most employers, it's still probably the most practical

solution to use these existing panels along with the supervisor training to determine and establish impairment.

Simulator testing: Useful for employers in transportation

Simulator testing is also out there. We use this type of testing mostly in driving applications. This involves using a driving simulation to see if an employee is showing signs of impairment.

These tests are more objective because there are thresholds of what an unimpaired person is capable of doing compared to someone who is impaired.

However, for a lot of workplaces, simulator testing isn't really practical.

Neurocognitive testing: Useful but not always recommended


Neurocognitive testing is akin to an IQ test. These are useful, but results are dependent on THC levels and patterns of use at the time of taking the test. This sort of test isn't always recommended because we don't always have a baseline of employees to compare to.

This kind of test evaluates memory, processing speed, attention and reasoning. Some tests will also look at psychomotor speed and manual dexterity.

Some general best practices to consider

Some other general best practices include:

- considering whether the worker has a legitimate prescription for a cannabinoid substance
- using fitness for duty examinations on new hires who use medical marijuana to ensure they can perform job duties
- considering employee use of CBD products, how they can cause a positive test and the fact that they're not a legitimate explanation for federally regulated tests
- developing a system to identify, assess and verify impairment, and
- carefully defining safety sensitive positions.

[Read More Case Studies in your Membership Dashboard](#) 



Temporary worker struck and killed on the job: What you can learn from this tragedy

"Let's go over a few things," Supervisor Nicole Kane said to Ethan, a temporary worker.

"You'll be the spotter directing the truck drivers today so you'll need this PPE on at all times," she said, handing the worker an orange vest.

"Great," Ethan said. "Thanks." "So you've been briefed on being a spotter?" Nicole asked.

"Yes we went through all the training this morning," Ethan said.

"Sounds good," Nicole said.

Veteran driver assigned to temp

Nicole approached Carl, a long-time equipment driver. "Just so you know, there's a new kid starting today," she said.

"OK. And you want me to be extra careful," Carl asked.

"Bingo," she said. "Just make sure he's following the rules."

"Right," Carl said. "By the way, the backup camera on this truck is busted."

"Can you use the mirrors today?" asked Nicole. "It's going to be busy."

"Will do," Carl said.

On the third run, Carl got an uneasy feeling. Backing up the truck, he had lost sight of Ethan in a mirror's blind spot.

He continued in reverse until he felt the truck's back wheels strike something.

He threw it in park and instantly felt sick at what he saw. Carl screamed for help when he saw the temporary worker's bloodied body lying at the back of the wheels.

Firm sued for wrongful death

Ethan's mother sued the company for negligence and wrongful death. The company tried to get the lawsuit thrown out, claiming Ethan was an employee of a staffing agency, not theirs.

Result: A judge refused to dismiss the case – meaning a costly settlement is likely on the way.

Key: Temporary workers need to be protected the same as any other employee. Even if they're not technically your employee, you are responsible for their safety as if they were.

What you need to know: Responsibility for temps' safety is a shared between staffing agencies and the companies that hire them.

Real Life Safety

Temporary worker struck and killed on the job: What you can learn from this tragedy (continued)

Remember that these workers:

- May be trained by staffing agencies – but need to be given instructions on avoiding job-specific hazards by your company
- Need to be briefed in a language and terms they understand, and
- Must be provided with proper PPE by either you or the staffing agency.

Based on Gregory v. Pearson

Look at your facility like inspectors do & avoid fines



Environmental and safety inspectors are like detectives – they're looking for the clues the minute they enter a regulated facility.

For example: Oily stains on the floor in waste storage areas are a telltale sign that spills may be a recurring problem.

Next thing you know, inspectors are checking if:

- steel drums and other waste containers are in tip-top shape and lids fit tightly
- personal protective equipment (PPE) and absorbents to clean up spills are easily accessible, and
- training records are dated and signed by required employees.

Bottom line: The better your material storage and work areas look says a lot about your compliance.

Always be looking & reacting

This doesn't mean appearance is more important than substance. Plenty of older, less attractive facilities stay on top of compliance duties, while deep-pocketed companies completely miss the boat on one or more issues.

But there's no doubt that regular visual checks and necessary fixes to your parking lots, loading docks, shelves, paint booths, waste accumulation areas, stormwater controls, etc. will give you a leg up.

Case in point: If spills are an issue, make sure you've got absorbent mats, and if necessary, a boom nearby to contain the spill.

Staffers should know where these items are at all times. That goes double for safety cones and PPE.

