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Welcoming Our New 2010 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 2010 National Safety Management Society memberships. We would also like to acknowledge, recognize and welcome the following new members to our professional organization:

- **Pedro D. Arlando, Jr.**, Facility Safety Head – Jacobs Technology (Hampton, Virginia)
- **Dennis M. Bandojo**, HSE Manager – DORSCH Consultant (Abu Dubai, United Arab Emirates)
- **Steven L. Bong**, Safety Manager – Rock Tenn (Dallas, Texas)
- **Michael J. Bradford**, Safety Manager – Bradford Safety Consultants (Woodstock, Georgia)
- **Steven A. Buckey**, Occupational Safety and Health Specialist – 1st Cavalry Division, Safety (Fort Hood, Texas)
- **Ray Esparza**, ESH Representative – ITT TAC SWACAA (Centcom, Iraq)
- **William R. Halevy**, US Army Aviation Safety Officer/CW5 – US Army Forces Command, FORSCOM G3/5/7 Aviation (Fort McPherson, Georgia)
- **Charles Imadyiosa**, HES Inspector – Zakhem Construction Nigeria, Ltd. (Warri, Delta, Nigeria)
- **James R. Oglesby**, Safety Specialist – Occupational Safety and Health Administration, Department of Labor (Madison, Mississippi)
- **Joseph R. Pagan**, Facilities Manager – Barnaby Limited (San Francisco, California)

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!

The ISHM “Certified Safety and Health Manager” (CSHM) Accreditation Has Been Achieved!

The vision of our early NSMS founders to develop a safety management-focused credential to recognize professional competence in safety leadership has culminated in the official accreditation of the NSMS-created Certified Safety and Health Manager credential by the Council on Engineering and Scientific Specialty Boards (CESB). CESB is a self-sustaining, independent body which accredits certification programs organized and operated consistent with sound credentialing practices tailored to the needs of engineering and technology specialties. CESB is the recognized accreditation body for engineering and scientific certification and specialty certification programs for professional credentials such as the

Board Certified Environmental Engineer, Certified Industrial Hygienist and Certified Hazardous Materials Manager.

Our sister organization, the Institute for Safety and Health Management (ISHM) and its Board of Directors deserve all the credit for their leadership, diligence, determination and perseverance in marshalling this monumental effort to fruition. Our CSHM credential holders deserve our gratitude for their patience as this initiative effort went through many trials and tribulations over the years. The Institute for Safety and Health Management is the credentialing organization which administers the CSHM to recognize safety and risk management professionals who, through demonstrated professional experience and the passing of a comprehensive exam, have met ISHM's requirements for mastering the safety management body of knowledge.

The CSHM credential recognizes safety and health professionals who demonstrate knowledge of health and safety management skills and techniques through examination and experience.

The CSHM certification program promotes the integration and practice of safety management principles throughout all levels and activities of an organization. In addition to technical knowledge of safety and industrial hygiene, a successful safety and health manager must possess working knowledge of a broad range of business and financial principles and an understanding of related issues such as hazard analyses, accident/incident investigations, safety audits/surveys, workers' compensation, risk management, product safety, human factors, environmental laws, quality, and labor relations. The CSHM program is designed to provide recognition of those who can apply such a broad range of health and safety management tools. NSMS offers to be a resource and facilitator to help those interested in pursuing such a certification.

NSMS' "Certified Safety Supervisor (CSS)" Credential Now Accepted Towards Associate Safety Health Manager (ASHM) Designation

Associate Safety and Health Manager (ASHM) designation is intended to recognize those individuals who possess some combination of formal training and experience listed below that prepares them for safety and health management responsibilities. The ASHM serves to let potential employers and current employers know that these individuals have been formally educated to address workplace safety and health issues or are ready to step into entry level positions in safety management.

Individuals who receive the ASHM designation have a period of six years to pass the accredited Certified Safety and Health Manager (CSHM) certification examination. The ASHM designation will permanently expire six years after the date of issue or when replaced by the CSHM designation, whichever comes first. For more information, please visit the ISHM website: <http://www.ishm.org/pages/associate.html>

Upon completion of the application package, approval by the review committee, and payment of the appropriate fees, a candidates who does not have a college degree, but is a holder of a safety certificate recognized by the ISHM Board

(<http://www.ishm.org/pdf/certprograms.pdf>), plus nine years of qualifying work experience is eligible for the ASHM designation:

Upcoming Special Professional Development Workshop Now Tentatively – Summer 2010

SPECIAL ADVANCED ANNOUNCEMENT:

NATIONAL SAFETY MANAGEMENT SOCIETY

Note: Houston, Texas or Las Vegas, Nevada Venue

Many emails have been coming in recommending to NSMS that we offer an interdisciplinary two-day professional development workshop that will enable safety professionals/managers sharpen their skills, knowledge and abilities in interacting with employees and company leadership. We are considering a pilot workshop beginning in the Houston, Texas area and going forth to other regions where our membership would like to have it presented. If we come to your locale or college campus, we hope this will be a more cost-effective opportunity to learn and expand your skills, knowledge and abilities (SKAs). As a cost-effective alternative venue, there have been recent suggestions by members to hold the first workshop in Las Vegas, Nevada. We will be polling those who have expressed interest in attending to determine the most convenient and cost-effective location.

The tentative workshop fee (early, pre-registration) for NSMS members is \$125 and \$250 for non-members and an on-site (or late) registration of \$160 for NSMS members and \$275 for non-members (includes lunch and program materials). College students majoring in this field of study are also invited to attend (NSMS Student [Affiliate] Members workshop fee is \$100). We need a minimum of 50 attendees to cover the cost/break even on this 2-day training event. (We currently have 25 respondents – half way there!) Please email us at nsmisinc@yahoo.com if you are interested in possibly attending so we can begin to establish a headcount. Thank you.

