



National Safety
Management
Society

DIGEST

Updating Members on Safety Management News

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Welcoming Our New 2008 NSMS Members

On behalf NSMS President Roosevelt, the NSMS Executive Committee and the NSMS Board of Directors, we like to thank all members who have proactively renewed their 2009 memberships to the National Safety Management Society. We would also like to acknowledge and welcome the following new member(s) to our Society:

- **James C. Spiers**, Occupational Safety and Health Specialist – Office of United States Attorneys/U.S. Department of Justice (Washington, D.C.).

We appreciate your interest in furthering your skills, knowledge and abilities in the management of safety and risks, as well as your interest to networking and professional development. Welcome again to NSMS!

Voting Period Has Ended for Electing NSMS Board of Directors

Nominations have been put forth on an e-ballot and voting has been completed by our current dues-paying membership. We appreciate our members' interest and commitment to help serve on the Board and contribute to the Society's growth and needs of our membership. This leadership role is critical to help chart the strategic direction for our Society and address members' professional development. Election results will be announced next month in the November 2008 issue of our Safety Digest.

SPECIAL ADVANCED ANNOUNCEMENT:

Planning and Logistics are Underway . . .

**NATIONAL SAFETY MANAGEMENT SOCIETY
Special Professional Development Program
Tentatively – February 2009
New Orleans, Louisiana
Houston Texas**

“Enhancing Safety Stewardship: Regulatory Update, Best Practices and Leadership Development”

Due to the impact of Hurricane Ike, NSMS' goal of hosting a regional workshop is being rescheduled for sometime in spring 2009. We are relieved to hear that our members, their families and businesses made it through this natural disaster.

We hope you are all able to join the National Safety Management Society for a **Regional Safety Program** tentatively planned for the New Orleans LA/Houston TX. Based on interest and demand, this event is spearheaded by NSMS President Roosevelt Smith and is geared toward broadening the safety skills, knowledge and abilities of front line supervisors, managers and administrators in developing, implementing, evaluating and improving programs for worker

safety, security, compliance and environmental protection in onshore and offshore oil and gas operations, as well as general industry. More details to come.

Conference Registration Fee: (includes lunch and program materials).

The NSMS “Blog” is Here

Steve Geigle has created and launched the “NSMS Blog” on the NSMS website. It will allow members and others to post comments, remarks and initiate discussions about a variety of safety management topics and issues. You can participate in the Blog by going to the NSMS website (<http://nsms.us>) and look for the link on the home page along the left-hand column of navigation areas.

FREE ACCESS: Online Certified Safety and Health Manager (CSHM) Educational and Exam Preparation Reference Materials

As a benefit for our current and future dues-paying members, NSMS is **permanently** offering free access to the Certified Safety and Health Manager (CSHM) preparation and educational materials. The online resources, created by NSMS member Steve Geigle, can be found at www.cshmprep.com and the only action an NSMS member needs to take is to email Steve requesting access from that website. You will need to include your current NSMS member number (found on your membership card and certificate). Once the number is verified, you will be granted a username and password to access the online reference materials. This is a great opportunity to brush up on your safety management and technical knowledge and prepare for a successful passing of the CSHM certification examination.

ISHM Certified Safety and Health Manager (CSHM) Accreditation Update

Our sister organization, the Institute for Safety and Health Management that oversees and administers the CSHM credential has provided NSMS with the latest update towards certification accreditation. The first milestone toward accreditation, which is to gain membership into the [Council of Engineering and Scientific Specialty Boards](#) (CESB) has been achieved. Admissions and Accreditations have recommended and now approved ISHM for full CESB membership. This became effective September 1, 2008.

Next, the Application for Certification Program Accreditation must be prepared and presented to the CESB Accreditation Committee. In preparing the application, documentation and testing materials will be reviewed and updated. The CSHM Role Delineation Survey that was emailed to certificants was the first of several requests for assistance in this process. All CSHM certificants should watch for future emails requiring your input.

CESB is the recognized accreditation body for engineering and scientific certification and specialty certification programs such as the Board Certified Environmental Engineer, Certified Industrial Hygienist and Certified Hazardous Materials Manager. The criteria for certification includes a baccalaureate degree in an engineering related field (safety and health field for CSHM is acceptable) plus experience. Once the certification program is accredited, future candidates for the CSHM will have to possess a baccalaureate degree. Current holders of the CSHM will be grandfathered.

After the CSHM certification becomes accredited, the Board is considering an application for Technician Certification to include those who possess less than a four-year degree. This is allowable under the CESB procedures and would help provide recognition for those without a degree who have nevertheless achieved a high level of safety and health management proficiency. NSMS will explore with ISHM the feasibility of pursuing accreditation for our Certified Safety and Health Technician (CSHT) credential.

OSHA Accused of ‘Secret’ Rules Plot (By Alexandra Berzon, Staff Writer – Las Vegas Sun, 10/2/08)

The Bush administration’s Labor Department is proposing a new process for establishing workplace health rules that critics warned Wednesday could threaten worker safety by delaying new regulations for years. Rep. Lynn Woolsey, chairwoman of the House committee on workplace safety, said the Occupational Safety and Health Administration has been crafting the new rule-making process in secret and rushing to get it approved without adequate public input. “While it should have been working full speed ahead to issue protective standards, it has instead been busy with this secret rule,” said Woolsey, a California Democrat.