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

AGENCY ADDS INSPECTORS, STRENGTHENS ENFORCEMENT EFFORTS

OSHA

OSHA spent 2022 flexing its regulatory muscles, preparing for 2023 and beyond



by Merriell Moyer

After losing some momentum under the Trump administration and making its share of mistakes throughout the pandemic, OSHA has spent much of 2022 flexing its regulatory muscles.

Consider that, so far in 2022, it has started emphasis programs and enforcement efforts targeting warehouses, heat illness, COVID-19 and trenching violations.

At the same time, it has broadened the scope of its Severe Violator Enforcement Program and it is once again using the General Duty Clause to address ergonomics violations.

Speaking of ergonomics, the agency, along with the U.S. Attorney's Office for the Southern District of New York, is focusing on those violations as part of a broader investigation into multiple warehouse facilities owned and operated by Amazon.

Further, OSHA's inspector roster grew 19% in fiscal year 2022. The agency added 50 new inspectors in an effort to finally replace those who retired or quit over the past few years.

It's no wonder law firm Seyfarth Shaw recently said employers should make sure they're "inspection ready" and willing to work with OSHA counsel to make sure inspections are lawful, limited and focused.

More inspectors = more inspections

The addition of 50 new inspectors was made possible by an additional \$12.7 million the agency received to expand its enforcement efforts.

Now OSHA's staffing levels are higher than they've been in decades, which fits with its more aggressive

enforcement and increased penalties under the Biden administration.

Bottom line: More inspectors means an increased risk for on-site inspections, so employers should certainly take Seyfarth Shaw's advice and be both compliant and ready for inspections. Failure to properly record an injury or illness, post the 300A form in the workplace, and/or electronically submit 300A data to the agency can result in an OSHA citation in the event that an organization is the target of an OSHA inspection.

Easier to end up in Severe Violator Enforcement Program

After all, no employer wants to be cited for safety violations, or worse yet, placed in OSHA's Severe Violator Enforcement Program.

As stated above, this program has become much broader than it was in the past.

The program, which will continue to focus on repeat offenders, now includes violations of all hazards and standards. Before, an employer could only be placed in the program for failing to meet a limited number of standards.

Those changes will broaden the program's scope and allow additional industries to fall within its parameters.

Other changes to the program include:

- program placement for employers with citations for at least two willful or repeat violations or who receive failure-to-abate notices based on the presence of high-gravity serious violations
- follow-up or referral inspections made one year – but not longer than two years – after the final order
- potential removal from the Severe Violator Enforcement Program three years after the date of receiving verification that the employer has abated all program-related hazards, and
- employers' ability to reduce time spent in the program to two years, if they consent to an enhanced settlement agreement that includes use of a safety and health management system with seven basic elements in OSHA's Recommended Practices for Safety and Health Programs.

In addition to being included on a public list of severe violators, employers are subject to follow-up inspections.

New standards for heat illness, disease, workplace violence

It's no secret that OSHA has had to rely on its General Duty Clause to address hazards that don't have specific standards that apply to them – heat illness, infectious disease and workplace violence, to name a few.

Standards addressing all three of those examples are in various stages of rulemaking at this point. The soonest we'll see progress on any of these is May 2023 when the infectious disease standard gets a notice of proposed rulemaking. As usual with rulemaking, dates are subject to change.

In the meantime, those hazards will continue to be addressed through use of the General Duty Clause.

OSHA looking at workplace stress as a hazard

Workplace stress may soon join them as a new hazard that OSHA will use the General Duty Clause to address.

The agency issued a bulletin in November 2022 addressing workplace stress and mental health hazards in a way that seems to indicate it views them as hazards that fall under OSHA jurisdiction.

OSHA's concern for the mental health of the U.S. workforce is generally supported by the regulated community, but OSHA really hasn't made a practice of regulating work-related mental health hazards.

If it did, the agency would have to do so under the broad provisions of the General Duty Clause, according to Seyfarth Shaw.

To prove such a violation, OSHA would have to show:

- a recognized hazard of workplace stress specific to the worksite
- that the employer was aware of the recognized hazard (or should have been)
- that the employer had a "feasible or useful" means of addressing the hazard, and
- that the efforts the employer undertook to address the hazard were insufficient.

While OSHA may not be equipped to hand out citations for hazardous levels of workplace stress, this hazard is clearly on the agency's radar. More activity from OSHA regarding this subject is likely to come up in the not-so-distant future.

[Read this story online](#) 



Protecting against the top 4 forklift dangers



Workers are constantly reminded how dangerous working with and around forklifts can be. But part of working safely is knowing the specific dangers this equipment carries.

Here are the top four hazards of forklifts – and what to tell your people to keep them from falling victim.

Overturning (22% of incidents)

In order to prevent overturning, drivers need to know that they must follow the speed limits at all times – especially when turning corners.