“Enhancing Safety Management SKAs: 2-Day Professional Development Workshop”

Instructor: Dr. Jeffrey Chung, CSHM CHFP – NSMS Executive Director

Day One –

- Administrative Business, Introductions and Workshop Overview
- Safety Management Principles and Practices
- Safety Attributes for Best-in-Class Organizations
- Emerging Safety and Health Issues – Aging Workforce, Green Jobs and Special Needs of Foreign Workers

- Psychology of Safety – A Behavior-based Approach; Human Performance Improvement
- Developing Effective Training/Presentation Skills
- Role of Safety Committees; Conducting/Facilitating Effective Meetings

Day Two –

- Understanding Self/Others/Your Organization – SMART Profile
- Strategic Planning Concepts and Process
- Problem Solving and Analytical Tools
- Performance Metrics for Continuous Improvement
- Corporate Communication Strategies for Safety/Risk Management Professionals
- Ethics for the Safety Practitioner and Manager
- Stress and Health Management for the EH&S Professional
- Wrap-up and Workshop Evaluation

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.

OSHA Head Testifies in Support of Major Safety Reform Legislation

(By Attorneys Eric J. Conn and James A. Lastowka, Law Offices of McDermott Will & Emery, LLP, PR News Wires – March 29, 2010)

On March 16, the Assistant Secretary of Labor for the U.S. Occupational Safety and Health Administration (OSHA), Dr. David Michaels, testified before the U.S. House of Representatives' Subcommittee on Workforce Protections, in support of a major piece of OSHA reform legislation making its way through the U.S. Congress.

Dr. Michaels testified that “because OSHA can visit only a limited number of workplaces each year, we need a stronger OSH Act to leverage our resources to encourage compliance by employers.” And a stronger OSH Act is exactly what is before Congress right now. The legislation, the Protecting America's Workers Act (PAWA), proposes a number of major changes to enforcement of the OSH Act, but most significantly, increases criminal and civil penalties and the frequency and targets of criminal charges under the Act.

First, PAWA would greatly expand criminal liability against companies and individuals. In the proposed bill before the House, HR 2067, and in a package of modifications to the bill circulated by the House Subcommittee on March 9, 2010, the degree of available criminal charges would increase from misdemeanor to felony. The potential targets of criminal charges would broaden to include “any officer or director.” The maximum prison sentence under the legislation would increase from six months to 10 years for a first offense, and from one year to 20 years for repeat convictions. Significantly, under the modifications to the bill, PAWA also would lower the level of conduct triggering criminal liability. Specifically, the reform legislation would amend the OSH Act to change the burden of proof in a criminal case from “willfully” to “knowingly.”

Michaels explained: “Section 311 states that any employer who ‘knowingly’ violates any standard, rule, or order and that violation results in the death of an employee is subject to a fine and not more than 10 years in prison. ... This would ease the burden of proof currently required for a criminal violation under the OSH Act because it is easier to prove a knowing violation than to establish willfulness under current cases.” These proposed changes would make OSHA criminal prosecutions much more attractive to local U.S. attorneys.

Second, civil penalties also would increase significantly under PAWA. Michaels testified that “clearly, OSHA can never put a price on a worker's life and that is not the purpose of penalties – even in fatality cases. OSHA must, however, be empowered to send a stronger message in cases where a life is needlessly lost,” and “the current penalties do not provide an adequate deterrent.” Under PAWA, civil penalties for willful and repeated violations would increase from a current maximum of \$70,000 per violation to \$120,000. If a willful or repeated violation results in the death of an employee, PAWA would increase the penalties to a minimum of \$50,000 and a maximum of \$250,000 per violation.

There are many other proposed significant changes to the OSHA Act in PAWA of which employers should take note, including the following:

PAWA would require abatement of alleged serious, willful and repeated hazards during the contest period. According to Michaels, “PAWA would enable OSHA to issue failure to abate notices to a workplace with a citation under contest. ... OSHA believes this protection is critical. Too often hazards remain uncorrected because of lengthy contest proceedings – periods that can last a decade or more. Obtaining speedy abatement is one reason why OSHA settles cases. But we must ensure that neither contests nor lengthy settlement negotiations leave workers exposed to the hazards found during the initial inspection.”

OSHA, under PAWA, would be required by law to investigate all incidents resulting in death or the hospitalization of two or more employees.

PAWA would expand the rights and involvement of workers and victims' families in the enforcement process. PAWA would allow an injured employee or family member to meet with OSHA, to remain informed about the status of citations and challenges to them, and to make statements before settlement agreements are made.

The reform legislation would prohibit OSHA from modifying the characterization of a citation item to "uncharacterized," a previously available settlement option that, where appropriate in the view of both OSHA and the employer, has proven to be a very useful means of reaching a fair and productive settlement that advances workplace safety and health.

PAWA proposes to cover the more than 10 million federal, state and local government employees who are currently beyond the jurisdiction of the OSH Act.

The comprehensive reform envisioned under PAWA would dramatically change the regulatory landscape faced by employers. These changes, if enacted, will warrant a careful review and reconsideration of current workplace safety and health programs, practices and policies to ensure compliance, as companies and individuals will be facing stronger enforcement, higher penalties, more litigation and more criminal prosecutions.

Top 10 OSHA fines of 2009

In the first year of the Obama administration, OSHA was busy handing out fines the likes of which hadn't been seen for eight years. Here's our rundown of 10 significant fines from the last 12 months, and what they mean for businesses:

1. **OSHA issues largest fine ever: \$87.4 million to BP.** This fine demonstrates OSHA's intent to check up on companies once they've made serious safety mistakes. The agency evaluated BP's progress after the 2005 fire and explosion that killed 15 people and injured 170 more at its Texas City, TX refinery. OSHA issued 270 "notifications of failure to abate" and identified 439 new willful violations at the plant.
2. **Two executives face prison time and huge fines in deaths of five workers.** Phillippe Goutagny and James Thompson, executives with RPI Coating, each face 2.5 years in prison and a fine up to \$1.25 million if convicted. On Oct. 2, 2007, vapor from a solvent ignited inside a tunnel at a hydroelectric plant in Colorado. Workers survived the blast but were overcome by smoke and fumes and died of asphyxiation. OSHA says it will work more closely with the Justice Department in cases like these to bring criminal charges against executives with penalties that include prison time.