The Labor Department began working on the changes this summer as a way to bring more transparency and responsiveness to the process for making new rules governing worker exposure to toxic substances. Under the proposal, the department would require greater notification that new rules were being proposed, and it would be required to respond more fully to public input.

But workplace advocates questioned why the administration was rushing the changes through before the end of the year, saying they would tie the hands of the next administration. Peg Seminario, health and safety director at the AFL-CIO, testified before Woolsey’s committee that the changes being suggested “would add years of delay to an already glacial process and result in unnecessary death and disease for workers.”

Democrats on the committee have long criticized OSHA for failing to adequately regulate and enforce workplace safety, especially for its oversight of the construction industry after the many construction deaths on the Strip and crane accidents in New York. The changes discussed Wednesday revolve around worker exposure to toxins, some of which are common in local workplaces. For example, silica is often found in the construction industry, and certain exposure levels can lead to respiratory disease. But Randel Johnson, vice president of the U.S. Chamber of Commerce, testified that the change was a simple, overdue internal measure. He said if the agency were really operating in secret, as critics contend, it would not have sought public review.

Feds to Release New Crane Rules (By Devlin Barrett - Associated Press, 9/18/08)

The federal government is to announce it will require crane operators nationwide to pass a certification test in its first update of crane regulations in nearly four decades, officials said Thursday.

The U.S. Department of Labor was to release draft regulations for the first time since 1971, after several deadly crane accidents this year, including two that killed nine people in New York City. A crane collapse in Houston killed four people in July.

The draft rules will require crane operators to pass written and practical tests in all 50 states and also will require the operators to undergo more training.

The new standards aim to toughen requirements on inspecting ground conditions, the assembly and disassembly of cranes, the operation of cranes near power lines, the certification and training of crane operators, the use of safety devices and inspections of cranes.

Crane operators would have four options under the new requirements: certification through an accredited third-party testing organization, qualification through an audited employer testing program, a U.S. military-issued qualification, or qualification by a state or local licensing authority.

Just 15 states and six cities — including New York state and New York City — require the tests. Texas, which led the nation in deadly crane accidents for the past three years, does not. The proposed rule "comprehensively addresses the hazards associated with the uses of cranes and derricks in construction, including tower cranes," said Edwin G. Foulke Jr., the assistant secretary of labor for Occupational Safety and Health. "This draft rule will both protect construction employees and help prevent crane accidents by updating existing protections and requiring crane operators to be trained in the use of construction cranes."

The rules will cover a vast majority of the 96,000 cranes across the country, including 2,000 tower cranes, officials said. Another new proposal would require crane operators to use equipment or a spotter to check for power lines and assess the terrain where they will be working before operating a crane. Industry officials had called for months for uniform standards for operating cranes and had pushed the government to move quicker to update the standards. A final approval process will likely take more than a year.

OSHA Appoints New Regional Administrator for New York (from Occupational Health and Safety, September 18, 2008)

Robert D. Kulick has been selected as the new regional administrator for OSHA's Region II, which is headquartered in New York City and covers New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands. Kulick previously served eight years as the area director of the agency's Avenel, N.J. Area Office.

"Bob's vast experience and knowledge of OSHA make him an invaluable member of our executive team," said OSHA chief Edwin G. Foulke, Jr. "I congratulate him on his

accomplishments and am confident he will continue to assure that this agency achieves its mission of improving workplace safety and health."

Kulick joined OSHA in 1977 as an industrial hygiene field compliance officer, a position in which he served for six years. Other positions held during his 31 years with the agency include assistant administrator for Federal and State Operations in Region II, area director for the Parsippany Area Office, special assistant to the deputy assistant secretary for enforcement, and area director for the Manhattan Area Office.

A graduate of Cook College, Rutgers University, Kulick received a Bachelor of Science degree in environmental health. He is licensed by the state of New Jersey as a health inspector and has received eight Secretary of Labor Exceptional Achievement Awards, a Meritorious Achievement Award, and a Distinguished Career Service Award.

Work From Home Could Count as “Days Away” (Occupational Safety and Health Magazine – September 22, 2008)

In a Letter of Interpretation posted to its Web site last week, OSHA clarifies several recordkeeping scenarios regarding days away from work, restricted work activity, and work-relatedness. In one scenario, the agency addresses whether or not days that an injured employee is performing clerical services for the company from her home (as a condition of her medical restriction) must be treated as restricted work activity or days-away-from work. OSHA says that, assuming the employee does not work from home as part of her normal work schedule, the case should be recorded as days away from work.

In the scenario, the employer has made the determination that the employee cannot work in the office, but allows her to work from home while she recovers from surgery. In other words, OSHA says, the employer has made a decision that the employee needs days away (from the office) in order to recover from a work-related injury. However, the answer would be different if the employee's normal work schedule includes one or more work days at home, OSHA says.

The LOI also addresses recordkeeping scenarios regarding an injury to an employee requiring medical treatment after inadvertently slamming the car door on his finger in a company parking lot, an injured employee who subsequently retires, and an injured employee on restricted work duty who is later terminated.

Keith Goddard, director of the agency's Directorate of Evaluation and Analysis, wrote the LOI dated Aug. 26 in response to a request for guidance dated March 19. OSHA posted the LOI Sept. 17. To read it in its entirety, go to www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27154.

