



May 2010

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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:

- **Wardell Johnson, Jr., CSS**, Health, Environment and Safety Specialist – Chevron USA (Covington, Louisiana)
- **Ajay Krishnan**, Safety Advisor – Petron Emirates Construction and Manufacturing Company, LLC (Alquoz, Dubai)
- **Joni M. Merrick**, Safety Program Specialist – City of Alexandria (Alexandria, Virginia)
- **Martin Pantoja**, Safety Director – Occupational Health and Safety (Hayward, California)
- **Gentry W. Richardson**, Management Analyst – Florida Division of Emergency Management (Tallahassee, Florida)
- **Dr. Gregg Swenson**, Executive Vice President – Safety Management, Inc. (Loves Park, Illinois)
- **Ronald I. Williams**, Safety and Environmental Coordinator – ASHTA Chemicals (Ahtabula, Ohio)
- **Dennis J. Wynne**, Safety Consultant – Lonestar Claims Group (Aledo, Texas)

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) Qualification

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 candidate 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

SPECIAL ADVANCED ANNOUNCEMENT:

NATIONAL SAFETY MANAGEMENT SOCIETY

Now Tentatively – Summer 2010

Note: Houston, Texas 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 [nmsinc@yahoo.com](mailto:nsmsinc@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 Gets Tougher: More Inspectors, Larger Fines On Tap As Feds Try To Improve Employee Safety

(By Michael DeMasi, The Business Review (Albany) – April 30, 2010)

Employers beware: the federal agency that monitors worker safety is getting stricter with enforcement.

The U.S. Occupational Safety & Health Administration is hiring more inspectors, will visit work sites to check the accuracy of employee injury/illness reports, review employee medical records and talk to workers to see if companies are properly recording incidents.

A new policy already implemented by the Albany regional office lowers the threshold at which the news media are notified about violators, on the premise that shaming employers will discourage others from breaking the law. Instead of \$60,000 in total fines triggering a press release, it's now \$45,000.

The push by Democrats in Congress and the Obama administration to more strictly enforce workplace safety comes at a time when a proposed federal law would raise the maximum OSHA fines for the first time in 20 years and strengthen the agency's hand. Supporters say the moves are needed to bolster safety, as more than 4.6 million workers are seriously injured on the job every year. One out of five workplace fatalities is in the construction industry; one-third of the deaths are due to falls.

But the effort is raising concerns among businesses that the approach will mean less flexibility by OSHA when visiting job sites, more fines, and reduced emphasis on workplace safety training and education programs.

The Northeastern Subcontractors Association formed an alliance with the OSHA regional office about seven years ago to work cooperatively to improve workplace safety. The arrangement came at OSHA's request. "It was more of the 'carrot' approach than the 'stick,'" NESCA Executive Director Mike Misenhimer said. Misenhimer and members of the Latham-based trade association are concerned the agency is putting fewer resources toward prevention and more toward levying fines for relatively minor violations.

For instance, there are no plans to fill a safety outreach position that has been vacant for more than a year. But the regional office will be hiring two more enforcement inspectors. One will be fluent in Spanish and English, raising the number of bilingual inspectors to three. "Under Obama it's clear that OSHA is moving back in a direction of more enforcement," Misenhimer said. "Seeking higher penalties for violations and moving away from a more cooperative and pro-active approach with business."

Federal labor statistics cited by the National Association of Manufacturers show incident rates for workplace illnesses and injuries have improved 54 percent since 1994; fatalities in

manufacturing workplaces have fallen 38 percent. NAM said those improvements came about because of OSHA programs that helped companies comply with the law instead of taking a punitive approach after violations occurred.

The association is lobbying Congress not to pass the Protecting America's Workers Act (PAWA), which would strengthen OSHA's enforcement powers. The legislation is still being debated in committee. "The reason we feel concerned is this promotes an adversarial relationship between the agency and employers," said Kevin Smith, director of employment and labor policy at the association in Washington, D.C.

The shift toward more enforcement is worrisome to general contractors such as Bast Hatfield Inc. in Halfmoon. The company does its best to ensure its workers and subcontractors put safety first, but the nature of a construction site is such that hazards can pop up quickly. "Because a construction site is always in transition there can always be an opportunity for something to go wrong," said Christopher "Kit" Bast, president. "Somebody can kick a rebar cap off, or somebody takes all the rebar caps off and it's unsafe for a moment or do something out of sequence." "If you get caught doing that it can be luck of the draw," Bast added. "I hope OSHA can understand that type of thing, and they usually do.