3. **OSHA wastes no time in using new per-employee citations, issues \$1.2 million fine.** G.S. Robbins & Co. of St. Louis, MO, was hit with 21 egregious willful citations for hazardous chemical handling. Each citation was on a per-instance basis. Even during this period of difficult economic recovery, OSHA won't hesitate to use per-instance, per-employee fines to hike total fine amounts. This wasn't the only instance in which OSHA used per-instance citations in 2009 (see item #7 below).
4. **Company hit with \$1.14 million fine following employee complaint.** Are the big fines relegated only to incidents involving deaths or multiple serious injuries? Hardly. OSHA began a December 2008 inspection at Milk Specialties in Whitehall, WI, in response to an employee complaint. Willful citations were issued for the employer's failure to comply with OSHA's confined space and lockout/tagout regulations. OSHA is taking employee complaints seriously.
5. **After two similar incidents, owner and manager go to jail.** ANC Roofing of Santa Rosa, CA, owner Kenneth Alton pleaded no contest to failing to protect employees from a hazard. He was sentenced to nine months in jail and a \$248,000 fine. Supervisor Robert McAfee pleaded no contest to one misdemeanor violation and was sentenced to 30 days in jail. On May 11, 2006, an ANC employee backed into an unguarded skylight and fell 21 feet to his death. Four months later, another ANC employee suffered major head trauma when he fell 19 feet from an unprotected skylight.
6. **OSHA fines Wal-Mart \$7,000 for worker trampling incident.** A Wal-Mart worker was trampled to death by a crowd of 2,000 shoppers on the day after Thanksgiving in 2008. OSHA said Wal-Mart should have recognized that its employees were exposed to being crushed by the crowd based on previous experience. Wal-Mart fought the fine. OSHA used the General Duty Clause to issue the fine and has said it will use the GDC in similar situations where safety was compromised but a specific regulation wasn't violated.
7. **Company faces \$1.09 million OSHA fine for 202 willful violations.** OSHA didn't really need anyone's permission to start issuing per-instance fines (see item #3 above), but it got the go-ahead in the form of a decision from the Occupational Safety and Health Review Commission (OSHRC). The appeals panel ruled OSHA properly cited Smalis Painting Co. on a per-employee basis for violations of the lead-in-construction regulations, in connection with a project near Pittsburgh, PA. OSHA monitored six Smalis employees for lead exposure. Based on that data, OSHA issued violations for all employees who would have been exposed to the same hazards.

8. **OSHA is getting companies to agree to implement safety and health improvements above what's required by regulations.** A-1 Excavating of Bloomer, WI, agreed to make numerous changes in its work processes in exchange for lowering fines from almost \$900,000 to \$470,000. A-1 has to hire a full-time safety director, develop and implement site-specific safety and health plans for all major projects, identify all job sites to OSHA before work begins for the next three years, reduce the salary of job superintendents and project managers who fail to comply with OSHA requirements, and retain a third-party safety consultant.

9. **Cintas agrees to pay \$3 million in fines and to comply with other conditions.** In some cases, it hasn't been an either-or situation between fines and strict safety improvements. After a worker was killed when he fell onto an unguarded conveyor and was dragged into a 300-degree industrial dryer, Cintas agreed to the huge fine and to retain a team of independent experts to develop permanent fixes and review interim controls. Cintas also agreed to hire additional safety staff, conduct more frequent internal safety inspections, and establish new systems to examine employee complaints.

10. **A construction company agrees to pay \$750,000 in fines and cut the pay of unsafe supervisors.** Broadway Concrete of New York, NY, agreed to reduce the salaries of senior job superintendents who failed to comply with job safety practices. Broadway also agreed to hire a full-time corporate safety director, develop a new corporate safety plan, and provide OSHA with information on major projects and access to all job sites for the next four years.

OSHA Launches Electric Power Safety eTool

(By Laura Walter, EHS Today Magazine – March 19, 2010)

Approximately 80 workers die from electric shock each year while working on electrical equipment or related utility operations. To help prevent such deaths, OSHA recently published the Electric Power Generation, Transmission and Distribution Standard [eTool](#).

Recent deaths have illustrated the dangers of working with electric power. For example, a worker installing decorative lights on a tree was electrocuted after touching a high-powered overhead electrical line. Another worker was electrocuted after contacting an overhead high-voltage line with a portable light tower while working at a water main repair site.

“We cannot allow these tragedies to continue,” said Assistant Secretary of Labor for OSHA David Michaels. “This eTool informs employers of their obligation to protect electrical workers from serious injuries and death, and also lets workers know the preventive steps their employers must take to assure worker safety.”

This eTool addresses [OSHA's standard](#) and explains preventive measures for protecting workers' safety and health such as providing personal protective equipment, using lockout/tagout procedures to prevent startup of energized equipment and following safety requirements when working on or near power lines.

OSHA's eTools are stand-alone, interactive Web-based training tools on occupational safety and health topics that include modules for answering questions and providing advice on how OSHA regulations apply to users' worksites.

For more information and to download the eTool, visit http://www.osha.gov/SLTC/etools/electric_power/index.html.

OSHA to 15,000 U.S. Employers: 'Ready or Not, Here We Come'

(By Attorneys Eric J. Conn and James A. Lastowka, Law Offices of McDermott Will & Emery, LLP, PR News Wires – March 22, 2010)

In early March 2010, the Occupational Safety and Health Administration (OSHA) sent a letter to approximately 15,000 U.S. employers who had reported higher rates of and more severe workplace injuries than the national average in their respective industries. In most cases, the employers had DART rates (rates of injuries and illnesses resulting in days away from work, restricted work activities or job transfers) at twice the national average.