For These Companies the Penalties Are Pocket Change : Pressure to settle cases means that the Occupational Safety and Health Administration collects less than half the fines it levies. But the real cost comes in worker health and safety (By Robert Lewis, reporter for [ProPublica](#), an independent, nonprofit newsroom that produces investigative journalism in the public interest)

After an explosion tore through a sugar refinery in Port Wentworth, Ga., this February, killing 14 workers and injuring 40, the federal government's Occupational Safety and Health Administration acted swiftly, announcing an [\\$8.8 million fine](#) against Imperial Sugar for not protecting workers against the hazards of combustible dust. The proposed fine, disclosed in July, is the third highest in the agency's 37-year history. But if that same history is a guide, OSHA will end up collecting half that much money, or less.

ProPublica reviewed the agency's previous [25 highest announced penalties](#). In 19 cases, the fines were sharply reduced after appeals and negotiations, dropping an average of 65 percent. Three others were settled the day they were announced after closed-door talks between the agency and companies. Three remain open. Citations for "willful" violations, which can bring criminal prosecution, were frequently adjusted to lesser charges that carry only civil penalties. Some cases plodded through the system; five dragged out for more than a decade. The reduced penalties are the end result of a system that emphasizes reaching settlements -- settlements often proposed by OSHA itself, rather than the company under scrutiny.

An OSHA official told ProPublica that the agency's impact on workplace safety cannot be calculated in the fines it collects. "When we issue a big penalty and a press release, that has an impact above and beyond the company," said Richard Fairfax, OSHA's director of enforcement programs. "Most employers are going to look at that and go back and say, 'Let me see what I'm doing at my place.'"

Bob Leclerc, compliance manager at Maine Contract Farming, a Maine agricultural company with three OSHA citations in the past five years, seconds the idea that the very announcement of a penalty is a form of punishment. "Most companies are concerned with their public image," Leclerc said. "Everyone and their mother see your company screwed up."

But what Fairfax paints as sound policy, ex-OSHA officials and former Labor Department lawyers portray as weaknesses in the department's legal arm, the solicitor's office, that have persisted through Democratic and Republican administrations. These officials said department lawyers were overworked, overmatched and sometimes just afraid to stand up to companies that appealed citations, choosing instead to sharply reduce the proposed penalties. When labor attorneys did defend the agency's findings, the cases often languished before the Occupational Safety and Health Review Commission, a panel of political appointees that has the final word on such cases short of federal court.

"The hard facts are that the department is understaffed," said J. Davitt McAteer, Labor's acting solicitor from February 1996 to December 1997. The system "tends to foster settlements and tends to diminish penalties on sometimes quite dubious grounds."

The case of Donald Smith, a millwright at a General Motors car plant in Oklahoma City, is typical, say former OSHA officials and Labor Department lawyers. Smith was repairing a piece of machinery on the morning of April 4, 1991, when a lift table suddenly turned on, crushing his head and killing him instantly.

Shortly before his death, Smith had asked a supervisor to point out the machine that needed repair, a piece of equipment he was unfamiliar with. According to [documents filed in the ensuing health and safety case](#), the supervisor quoted Smith as saying, "I thought that was it, but wasn't sure. I didn't want to get my damned head caught in that thing." OSHA investigated the death and in September 1991 proposed a \$2.78 million fine on the company for 57 violations, mostly regarding so-called lockout/tagout rules that require companies to shut down equipment and ensure the machinery can't turn back on while workers are doing maintenance.

The case was so egregious, the Department of Labor also referred it to the Department of Justice for criminal prosecution, said Terry Goltz Greenberg, a Labor Department lawyer from 1988 to 1995. The Justice Department declined to pursue the case.

G.M. contested the OSHA fines and citation and took its case to an administrative law judge who ultimately concluded that while the plant had procedures for safe maintenance, they hadn't been followed. The judge ruled that workers had not been properly trained to secure machines under repair. In April 1994, he reduced the fine to \$1.95 million.

Both GM and the Department of Labor appealed the decision and the case went to the Occupational Safety and Health Review Commission, where it sat. And sat. In December 2007, more than 16 years after Smith died, the commission finished reviewing the case. In the end, less than half of the proposed violations remained -- 26 of 57 -- and the fine dropped 75 percent to \$692,000.

G.M. declined to comment on the case.

Delays like those in the Smith case can have an unfortunate side effect: Employers are not required to "abate" potentially dangerous conditions until the case is decided. (In the Smith case, G.M. did address the safety issue as the case was being appealed.)

"Employers can rely on delay," said Stuart Weisberg, who was appointed to the review commission by President Clinton and served from February 1994 to December 2000 as a member and its chairman. "An employer knows: 'I don't have to abate this violation until there's a commission decision.'"

Horace "Topper" Thompson, the current chairman and a Bush administration appointee, declined to discuss specific cases but said he agreed with critics who contend appeals take too long.

"It's very frustrating to everyone who is involved with OSHA," he said. "When a case takes this long to come out, abatement is stayed, payment of the fine is stayed, establishment of the principle is stayed until you can get the decision out."

How does this happen? Labor Department lawyers say they often try to settle cases to assure that workplace safety is improved immediately. Of the top 25 proposed fines, 19 were resolved within two years of the initial citation. Several current and former OSHA officials as well as

former Department of Labor attorneys said this reflects a preference to eliminate health and safety hazards rather than haggle over fines. "The settlement becomes a way to resolve a backlog," said McAteer, the former acting solicitor.