It's also important to keep the load balanced and never lift more than the intended limit.

Striking a worker on foot (20%)

Workers on foot are also in danger of being injured by forklifts. Instruct them to stay clear of the machinery and never to use lanes designated for industrial lift traffic.

Also, drivers should leave plenty of stopping distance and sound the horn before taking turns or crossing walkways.

Crushing injuries (16%)

Make sure loads are centered. If containers are damaged, they're not safe to lift until they're bandaged or repaired.

Make sure workers never walk or work beneath raised forks.

Falls from a forklift (9%)

Workers should never stand on the forks or ride them to reach a higher level unless the lift is specifically designed for it.

Also, drivers must wear their seatbelts at all times to prevent falls from the cabin.

If they're losing control, drivers should never jump from the cab. This could result in them being crushed by the lift.



Beat fatigue to keep workers safe

When workers get tired on the job, they're more prone to make mistakes – and get injured.

On top of that, a tired workforce costs companies big money. Studies show tired workers cost their employers millions of dollars each year in lost productivity.

Training Tips


Beat fatigue to keep workers safe(continued)

Keep them fresh

Supervisors can't be there 24-7 to make sure workers get a good night's sleep, but they can take steps to decrease work-related fatigue.

Here are some ideas that work:

- **Knock out the tough stuff.** If you're able to schedule the most physically demanding work earlier in the day, workers will be less likely to suffer strain injuries.
- **Encourage healthy choices.** Work with your company's health plan provider to get employees to make smarter decisions. Consider small steps, like serving fresh fruit during morning safety talks along with the coffee.
- **Train smarter.** Try to schedule training for shift workers during their normal work hours. It'll help them keep to a sleep schedule.

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

Who Got Fined & Why



OSHA fines aren't enough to stop machinery injuries: \$1.2 million fine for latest gaffe

Seven lockout/tagout-related injuries in five years is the current tally for a severe violator.

What the company did wrong: Luxury vinyl tile flooring manufacturer NOX, based in Fostoria, Ohio, is once again paying an OSHA fine for a worker injury. The employee's finger was first caught in a rotating spindle on a plastic winding machine and his body was pulled around the machine's spindle. The worker, who had been on the job just six weeks, suffered multiple severe injuries that required surgery.

Result: OSHA fined the company \$1,232,705 for exposing workers to machine hazards, lacking personal protective equipment and failing to train their workers on safety hazards and precautions. This is the seventh worker injury related to LO/TO at the company since 2017. NOX is in OSHA's Severe Violator enforcement program, which makes follow-up inspections and a potential shutdown order if all safety hazards aren't corrected.

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

Do you know how to make your crew put safety first?



No matter where you work – from a hospital to a production line to an office – the attitude workers have about safety can make all the difference.

Test your knowledge of how attitude impacts safety by answering True or False to the following questions:

- 1 TRUE OR FALSE:** If a worker has already done the job for a long time, it's still up to the Supervisor to give that employee safety advice and remind him or her of the safest way to do the job.

- 2 TRUE OR FALSE:** The most common reason for workplace injuries is recklessness, like deliberately taking chances with tools and equipment.

- 3 TRUE OR FALSE:** It's best not to let your workers run toolbox talks – they could give bad advice to the rest of the crew.

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

Test Your Knowledge



Answers from previous page

- 1 TRUE:** No matter how long workers have been on your staff, they can always use a refresher on safety steps – even if they think they don’t need one. Best bet: Switch up how you deliver the message so veteran workers don’t get bored.
- 2 FALSE:** Staffers usually suffer injuries because they are being careless, not reckless. Careless people get hurt because they aren’t paying attention to the job they are doing – reckless people get hurt because they do something dangerous on purpose.
- 3 FALSE:** Giving your workers a chance to become an active part of safety meetings is one of the best things you can do. However, it’s a really good idea to sit down with staffers before a toolbox talk to find out what they’re going to say and prepare them to run the training session first.

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



INJURIES

Nonfatal workplace injuries, illnesses decreased 1.8% in 2021, BLS reports



by Merriell Moyer

DECREASE DRIVEN BY OVERALL DROP IN ILLNESSES

Pivate industry employers reported 2.6 million nonfatal workplace injuries and illnesses in 2021, which is a 1.8% decrease over 2020 numbers, the U.S. Bureau of Labor Statistics (BLS) reported Nov. 9.

In 2021, the incidence rate of total recordable cases in private industry was 2.7 cases per 100 full-time equivalent (FTE) workers, which was unchanged from 2020, according to the BLS Survey of Occupational Injuries and Illnesses.