Although OSHA's letter included an overture of assistance to small employers and noted the availability of safety and health consultation services, the real message was "get your act together because a serious OSHA inspection may be coming your way soon." Since the Obama Administration took control, OSHA has been gearing up for a significant enforcement effort, and this letter is an indication of many of the employers that the agency will target in that effort. In conjunction with sending the letter, the Assistant Secretary of Labor for OSHA, Dr. David Michaels, announced that employers who received this letter "need to take immediate steps to protect their workers," and the letter itself warned that "OSHA may target ... workplaces identified in the survey for inspection in the next year."

It is not unusual for OSHA to assemble annually a list of employers with high injury and illness rates and to conduct Site Specific Targeting inspections of those employers. But the level of enforcement under the new OSHA represents a significant change from the previous administration. Both the number of inspections and the size of enforcement actions are increasing under the Obama Administration. In a 2009 speech, Secretary of Labor Hilda Solis pronounced that "there is a new sheriff in town. ... Make no mistake about it, the Department of Labor is back in the enforcement business." Similarly, speaking at a roundtable in January 2010, Dr. Michaels declared that "OSHA is ... a regulatory and enforcement agency, and we're going to act like it." And there's more to this than just a lot of tough talk. The U.S. Department of Labor's 2010 budget funded 100 new compliance officers, and the 2011 budget asks for \$14 million more, proposes to hire even more

inspectors and tellingly, requires OSHA to shift many of its staff currently working on compliance assistance programs into enforcement. OSHA has not only increased the size of its enforcement team but has also greatly increased the size of its enforcement actions. In the last year, OSHA has nearly tripled the number of significant cases (citations including fines of \$100,000 or more).

Although employers are not required to respond directly to OSHA regarding the letter, employers should nevertheless immediately begin to prepare as though OSHA is going to come knocking tomorrow. Preparing now for the aggressive enforcement threatened by President Obama's "New OSHA" will not only help minimize the significant liability that employers may otherwise face when OSHA does arrive, but will also make for a safer and more productive workplace in the meantime. Below are three steps employers can and should do now to prepare:

- **Conduct a Recordkeeping Audit.** Verify that your OSHA 300 Log is up to date and accurately reflects all reportable injuries and illnesses. Cross-check other records relating to injuries and illnesses (e.g., incident reports, first aid records, medical records and workers' compensation claims) against your OSHA 300 Log.
- **Validate Your Safety and Health Program.** Verify that your written safety and health program is current and accurately reflects what is happening in the field. Ensure that you have conducted and documented all training required by the OSHA Standards or provided for in your written safety and health program.
- **Inspect Your Workplace for Hazards.** When the OSHA team arrives at your workplace, multiple sets of trained eyes will be scrutinizing every nook and cranny of your establishment for conditions presenting safety and health hazards and violations of OSHA Standards. Some may be obvious, some less so. Take the time now to do your own diligent wall-to-wall walkthrough, correct all of the obvious issues that OSHA will easily find (and conclude that you also should have easily found and corrected before they did), and take a fresh look at whether there are less obvious but significant safety and/or industrial hygiene/exposure issues that you should be better addressing.

What OSHA Expects: The Electrical Safety Questions OSHA Will Ask During an Investigation

(By Kenneth Cybart, EHS Today Magazine – March 13, 2008)

When it comes to electrical safety, OSHA standards can be technical and confusing. What requirements do safety managers need to know?

Wouldn't it be nice to know exactly what OSHA is training its inspectors to look for during an inspection that includes electrical safety, including surprising new areas of emphasis based on national OSHA directives?

This article covers some of the typical electrical safety questions that OSHA inspectors will ask during a field investigation, what they mean and how to be prepared and in compliance.

A good starting point is to understand OSHA's approach to electrical safety. OSHA's goal is for employers to identify all electrical hazards, both potential and actual. In the past, OSHA focused on process changes, encouraging companies to de-energize circuits before working on them, perform lockout/tagout procedures and develop ongoing safety programs that include worker training and retraining. A more recent area of emphasis is arc flash safety, which means electrical safety professionals must analyze the workplace for shock and arc flash hazards, establish safe protection boundaries and define what personal protective equipment (PPE) must be used within these boundaries.

For electrical safety in the workplace, OSHA relies on expert consensus bodies such as the National Fire Protection Association (NFPA) and its standards published in NFPA 70E. To ensure that employers are following NFPA and OSHA guidelines, OSHA trains its inspectors and compliance officers to ask specific questions in the event of an electrical safety incident. Some typical questions follow.

Is there a description of the circuit or equipment at the job location?

OSHA expects employers to know their workplaces. If an employer cannot provide a written description or drawing of the circuit or equipment, then the compliance officer may assume that the employer has not assessed the facility for electrical hazards.

Is there a detailed job description of planned work?

In order to know which safety procedures to use, the worker must be provided with a description of the job task. OSHA publication 29 CFR 1910 lays out employer responsibilities for protecting their workers from electrical safety hazards. It states that the employer shall train workers to use safe work practices that are designed to avoid injury.

Can you justify why equipment cannot be de-energized or the job deferred until the next scheduled outage?

Per OSHA 1910.333(a)(1), live parts to which an employee may be exposed must be de-energized before the employee works on or near them, unless the employer can demonstrate that de-energizing introduces additional or increased hazards or is not feasible due to equipment design or operational limitations. (Live parts that operate at less than 50 volts to ground need not be de-energized if there will be no increased exposure to electrical burns or to explosion due to electric arcs.)

The message is clear: never work on live circuits unless it is absolutely necessary. OSHA allows work on live circuits in some cases, but the reason cannot be simply that turning off the power is inconvenient or will interrupt production. Nor can workers use the excuse that they didn't have the authority to shut off power.