"The theory is, you get safety and health (improvements), and the employees would be protected, which is more important than the money," said Benjamin Mintz, who was appointed by President Nixon as OSHA's first associate solicitor for occupational safety and health and served from 1971 to 1981.

But it's the Department of Labor's own lawyers, who defend OSHA's cases on appeal, who are often the ones who reduce the penalty, working with companies on settlement agreements. OSHA proposed \$135 million in fines in 2007, according to figures from the Department of Labor. That number has so far been reduced to about \$87 million and could be reduced even further as open cases are settled or appeals finish. (The bulk of fine reduction is through settlements as opposed to administrative court decisions, former agency officials said, although an exact breakdown was unavailable.)

On occasion, OSHA has worked out settlements so that the citation and its resolution were announced simultaneously. In two instances, the agency disclosed at the same time both the proposed fine and the lesser amount negotiated by the agency and company that would actually be paid. In three other cases, the agency announced a penalty that had been worked out behind closed doors.

Union officials questioned what incentive companies have to fix hazards when the fines -- arguably small as compared to many companies' bottom lines -- are reduced so much that companies can afford to get hit again and again, sometimes for the same unsafe conditions. "For these companies the penalties are pocket change," said Eric Frumin, health and safety coordinator for the labor federation Change to Win.

The largest fine in OSHA history, like several others that made up the top 25, was followed by repeat offenses. A [\\$21.4 million levy against British Petroleum](#) was unveiled in September 2005 after a Texas City explosion killed 15 and injured more than 170. (The agency did not say whether it had sought a larger amount; the fine was more than twice the previous record.)

Follow-up inspections of BP led to additional citations and more fines including a [2007 penalty](#) for "hazardous conditions similar to those that led to the tragic March 2005 explosion," Dean McDaniel, OSHA's regional administrator in Dallas, was quoted as saying in an agency press release.

In a statement to ProPublica, BP wrote: "Workplace injuries, environmental incidents and fines are not and have never been an acceptable 'cost' of doing business at BP."

In 1991 OSHA [fined the McCrory Corp. \\$3.2 million](#) after a mall fire killed two and injured 28. In 1993 the agency settled the case for \$500,000. Just one year later, in an inspection at one of the company's other stores, OSHA found fire safety violations and [fined McCrory \\$53,500](#). The company went out of business in 2001.

The Department of Labor refused to let us interview anyone now in the solicitor's office. It did, however, offer a brief statement saying that the department's lawyers are committed to "obtaining strong settlements that protect the health and safety of workers."

Marc Freedman, director of labor law policy at the U.S. Chamber of Commerce, said it's normal for regulatory agencies to husband resources and settle cases. "Like any other enforcement agency, [OSHA] has an interest in coming across as aggressive," Freedman said. "Just because you go after the largest penalty possible doesn't mean the largest penalty is necessarily appropriate."

The pressure to settle cases and reduce penalties is built into the system, former department officials say. A company contesting a citation can historically expect to get some relief by appealing to an administrative law judge and officials said this pushes them toward a negotiated outcome.

"These administrative law judge decisions tend to drive down the value of the penalties and the solicitor's office is not blind to this effect," said former acting solicitor McAteer.

If a company, the Department of Labor or both don't like the judge's ruling, they can petition the [Occupational Safety and Health Review Commission](#) for review. The commission is a three-member, politically appointed body that typically reflects the preferences of the administration in power. The commission has had a hand in reducing several of the high-profile cases.

Stuart Weisberg, a Democrat appointee who served on the commission, including a stint as chairman, for more than six years, said in an interview with ProPublica that the commission has "an institutional problem." While the commission that reviews mine safety cases has five members, the Occupational Safety and Health Review Commission only has three and it is not uncommon for the commission to have [vacant seats](#). When there are only two members, the commission can't make any decisions unless the commissioners agree -- which doesn't always happen if one is a Republican and the other a Democrat. Sometimes the commission only has one member and can't act at all without the required two-member quorum.

Weisberg served for a stretch from November 1997 until November 1998 as the only member on the commission while President Clinton and the Republican-controlled Congress disagreed on nominees.

"The biggest decision was, 'Where do I go for lunch today?'" Weisberg said.

As a result of such problems, it's not uncommon for the commission to have a backlog of cases that grows or shrinks depending not just on the number of petitions for review but also on its ability to act. The commission started fiscal year 2001 with a 10-year high of 88 cases pending. The commission started 2008 with a 10-year low of 25 cases pending. Despite the apparent reduction in pending cases, the commission has had a hard time closing the more complex, often controversial cases. In fiscal year 2007 the commission only disposed of 32 percent of cases that were at least 2 years old, a slight increase from 22 percent in 2006, according to the agency's [annual performance report](#).

Bob Julian was working on the line at Dayton Tire in Oklahoma City, a subsidiary of Bridgestone Firestone Inc., on Oct. 19, 1993, when a tire assembly machine suddenly turned on.

Investigators told his widow, Phyllis Julian, that he had probably placed a tool on top of the machine while he was working and that it must have fallen, hitting the on switch. Julian's death prompted a massive OSHA investigation and what at the time was the third-highest proposed fine in history, almost \$7.5 million for [107 willful violations](#) of lockout/tagout standards -- regulations that protect workers from machinery accidentally turning on during maintenance.