Illnesses down, injuries up

The 1.8% decrease was due to a drop in illness cases, with private industry employers reporting a 32.9% drop in nonfatal illnesses, down 365,200 in 2021 from 544,600 in 2020. This was driven by a 37.1% decrease in employer reported respiratory illness cases in 2021, from 428,700 in 2020 down to 269,600 in 2021.

Total reported injury cases increased by 6.3% to 2.2 million cases in 2021,

up from 2.1 million cases in 2020. The rate of injury cases also increased in 2021, with private industry employers reporting 2.3 cases per 100 FTE workers compared to 2.2 cases in 2020.

Illness cases decreased from 55.9 cases per 10,000 FTE workers to 37.7 cases. That rate decrease was driven by the drop in respiratory illnesses, which fell from 44 cases per 10,000 FTE workers to 27.8 cases.

Days away from work down

Days of away from work also fell, with 1,062,700 nonfatal injuries and illnesses that caused a private industry worker to miss at least one day of work in 2021, 9.7% lower than in 2020.

The rate of days away from work also decreased in 2021, from 1.2 cases per 100 FTE workers in 2020 to 1.1 cases in 2021.

Retail, transportation see increase in recordable cases

Total recordable injury and illness cases increased in six private industry sectors in 2021, with retail trade and transportation and warehousing having the largest increases.

Retail trade increased from 341,100 cases in 2020 to 404,700 cases in 2021. Transportation and warehousing increased from 206,900 cases in 2020 to 253,100 cases in 2021.

The only private industry that saw a decrease in the total number of cases in 2021 was the health care and social assistance sector, which decreased by 183,200 cases to 623,000. This was driven by a 163,600 decrease in the number of respiratory illness cases in 2021.

Health care, retail saw high rate of respiratory illnesses

While this industry saw a decrease in cases, it simultaneously had the highest rate of respiratory illnesses in 2021 with 99.2 cases per 10,000 FTE workers. This is still 52.7% lower than in 2020 when the rate was 209.8 cases per 10,000 FTE workers.

Retail had the next highest rate of respiratory illnesses at 37.5 cases per 10,000 FTE workers, which is a 91% jump up from 2020 when the incidence rate was 19.6 cases.

The health care and social assistance and retail sectors accounted for 69.5% of the 269,600 total respiratory illness cases in 2021.

More highlights

Other highlights include:

- the incidence rate of cases in private retail trade increased from 3.1 in 2020 to 3.6 cases per 100 FTE workers in 2021, an increase of 15.6%
- the days away from work rate in private industry food manufacturing decreased 15.1% from 2.5 cases per 100 FTE workers in 2020 to 2.1 cases in 2021
- private industry days away from work cases in the transportation and warehousing sector in 2021 increased 23% to 122,700 cases, and
- other recordable cases in the private industry wholesale trade sector increased 12.1% in 2021 to 40,400 cases.

[Read this story online](#) 

Who Got Fined & Why



9 days into the job, employee falls to death into pit of molten iron

Veteran workers at this foundry knew how to navigate unguarded edges above three melters. A worker with less than two weeks on the job didn't, and paid with his life.

What happened: The 39-year-old new employee at the Caterpillar foundry in Mapleton, Illinois, fell and was immediately incinerated in an 11-foot-deep pot of molten iron heated to more than 2,000 degrees Fahrenheit. The investigation pegged his death on a lack of safety guards or fall protection. Caterpillar, headquartered in Irving, Texas, is one of the world's largest manufacturers of industrial vehicles and equipment. The Mapleton foundry produces cast iron engine components.

Result: OSHA cited Caterpillar for one willful violation and proposed a \$145,027 fine. Caterpillar didn't "ensure that each employee less than 4 feet above dangerous equipment is protected from falling into or onto the dangerous equipment by a guardrail system or a travel restraint system, unless the equipment is [otherwise] covered or guarded to eliminate the hazard."



Basic asbestos and lead paint safety shortcuts by contractor prove costly

What the company did wrong: Russell Apartments, a property management and development firm based in Waterbury, Connecticut, didn't ensure its contractors followed EPA regulations for removing asbestos and lead paint from older properties. Inspectors found the same problems occurred at multiple properties. Fines of \$25,000 were assessed. Lead paint removal and remediation is enforced by EPA under the lead Renovation, Repair and Painting (RRP) rule. Asbestos is regulated under National Emission Standards for Hazardous Air Pollutants.

Result: The company was ticketed for failing to:

- keep up-to-date information on equipment
- label piping and equipment
- describe maintenance and inspection frequencies for equipment and instrumentation
- inspect equipment and correct deficiencies, and
- address internal audit and incident investigation findings in a timely manner.

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

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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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