When it is necessary to perform work on energized equipment, OSHA 1910.333(a)(2) requires safety-related work practices to be used and NFPA 70E Article 110.8(B)(1) requires

an Electrical Hazard Analysis before work is performed on live equipment operating at 50 volts and higher.

Other questions you can expect from an OSHA inspector include:

- What about safe work procedures?
- Has a detailed work procedure been established?
- Are there detailed descriptions of work practices to be employed?
- Was a job briefing checklist performed, and was the job briefing completed for those performing the work?
- Was proper management approval secured?

OSHA wants employers to make electrical safety procedures and practices part of regular work processes. Several annexes to NFPA 70E offer guidelines for lockout/tagout procedures, checklists and approvals. For example, Annex E covers Electrical Safety Programs, Annex F covers Hazard Risk Evaluation Procedures, Annex I covers Job Briefing Checklists and Annex J covers Energized Work Permits.

NFPA 70E annexes are not strictly “enforced” by OSHA, as they are appendices to the NFPA standard. However, OSHA inspectors and investigators will ask if the content and information contained in these annexes was followed and adhered to.

As an EHS professional, would you know the answers to these questions if an OSHA inspector came knocking on your door?

- Were required electrical safety analyses performed?
- Was an arc flash hazard analysis performed?
- Were flash protection boundaries established?
- Were all other potential electrical hazards identified?

OSHA regulations state that every employer shall furnish a place of employment free from recognized hazards that are causing or likely to cause death or serious physical harm, and that the employer must assess the workplace to determine if hazards are present and select PPE to protect employees. When it comes to electrical safety, OSHA refers to NFPA 70E, which requires employers to conduct an electrical hazard assessment consisting of a shock hazard analysis and an arc flash hazard analysis before work is performed on live equipment operating at 50 volts and higher.

These requirements may be fairly complex, as they involve calculating the potential fault current at each piece of equipment, understanding the characteristics of the overcurrent protective devices and how they are coordinated for each circuit and creating or updating one-line electrical drawings. Complex or not, OSHA inspectors are trained to ask if these analyses were performed, because they are essential to reducing the number of arc flash-related deaths and injuries that occur each year, as well as ensuring a safe installation.

When the safety of any job task involves electricity or electrical equipment, ask yourself these questions:

- Were proper tools and equipment used?
- Was the necessary PPE determined?
- Were the proper insulated tools used?
- Were insulated blankets and/or sheeting used to properly cover all of the live parts?

OSHA 1910.132 requires employers to assess hazards, select PPE and make sure that employees are trained how to use it. Electrical PPE, safe work practices such as lockout/tagout and safety training are covered by OSHA 29 CFR 1910.301-.399, also known as Electrical Subpart S.

For example, OSHA 1910.333 (a)(1)(i) states: “Employees working in areas where there are potential electrical hazards shall be provided with and shall use, electrical protective equipment that is appropriate for the specific parts of the body to be protected and for the work to be performed.”

For electrical workers, this standard’s effect is multi-fold. First, employers must facilitate workers’ understanding of the PPE required for each task on each piece of equipment. This may be communicated via a work order, a descriptive label on the equipment or a one-line drawing. Second, employers must select the PPE, which includes insulated tools and protective clothing. Third, the employer is required to train workers in safe work practices – and in particular, how to match the PPE to the level of the electrical hazard. And finally, OSHA 1910.269(a)(2)(iii) requires employers to “determine, through regular supervision and through inspections conducted on at least an annual basis, that each employee is complying with the safety-related work practices ...”

Were the workers performing the tasks qualified to do so?

OSHA defines qualified workers as those specially trained to work on live electrical equipment. Qualified workers must protect themselves against all electrical hazards including shock, arc flash, burns and explosions. Training is key. Even an experienced electrician is not “qualified” in OSHA’s eyes unless the employer can show proof of the appropriate training and certifications.

OSHA 1910.332(b)(2) also requires unqualified workers to be trained in the electrical safe work practices that are necessary for their safety. Unqualified workers, such as painters or cleaners, occasionally come into contact with energized equipment, and therefore they must be trained to recognize and avoid electrical hazards.

Seasonal Safety: Handling Hay Fever

(by Catherine Jones, The Safety-X-Change – March 19, 2010)

Pesticide use is one sign of spring. Here's another sure sign that spring has arrived: seasonal allergic rhinitis (hay fever).

If you or your workers notice an increase in coughs, sneezes, congestion or itchiness of the nose, roof of mouth, throat, eyes and ears at this time of year, seasonal allergic rhinitis could be the culprit. The American Academy of Allergy, Asthma & Immunology (AAAAI) offers these tips:

- Stay indoors between 5am and 10am, if possible. This is when tree and plant pollens are the most active.
- Avoid going outdoors on windy days.
- Avoid going outdoors after heavy rains, which produce a high mold spore count.
- Wear a dust mask while raking to avoid breathing in molds and other allergens stirred up from the leaves.
- Remove and wash right away all exposed clothing to avoid bringing the allergens into your home.
- Don't hang-dry clothing or sheets outdoors, where they may attract pollens or molds.
- Spring clean your home. Over the winter months, dust and mold accumulate on windows and shelves and in vents.

The 21st Century Job Search: Using Social Networks to Find Career Opportunities

(By Lauryn Franzoni, Safety-X-Change – March 19, 2010)

Their potential to reach large groups of people beyond your close friends and colleagues makes online social networks a job search tool of enormous potential. However, just like any other job search tool, you have to know how to use the social network to exploit its full potential. Here are a few traps to avoid.

Trap 1: Jumping In Without a Plan

More people are using social networking to create career change opportunities. But they're not all doing it effectively. One of the most common mistakes job candidates make is launching into networking without first thinking through their strategy. Those who engage in this ready-aim-fire behavior blow the chance to make a good first impression.