Then Secretary of Labor Robert Reich flew to Oklahoma City to announce the citations. But like many companies OSHA hits with large penalties, Dayton Tire appealed. In 1997 an administrative law judge [reduced the fine](#) to \$518,000 -- a 93 percent reduction. Both [the company](#) and [OSHA appealed the decision](#) to the Occupational Safety and Health Review Commission. More than a decade has passed since that appeal -- almost 15 years since Bob Julian's death -- and the case is still under review. The case has even outlived the plant, which Bridgestone Firestone closed in late 2006.

"It bothers me to think they let it go and go and go," Phyllis Julian told ProPublica when informed OSHA's case against Dayton Tire was still open. "It's just hard for me to believe."

In a statement, Bridgestone Firestone pointed to the judge's reduction of the fine as proof the case against the company has no merit.

"The Occupational Safety and Health Review Commission's Administrative Law Judge heard the case in 1995, and we believe it's important to note that the (judge's) 1997 ruling substantially rejected OSHA's original misguided allegations and reduced the proposed penalties by more than 90 percent," according to the statement. "We have believed from day one that there is no merit to this (case) and continue to believe this more than 10 years later."

Another case, against E. Smalis Painting Co., in which OSHA found the company had exposed employees working on the Tarentum Bridge in Pennsylvania to [high levels of lead](#), is still under review more than 14 years after the agency proposed a \$5 million fine.

No case should take more than three or four years to decide, said Weisberg, the former commission chairman. "If the case has been open for more than 10 years it's inexcusable," he said.

But that doesn't mean the Dayton Tire or E. Smalis case will be decided any time soon. The commission has had a vacant seat since April 2007. Commission chairman Horace "Topper" Thompson is a Bush appointee, while Thomasina Rogers was first appointed to the commission by President Clinton. "The fact of the matter is, no decision can be issued when there's a two-member commission unless they agree on all of the facts and all of the law," Thompson said. "There are other cases that are pending that are more likely to reach consensus and those are the ones we're focusing on."

OSHA levied its highest fine in history against a service sector company in August 2007 when the agency proposed a [\\$2.78 million fine against Cintas](#), the nation's largest industrial launderer, after a worker cooked to death inside a giant clothes dryer. OSHA cited the company for 45 violations including 42 willful violations mostly related to instances where employees climbed on moving machinery to clear jams as opposed to shutting down the system and slowing work. That case led to a flurry of media coverage, [congressional hearings](#) and a host of [new OSHA inspections](#) -- and citations for similar hazards -- of Cintas plants around the country.

Now labor leaders expect the agency to settle with Cintas before the end of the year. Current OSHA officials refused to comment on ongoing settlement discussions in an open case. Heather Trainer, Cintas' corporate communications manager, could only confirm that the company has been working closely with OSHA.

"We look forward to working with them to further improve our safety record," Trainer said.

Safety Becomes Priority at City's Delta Star (By Bryan Gentry, The News & Advance/newsadvance.com – September 22, 2008)

Frank Goodwin came on board at Delta Star in 2007 with one mission: Find any accident waiting to happen, and make sure it doesn't happen.

The company was gearing up for expansion — demand for electrical transformers has boomed — and company leaders wanted to take a pro-active approach to safety. The result has been a growing mindset that Goodwin, Delta Star's safety manager calls "a culture of safety."

In the past year the company has spent millions of dollars updating circuitry and equipment at its Mayflower Drive plant to meet safety requirements. "The attitude of the employees has done a 180," Goodwin said. "They're more safety conscious." He said he's even had employees ask to have ear protection and back braces, something that was unheard of in Goodwin's 36 years of providing safety training.

Delta Star makes huge power transformers, the kinds seen in electrical substations. As electricity usage has climbed in the U.S., so has the need for transformers. Delta Star used to produce six transformers per month. It's already increased to 10 per month, and could be at 12 by May 2009, when the company expects to finish expanding its production line.

State Sen. Steve Newman is Delta Star's vice president of sales and marketing in Lynchburg. He said the increased business comes not only from growing demand, but also from gaining market share. "I think, with the proper leadership, this company has roared ahead," Newman said. The company's mobile transformer, which can be used to restore power in a storm-caused outage, has become especially popular, he said.

The making of the huge transformers presents multiple opportunities for hazards. It starts with cutting thick sheets of metal into smaller parts, then welding them together. When it's nearly done, the transformer — which can weigh 35 to 150 tons — is hung several feet off the ground by two cranes as final parts are added. Before it's shipped out, a lightning generator shoots bolts of electricity at the transformer to make sure it can withstand the blast.

Goodwin has trained companies on the standards of the Occupational Safety and Health Administration for decades. He still does some outside work. This summer he taught a 30-hour safety course that Liberty University offered to local companies.

When Delta Star asked him to come in-house full time, one of Goodwin's first steps was to call OSHA and ask for a safety audit. "People hear the word OSHA and they get nervous," Goodwin said. "I took a pro-active approach to OSHA."

OSHA lets companies invite inspectors in for a consultation to identify workplace hazards that would normally result in a violation. The results of the free consultation are confidential, and don't result in fines or charges if the company agrees to fix any problems that are found, said Richard De Angelis, a media specialist for OSHA.

The consultative inspection program in Virginia is operated through the state Department of Labor and Industry. In that inspection more than a year ago, 87 would-be violations were found.

Goodwin said the most extensive violations were in electrical wiring. The plant was built nearly 50 years ago without ground fault circuit interrupters, which help make sure electricity stays in the wires where it belongs.

The U.S. Consumer Product Safety Commission estimates that ground fault circuit interrupters could prevent two thirds of all electrocutions.

The inspector also told Goodwin that the company needed to repair several cranes and forklifts, replace old metal cutting machines with new ones that had safety guards, and install a new fire alarm.

Goodwin also invited the Department of Environmental Quality for an audit, and learned that the company's 47-year-old oil tank farm needed replacement, a \$2.5 million project.

Goodwin said all of the problems have been fixed except one part of the building that needs taller handrails. The company has also established a regimen of safety training. Over 190 of about 250 employees have taken 10 hours of OSHA-certified training, he said.

Frank Berryman, who works in Delta Star's machine shop, said there's "a lot more safety training (for) everybody who comes through the door." Berryman said that Goodwin has taught a class about avoiding heat stroke while working with hot, heavy machinery. "I don't think we ever had one before about heat," he said.

In August, Delta Star had no reportable accidents or injuries, Goodwin said. While Goodwin calls that a success, he's equally excited to see the company invest in the changes that make that happen. "When they hired me a year ago, they told me they wanted to make the company totally compliant with OSHA," he said. "I've never met management that was so positive."

Mold Web Page Offers Post-Hurricane Tips

The National Institute for Occupational Safety and Health (NIOSH) offers a Web page devoted to recognizing and combating mold in the workplace. "Dampness and Mold in Buildings" features advice on what workers can do if they see mold build up in their workplaces, as well as definitions and remediation tips. NIOSH includes information on health problems associated with the presence of mold, including allergies, hypersensitivity pneumonitis and asthma.

The online resource also states that the Centers for Disease Control and Prevention (CDC) do not recommend routine sampling for molds. Because mold sampling is not reliable and is costly, the

CDC recommends that employers move ahead and arrange for mold removal whenever it is detected. It is unnecessary to know the type of mold present in order to begin remediation.

NIOSH recommends that workers take the following steps when they suspect their health problems are caused by exposure to building-related mold and dampness:

- Report concerns immediately to supervisors or those persons responsible for building maintenance.
- See your doctor for proper diagnosis and treatment.
- Ask your doctor whether you should be medically restricted from the affected environment.

When health problems are believed to be caused by exposure to mold in the workplace, owners and managers should:

- Advise workers to see their doctor for proper diagnosis and treatment.
- Evaluate the work area for evidence of mold and dampness.
- Repair leaks and remediate water damaged materials.
- Communicate with workers about areas of the building with evidence of mold or moisture damage and provide the status of remediation plans.
- Arrange for relocation of workers whose doctors restrict them from the implicated work environments.

Getting Money for Ergonomics Improvements, Part 1 of 2 (By Robin L. Barton, Esq. – Safety X Change, September 30, 2008)

Musculoskeletal disorders (MSDs), such as carpal tunnel syndrome and chronic back pain, cost companies a fortune in workers' compensation costs, lost work days and decreased productivity. But ergonomic improvements that can reduce or eliminate MSDs aren't cheap. And, despite the growing body of studies demonstrating that MSDs are easier and cheaper to prevent than to treat, there are still some CEOs who believe that investing in ergonomic improvements is a waste of money. How do you overcome this resistance?

Why Companies Don't Like to Invest in Ergonomics

Senior management may dismiss or underestimate the harmful effects posed by MSDs. Even CEOs and CFOs that have a healthy respect for the financial contributions of a good safety program tend to be more skeptical about ergonomics because:

- They dismiss ergonomics as a New Age fad or as too touchy-feely to be a genuine science;
- MSDs develop gradually and thus aren't as visible or dramatic as other workplace injuries, such as amputations or broken bones that occur in an instant; and
- Legal regulation of ergonomics is spotty.

This last reason is particularly problematic. OSHA Ergonomics Standard is all but dead in the U.S.—although the election of a Democrat to the White House could bring it back (see the story

below). In Canada, only seven provinces—Alberta, British Columbia, Manitoba, Newfoundland, Quebec and Saskatchewan—specifically require employers to address MSDs in the workplace.

Of course, even in jurisdictions that don't have express ergonomics regulations, there *is* an implied duty to address ergonomics under the “general duty” clauses of the OHS statute—the part of every OHS act that requires employers to take reasonable measures to control known or foreseeable risks. But implied duties are much less compelling than explicit ones.

Conclusion

What's the best way for a safety coordinator to make the case for ergonomic improvements? One way to answer that question is to look at what has worked for other safety coordinators.

Efforts to Reduce Workplace Drug Use Pay Off

The Department of Labor (DOL) recently announced that its annual Drug-Free Work Week will take place Oct. 20 to 26. The time set aside for this event is meant to educate employers, employees and the general public about the critical link between a drug-free workplace and safety and health.

A study by Quest Diagnostics, reported on CNNMoney.com, shows that federal and private efforts are paying off. In 2006, drug use in the workplace was the lowest it has been in 18 years. Approximately 3.8 percent of workers tested by Quest had a positive result for drug use as compared to 13.6 percent in 1988, the year that the Lindenhurst, N.J.-based company started compiling the results.