Trap 2: The Nondescript Profile

The online profile is more than a traditional résumé. It's a combination of résumé, custom cover letter and elevator pitch. The listing of jobs backs up who you are, what you're good at and what you're looking for.

Take a close look at your current online profile to determine if it provides an accurate and complete picture of your skills and qualifications and what unique value you can bring to potential employers. Experts say that in too many profiles candidates don't clearly communicate who they are and what they are looking for. Oftentimes, they use generic phrases such as "seasoned" or "employable manager" that tells prospective employers and recruiters nothing about who they are.

Trap 3: Not Doing Enough to Help Recruiters Find You

Recruiters are increasing their reliance on online social networking sites to find candidates. The more complete your online profile, the higher it will turn up in search rankings. The profile needs to be written to attract recruiters looking for individuals with very specific qualifications.

Trap 4: Not Thinking Beyond the Profile

There's more to exploiting social media than just posting an online profile. Recruiters often join online groups to search their directories and find candidates with expertise in a particular industry or topic. To take advantage of this, you should use the social media platform to position yourself as a thought leader. For example, actively contribute to industry roundtable discussions, online chat groups and, of course, forums like SafetyXChange. Try to get yourself quoted by industry sources as often as possible.

Trap 5: Not Recognizing the Difference between Open and Closed Networks

Understand that all social networks are not the same. There are key differences between open networks (like LinkedIn) and closed networks (like my company's, ExecuNet). Both can help you connect with valuable contacts. But open networks allow you to meet people from various walks of life who you might never have the chance to connect with otherwise, and are thus invaluable for breaking into a new industry. Closed networks offer much more intimacy. Accordingly, networking ties tend to be much stronger among individuals in a closed network.

Conclusion

One more key thing to remember: The operative word in the phrase "online social networking" is "networking." Although it's done differently, social networking is still networking and most of the fundamental rules that apply to old school networking apply equally to online networking. For example, assistance must be reciprocal and you must be willing to help others with their careers if you expect them to help you.

Safety Training Strategies: Excel as a Safety Communicator - Safety is a Game of Signals and Signs

(By Matt Forck, Workplace Safety & Health – February 10, 2010)

A number of years ago, I was asked to be the opening day honorary coach for a little league baseball team. My charge was to be their motivational leader; I also have the honor of being third base coach and bringing drinks and snacks.

In this particular small town, little league baseball is a big deal. On opening day, players from the youngest age group, six and seven, all the way up to the 13 and 14 year olds parade through Main Street riding on trucks and trailers. These players throw candy and wave to family, friends and on-lookers. After the parade, I met the team. Gathering them in a huddle, I introduced myself. "Today, if you are batting and someone is on base, you look at me," I instructed the boys in a stern voice. "I will give you a series of baseball signs. Based on this sign, you will know if you should bunt, try to walk or swing away." These 9- and 10-year-old boys were looking at me like I was nuts. After a long and serious pause, I smiled and said, "I'm kidding boys, we are here to have fun. If you want to walk, you walk. If you want to try for a home run, swing away." With a long sigh of relief, we all stacked hands and yelled "team!"

Due to my positive pre-game pep talk, we retired the other team in order. When it was our turn to bat, our first hitter took a walk. Josh, the next batter, seemed to be a bright and athletic kid. As he stepped in the batter's box, I flashed some pretend signs, just for fun. Josh played along as he watched my signs and nodded understanding. The other team didn't know what to think. Yet, Josh was about to throw the biggest curve ball of all. Right before his first pitch, he yelled 'time out.' The umpire yelled 'time,' and Josh came jogging toward me.

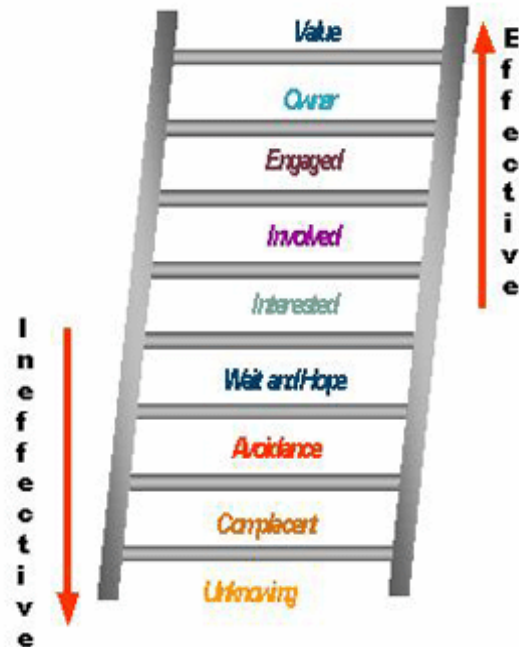
As Josh walked over, I got down on his level and said, "Josh, my friend, what are you doing? They are just pretend signs." To which Josh responds with a smile, "Yeah, I know Coach Forck, I'm just pretending like I didn't read them!"

Think about it, line managers, foremen, superintendents and managers are all responsible to "get the job done." In so doing, they send signals, dozens an hour. These signals tell their employees what is important and what is not. These actions tell their people what needs to be done and what can be skipped or modified. More times than not, these decisions, actions and signals involve safety sensitive tasks. Safety is a game of signals and signs. Our people don't read our lips but watch our feet—in other words, it is not what we say but the sign and signal we send. And, the SCAT (Safety Communication Awareness Tool) model can serve as a tool to measure your communication.

A Typical Day

SCAT-Safety Communication Awareness Tool

The SCAT model can be called a ladder or elevator because everyone sends dozens of signals up and down the model during the course of an hour and day. For example, a line manager may lead a safety meeting where he is prepared and engaged. From there he may go on the floor; intentionally avoiding another area because he is uneasy about what he may find in that other area. Next, he goes to observe a new process. He doesn't understand the



safety procedures because he has yet to find time to read the job safety analysis. Instead, he lets another supervisor take the lead. As he is walking back to the office, he notices an employee working at risk. He has talked to this employee before and the employee is about to retire, so he decides to wait and hope the problem will be gone in a month or two. Next, he approaches a group of new employees and pulls them from the line to instruct them on ergonomic principles. Is this typical? Probably more than we care to admit!