"Drug-Free Work Week is a good time to remind employers and employees that reducing workplace substance abuse is a crucial part of keeping workers safe," said Elena Carr, drug policy coordinator at DOL. "Of course, in a safe and healthful workplace, every week should be drug free."

Now in its third year, the annual campaign is organized by DOL, members of its Drug-Free Workplace Alliance, and other public and private sector organizations. Throughout the week, workplaces can participate in activities to help implement effective drug-free workplace programs that focus on detection and deterrence, while also offering assistance and support for workers who may have substance abuse problems.

The Drug-Free Work Week Web site (dol.gov/drugfreeworkweek) offers the Drug-Free Work Week Tool Box, which contains articles, print public service announcements and other materials to assist organizations in promoting Drug-Free Work Week.

Email Addiction Affects Driver Safety

Approximately 50 percent of respondents to a survey by AOL said they have checked their email while driving. This is a significant increase from last year, when 37 percent of respondents said they engaged in this activity. In addition, answering text messages while driving is prevalent among individuals 18 to 24 years of age, with 48 percent texting while behind the wheel of car, according to a survey by FindLaw.com. In addition, 27 percent of drivers 25 to 34 years of age text while driving, and 19 percent of respondents who were 35 to 44 years of age admitted to texting while driving.

Marsha Egan, CEO of EganEmailSolutions.com, Reading, Pa., says, “We are regularly putting ourselves — not to mention others — in harm's way by checking our email in unsafe situations.” Egan is an internationally recognized email productivity expert, as well as an executive coach and speaker.

Although some state legislators are addressing the dangers of using technology while driving, Egan believes that individuals and employers can do more to prevent senseless accidents and deaths while driving. “What we really need to do is stop, think, and get control of ourselves,” says Egan. “We need to stop putting our desire to stay connected and our obsession with technology above our basic need for safety.”

Because of the proliferation of email, some workers feel compelled to keep up with electronic communication while performing other tasks, including driving. One way to ease the pressure of overloaded inboxes is to use techniques to reduce the amount of email received. Egan offers some suggestions to keep email messages to a minimum.

- **Review messages for clarity.** When recipients understand the content of the message, they are less likely to send additional messages asking for clarification. In addition, place your main point or request at the beginning of the message so the receiver doesn't miss it.
- **Take advantage of the subject line.** Write descriptive subject lines so the receiver can prioritize your request and refer back to the message without having to open it again.
- **Only copy those who need the information.** By limiting the individuals who are copied, you reduce additional unnecessary email responses.
- **Consider using the phone.** Some conversations are more productive in real time.
- **Save arguments or emotional conversations for in-person meetings.** Topics that may upset individuals tend to create a significant amount of unnecessary email. In addition, because tone of voice and body language cannot be conveyed in email messages, the intent of the sender can be easily misunderstood.

How to Conduct a Job Hazard Analysis (By Phillip Wells – Safety X Change, August 23, 2005)

How do you address the concern of repeated motion trauma? Our organization wrestled with that question for a long time. We finally decided to study each job and operation to determine what motion or activity could be changed or eliminated. We conducted a Job Hazard Analysis (JHA). This killed two birds with one stone: safety and production. The project not only helped identify

the potential hazards of a job, it was and is a valuable training tool for both the supervisor developing the JHA and an employee new to the operations.

Developing a JHA for each operation and job within each operation was an extensive project that took well over a year to complete. But it was well worth the effort. Our work related injuries, including repeated motion trauma, were reduced approximately forty percent in the past three years. Here's how we approached the process. There's also a Model JHA form that SafetyXChange members can download from the Tools section.

Identify Each Step

To conduct a JHA you must first take a good look at each individual production step. A thorough examination reveals hidden hazards, as well as provides both the supervisor and the new employee with a detailed overview of the job. Often there are many more steps than originally expected. You need to know who does what and when they do it. In our organization, this included all aspects of:

- Procuring the raw material
- Production
- Assembly
- Packaging
- Preparing for delivery of product to the stores.

No step in the process is too small when developing a JHA.

Spot the Hazard

Once you've identified each production step, you must consider every potential hazard and how you can eliminate it. Employ "Murphy's Law" and identify anything that could possibly go wrong. Put these questions to each step:

- Is a guard needed?
- Can we remove the human element and automate the function?
- Is a new line layout needed?
- Where is the power source?
- Are other employees in the area who could be in the path of danger if something goes wrong?
- Is PPE needed? If so, what type? Will PPE training be required? How about certification?
- Is the job a two-person operation? If so, what does each person do, especially when the other person is performing a task?

Get a Second Opinion

Once you've completed the first draft of your JHA, it's important to have a knowledgeable second person review it. They might discover something you've missed. For best results, have the JHA reviewed by someone who is very familiar with your operations, such as a long-time employee.

Send in the Engineers

The JHA having been completed and reviewed, it's time to send in the experts. Have an engineer examine the JHA while observing the complete cycle of the operation. If your organization doesn't have an in-house engineer, contact your local workers' compensation carrier and ask if a representative would be willing to assist you (usually they are more than willing to help).

Once your experts have reviewed your JHA, you'll need to address any changes they've identified and revise your JHA. This may have a major impact on the efficiency of the operation. In our case, we were happy to oblige, since safety was our primary concern; efficiency was a by-product.

Conclusion: It Never Ends

And what's the last step? There is no last step. Don't think that you can sit back and relax once you've prepared a JHA for each operation and job function in your organization. Change is a constant. Whether it's a new piece of equipment, a modification to existing equipment, or the production of a new item on the same equipment, each situation requires us to go back to the drawing board to determine how this change affects the production steps. Sometimes changes occur without us realizing it. To be safe, each JHA should be reviewed at least annually, preferably by someone other than the person who conducted it originally.

Lessons Learned: Sloss Industries Hit With \$183,000 in OSHA Fines

(by Lauren B. Cooper, Birmingham Business Journal – September 22, 2008)

Birmingham's [Sloss Industries](#) (Sloss, a slag wool manufacturer, is a subsidiary of [Walter Industries](#)) is facing a nearly \$183,000 penalty for four safety violations the company had not corrected. The manufacturing plant for Sloss Industries' fiber division in Birmingham is being cited for safety violations previously found during an inspection in 2005, according to a news release issued by the U.S. Department of Labor's Occupational Safety and Health Administration.

OSHA said an inspection in March 2008 revealed the company was not conducting required annual procedural inspections. For the violations, OSHA is proposing a \$150,000 penalty for not performing inspections of procedures that would prevent unintended machine startup and another \$25,000 fine for failing to establish these procedures on half its machinery, said the release. OSHA also is proposing two penalties for Sloss totaling \$7,500 for exposing its employees to electrical hazards.

Lessons Learned: NYC Crane Operators Cited for March Collapse

OSHA issued proposed penalties of \$313,500 to three contractors for alleged safety violations during a crane collapse in midtown Manhattan that killed seven people. The collapse occurred on March 15, 2008.

Rapetti Rigging Services Inc., the crane's erector, was cited for alleged problems rigging the

crane and lack of fall protection. Reliance Construction Group, the project's general contractor, and Joy Contractors Inc., the project's concrete and superstructure contractor were cited for lack of fall protection, fire protection and other hazards unrelated to the crane collapse. "Ultimately, the crane collapse was a failure to follow basic, but essential, construction safety processes," said Richard Mendelson, OSHA's area director in Manhattan.

Rapetti Rigging's penalties total \$210,000 for allegedly failing, among other things, to comply with the crane manufacturer's specifications and limitations when erecting and raising the tower crane, to protect synthetic rigging slings from damage, to inspect the slings from damage or defects before use, and to remove a defective sling from service.

OSHA also cited Rapetti for not protecting employees against fall hazards when working on the crane's mast and at the edge of the 18th floor level and other areas. The fall protection violations added another \$10,000 to Rapetti's violations.

Joy Contractors received \$74,000 in penalties. A repeat citation alleges the lack of fall protection for employees working 180 feet above the ground. Fourteen serious citations against Joy allege failure to train employees in jobsite hazards, unsafe work area debris, fire hazards, fall hazards, unsafe material storage, and hazards created by loading of concrete shoring and formwork.

Reliance Construction Group has been issued 11 serious citations with a total of \$19,500 in proposed penalties. The citations allege failure to train employees in jobsite hazards, unsafe work area debris, fire hazards, fall hazards, and hazards created by the loading of concrete shoring and formwork.

Safety Training Strategies – “Keep Safety Afloat” (by Devin Singh, Liquid Container Company) [from "Safety Stuff" by Richard Hawk Inc.]

We are a plastics manufacturing company, and we recently had a safety meeting highlighting safety awareness. There are so many distractions workers face that can turn their attention away from performing their tasks safely. In our meeting, I organized everyone into groups of 5 - 6 and had each group stand in a circle. I gave each team a balloon which I told them represented safety.

Each group had to work together to keep the balloon afloat. I then began introducing more balloons to each group. Each new balloon represented something that could distract workers from working safe, like meeting deadlines, increased overtime, personal stress, etc. Eventually the groups were unable to keep all of the balloons afloat.

We went through the exercise again. This time, I clearly labeled the balloons representing safety. As more balloons were added to the mix, several hit the ground, but each team was able to keep the safety balloons going. This activity was fun for everyone involved, and effectively demonstrated how easy it is to lose focus on working safe.

Safety Tidbits (from "Safety Stuff" by Richard Hawk Inc. <http://www.richardhawking.com>)

- Every year around 125 U.S. commercial fishing vessels sink. Average death toll 310.
- Only 33 percent of patients admitted to emergency rooms for heart attacks have actually had one.
- It is against the law in Switzerland to slam your car door.
- 17: Number of confirmed deaths from mountain lion attacks in the U.S. and Canada from 1890 to 1990.
- Though rarely fatal, the typical body temperature for a high, 6-day fever that comes with trench fever (caused by lice) is 105 degrees F.
- Every year about 2,000 people are injured from trying to pry frozen foods apart.
- Crazy Headlines -
 - MAN SAYS TIGHT JEANS CAUSED AGGRAVATED ASSAULT CHARGE -- *USA Today*
 - CANDLES RECALLED BECAUSE OF FLAME RISK-- Associated Press
 - SHOOTING REPORTED AT FIRING RANGE--state newspaper of Columbia, South Carolina
 - MAN BLAMES CRASH ON IMAGINARY FRIEND -- *Hartland (WI) Lake Country Reporter*
 - CRASH PLANE WAS BELOW CORRECT HEIGHT-- Associated Press
 - PSYCHIC'S CRYSTAL BALL BURNS DOWN HIS FLAT IN UNFORESEEN BLAZE--*Times* (London)