Using the SCAT Model

The SCAT model offers insight and awareness.

- **Be aware.** The first key in using the SCAT model is to be aware that safety is a game of signals and our employees pick up each and every signal we send. Even passive signals or signals not intended for one employee will be quickly picked up, interpreted and passed on.
- **Be interested.** You may notice that “interested” on the SCAT model is the mid-point and the beginning of effective. During busy and stressful times, it might be hard to master “engaged” or “owner” or “value,” but strive for interested. It is a positive signal that does not subtract from your safety efforts.
- **Be consistently effective.** The truth is that one or two signals in the ineffective range will negate dozens from the interested range. To that end, we must strive to be consistently at the interested level and above. Consistency, over time, is the only way to achieve sustained results.

- **Be accountable.** Accountability can be defined as “what more can I do to get results.” Now that you and your team have an understanding of the power of signals on safety performance and a model for which to base your communication, hold yourself accountable to the SCAT model. Partner with another person with similar responsibility so you can share struggles, provide coaching and give each other encouragement.

“Integrity,” one could say, “is when what you say matches what you do.” Safety is a game of signals. Often, we can be complacent, avoidant and even wait and hope. When we send these signals, and similar ones too, our safety efforts will be ineffective. Integrate—when it comes to safety, let what you say match the signals you send...and the SCAT model can help you do it.

Lessons Learned: Statement from Chemical Safety Board (CSB) Chairman John Bresland on 5th Anniversary of Fatal BP Texas City 2005 Explosion

The CSB issues the following statement from CSB Chairman John Bresland:

Five years ago today, at about 1:20 p.m., a series of explosions rocked the BP Texas City refinery during the restart of a hydrocarbon isomerization unit.

Fifteen workers were killed and 170 others were injured. Many of the victims were working in or around work trailers located near an atmospheric vent stack. The explosions occurred when a distillation tower flooded with hydrocarbons and was over-pressurized, causing a geyser-like release from the vent stack. The hydrocarbons found an ignition source and exploded.



I urge everyone in the oil refining industry to take a moment today and think about that tragic loss of life and the severity of so many injuries which continue to afflict workers five years later.

Today would be an appropriate time for company management to pause and personally pledge to do everything in their power to prevent this kind of catastrophic accident from happening at their refineries. And in my view it would also be appropriate for BP to recommit to safety in a way that builds on the steps it has taken in the aftermath of the Texas City tragedy.

In the CSB's final investigation report issued two years after the accident, we found organizational and safety deficiencies at all levels of the BP Corporation. It was the most comprehensive and detailed investigation the CSB has ever done. Our investigation team turned up extensive evidence showing a catastrophe waiting to happen. That cost-cutting had affected safety programs and critical maintenance; production pressures resulted in costly mistakes made by workers likely fatigued by working long hours; internal audits and safety studies brought problems to the attention of BP's board in London, but they were not sufficiently acted upon. Yet the company was proud of its record on personnel safety.

I urge everyone involved in operations and safety programs at refineries to take time to visit the CSB's BP investigation web page, review the key findings in the report, and ask "Is any of this happening at my facility?" I also recommend taking a lunch hour to view with your colleagues the CSB Safety Video "Anatomy of a Disaster", an extensive examination – with computer animation – of the factors that caused the BP tragedy.

Refinery accidents at other companies continue to occur with dismaying frequency. These have also taken lives, disrupted communities, and threatened the nation's flow of gasoline and other refined oil products. These accidents will only stop when every refinery has made the financial and human commitment to sound process safety management.

BP notes it has spent over one billion dollars repairing and improving the Texas City refinery's equipment and operations. Media reports indicate a like amount has gone to settle lawsuits filed after the accident. This gives new meaning to the old adage, "If you think safety is expensive, wait until you have an accident."

When will we know whether the tragedy of 2005 has resulted in greater safety at BP and other companies' refineries? Only when we can look back over the passing of a significant number of years without major accidents, deaths, or injuries. In the meantime, only the highest commitment to running down the even smallest of problems and upsets will assure the prevention of so-called low probability, high-consequence events like the tragedy that took so many lives in Texas City five years ago today.

Lessons Learned: TransPecos Foods Faces OSHA Fine For Workplace Hazards

(ReliablePlant News Wire – March 22, 2010)

The U.S. Department of Labor's Occupational Safety and Health Administration has cited TransPecos Foods in Pecos, Texas, for alleged workplace safety and health violations following an inspection at the company's facility on East Palmer Road. Proposed penalties total \$69,650.

OSHA's El Paso Area Office initiated its inspection on October 15, 2009. The investigation found that TransPecos Foods, which employs about 150 workers at its Pecos facility, failed to implement OSHA's process safety management procedures, exposing employees to unsafe working conditions.

"This company exposed its workers to potential workplace hazards by not following OSHA's process safety management regulations," said Dean McDaniel, the agency's regional administrator in Dallas. "It is fortunate in this case that no one was injured or became ill."

OSHA has alleged 18 serious citations including failing to protect employees from exposed electrical wires, to provide forklift inspections, to protect workers from rotating parts on conveyor belts, to provide a wash station for employees during the use of corrosive chemicals and to train employees on hazard communication. A serious violation is one in which there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Other-than-serious citations also have been issued for failing to ensure fire extinguishers were properly mounted and to provide illuminated exit signs. An other-than-serious violation is issued when the most serious injury or illness likely to result from a hazardous condition cannot reasonably be predicted to cause death or serious physical harm.

The company has 15 business days from receipt of citations to comply, request an informal conference with OSHA's area director in El Paso, Texas, or contest the citations and proposed penalties before the independent Occupational Safety and Health Review Commission.

Lessons Learned: Tennessee Commerce told to pay \$1M to former CFO

(By Geert De Lombaerde, NashvillePost.Com – March 19, 2010)

The Occupational Safety and Health Administration has ruled that Tennessee Commerce Bancorp's leaders retaliated against former CFO George Fort when they fired him two years ago.

Fort had raised red flags about Tennessee Commerce's internal controls and other governance issues with OSHA in April 2008 under the whistleblower provisions of the Sarbanes-Oxley Act. He had been placed on administrative leave the month before – the day after he **met with officials from the Federal Deposit Insurance Corp.** to discuss his concerns. He would be fired by the bank in May of that year and file a separate lawsuit two months later. (That case is scheduled to go to trial late this year.)

The federal regulators have ordered the Franklin-based bank to pay Fort more than \$1 million in back wages, interest and other fees and to reinstate him to his old post.

"This case clearly shows the department's commitment to ensuring that individuals are provided the protections and relief afforded by the law and sends a strong message that retaliatory actions will not be tolerated," said David Michaels, assistant secretary of labor for OSHA. The agency's full findings are [available at this link](#).

Tennessee Commerce, which said in a recent SEC filing that it was [expecting an adverse ruling](#), said it will appeal.

"Fort made charges of wrongdoing by the company following his termination. We remain confident that once the facts and information are reviewed, the DOL will revisit their ruling," said Chairman and CEO Mike Sapp. "The company anticipated this DOL decision as an expected step in a lengthy regulatory process that sometimes requires appeal in order to provide complete information."

Lessons Learned: Formosa Plastics Plant Cited For 27 Alleged Serious Safety/Health Violations

(RP News Wires – April 1, 2010)

The U.S. Department of Labor's Occupational Safety and Health Administration has cited Formosa Plastics Corporation for 27 alleged serious workplace safety and health violations, including exposing workers to combustible dust hazards. Proposed penalties total \$133,500.

OSHA initiated an investigation on October 1, 2009, in response to an employee complaint.

The violations include the company's failure to properly contain polyvinyl chloride dust particles, evaluate contractors' safety programs and procedures, properly inspect process equipment, provide fire retardant clothing for employees, require employees to wear adequate eye protection with side shields, provide proper training and provide employees with an infirmary, clinic or person trained in first aid. Additionally, inspectors identified hazards involving a lack of machine guarding, a deficient process safety management program, inadequate lockout/tagout procedures for energy sources and unguarded machinery, floor holes and walkways. OSHA issues a serious citation when there is substantial probability that death or serious physical harm could result and the employer knew, or should have known, of the hazard.

"These violations are an indication that the employer needs to make improvements in its safety and health program," said Domenick Salvatore, director of OSHA's Wilmington, Del., office. "It is imperative that the company eliminate the combustible dust hazards, along with the other violations cited, to protect employees at this facility."

Formosa Plastics Corporation of Delaware City produces plastic resins and petrochemicals and employs 98 workers. The company has 15 business days from receipt of the citations to comply, request an informal conference with OSHA's area director, or contest the citations and proposed penalties before the independent Occupational Safety and Health Review Commission.

Safety Tidbits

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

- Average amount of time per day spent on travel: 1.1 hour per person, worldwide.
- According to a U.S. Food and Drug Administration 12- month study using hospital records between 1999 and 2000, an estimated 2,489 people managed to hurt themselves brushing their teeth.
- Bad boy! One in four British veterinarians says they've treated a drunk dog.
- Weird Safety Tips for the Home:
 - In the Kitchen - Tests have shown that using a commercial oven cleaner that contains non-methane hydrocarbons (which can cause cancer) can drastically affect your home's indoor air quality in just 90 minutes. In addition to making sure your house is well-ventilated, it's a good idea to stay out of the kitchen for a while after using one of these products. Cleaning your oven right before leaving for work or going shopping might be the best option.
 - In the Nursery - If you have a child seven-months-old or older, be careful about how you change his or her diapers. According to a study by a Massachusetts poison control center tots at this age have the strength and dexterity to grab the objects around them and put them in their mouths. Particularly hazardous: All the toxic substances that surround the changing table - powder, wipes, shampoo, ointment, oil, etc. Keep a close watch on open safety pins, too.
 - In the Home Office - Transformers generate heat while they're operating - even those which plug into a socket to operate electronic equipment such as a lap-top computer. Ensure adequate ventilation and switch transformers off when you're not using them.
 - In the Yard - If someone is electrocuted by contacting overhead power lines, do not even get close to them. If you attempt to sever the contact with a nonconductor, such as a stick or a piece of clothing, the current may jump the gap to you! Stay away and call for help.
 - In the Garage - Are you planning to buy a gas can? For most households, a 2.5 gallon can is more than sufficient. Look for a tip-proof container of non-

corrosive metal or plastic and a flame arrester (a fine wire mesh in the spout). The can should also have a place to store the pouring extension.

- In the Wiring - If your house and appliances have all been purchased within the last decade or so, chances are that they all fit perfectly well together. But if the house and electrical contents are of varying vintage you may have 2-slot electrical receptacles and 3-prong plugs. The ideal solution is to have an electrician bring your house wiring up to today's code requirements. If you have your service updated, you may be able to get up to 20 percent premium reduction from your fire insurance agent.
- In the Bathroom - Don't turn your bathroom into a library. Restrict your toilet time to 5 minutes per sitting, if you can. Sitting on the toilet can put undue pressure on your blood vessels, leading to hemorrhoids. So bowel specialists advise patients not to use the toilet for anything other than strictly business.
- In the Bedroom - (It's not what you think.) If you use an electric blanket to keep you warm in bed, don't cover it with a bedspread or other blankets while it's turned on.