The word on the street is they're under pressure to give fines to help with revenues."

OSHA Announces Severe Violator Enforcement Program

(Occupational Health and Safety Magazine – April 22, 2010)

Are we seeing the new face of OSHA? David Michaels said the agency is doing what it can to administratively raise the dollar amounts of its penalties and adopting a new structure for penalty reductions based on the company's employee count.

OSHA announced a Severe Violator Enforcement Program today that will be in effect in 45 days and also said it is administratively raising the dollar value of its penalties, suggesting it would raise them higher still if it could.

"The current maximum penalty for a serious violation, one capable of causing death or serious physical harm, is only \$7,000 and the maximum penalty for a willful violation is \$70,000. The average penalty for a serious violation will increase from about \$1,000 to an average \$3,000 to \$4,000," OSHA's news release stated. "Monetary penalties for violations of the OSH Act have been increased only once in 40 years despite inflation. The Protecting America's Workers Act would raise these penalties, for the first time since 1990, to \$12,000 and \$250,000, respectively. Future penalty increases would also be tied to inflation. In the meantime, OSHA will focus on outreach in preparation of implementing this new penalty policy."

SVEP replaces OSHA's Enhanced Enforcement Program. SVEP targets high-emphasis hazards, which are defined as high gravity serious violations of specific fall standards -- 23 such

standards are listed in general industry, construction, shipyards, marine terminal, and longshoring -- or standards covered in National Emphasis Programs focused on amputations, combustible dusts, crystalline silica, lead, excavation/trenching, shipbreaking, and process safety management.

The SVEP inspection procedures contained in OSHA's instruction to compliance personnel says a follow-up inspection must be conducted after the citations become final orders in these cases to determine whether the violations were abated or the employer is committing similar violations. "When there are reasonable grounds to believe that compliance problems identified in the initial inspection may be indicative of a broader pattern of non-compliance, OSHA will inspect related sites of the same employer," the instruction states. There will be a SVEP Nationwide inspection list in such cases, with all sites inspected if there are 10 or fewer and sites chosen randomly if there are more.

OSHA Enforcement Memo Focused on Non-English Speakers

(Occupational Health and Safety Magazine – April 29, 2010)

OSHA issued an enforcement memorandum Wednesday that tells its compliance officers to check and verify that workers are receiving OSHA-required training in a language they understand. The directive applies to non-English speakers, not solely to Latino workers.

"This directive conforms with Secretary Solis' clear and urgent goal of reducing injuries and illnesses among Latino and other vulnerable workers," said Dr. David Michaels, the OSHA assistant secretary. "These workers represent an integral and essential part of the key industries that keep our country running every day."

Several OSHA standards require employee training, and it is well understood that training should be provided in formats and languages that workers comprehend. Companies that offer training aids and materials typically offer products in multiple languages, particularly in Spanish for the U.S. market, but also in French, German, Portuguese, Arabic, Hindi, Italian, Chinese, Dutch, and more. The memo says compliance officers should check and verify that training was provided in a language and vocabulary that the workers could understand.

Preparing Your Workers for OSHA Inspections

(Amy E. Watkins, ESQ., Safety-X-Change – July 17, 2009)

OSHA inspections are tricky. Since they're generally the first persons the inspector encounters, your workers must understand not only their own rights but those of the employer. At the very least, you need to be able to count on your workers to ask the inspector to wait until a company representative can get to the scene. Here's how to make the appropriate arrangements. There's also a Model Form in the Tools section that tells workers what to do

when an OSHA inspector (or, if you're from Canada, OHS inspector) shows up at a jobsite unannounced.

Why Preparing Workers for OSHA Inspections Is So Important

The failure of workers to safeguard your rights during an OSHA inspection may result in legal trouble that could easily have been avoided.

Example: An OSHA inspector appears unexpectedly at a construction site. The first thing he does is meet with workers for each of the jobsite's subcontractors. "Call your boss and tell them the OSHA inspector is here to do an inspection," he advises. Most of the workers take the inspector's advice. As a result, just about all of the subcontractors are able to send a high-level manager to the jobsite to check the inspector's credentials, walk around with him, answer his questions and keep a record of what he sees.

But one of the subcontractors doesn't get the word. His workers fail to notify him that the inspector has arrived. Worse, one of the workers actually gives the inspector permission to inspect the entire premises without even finding out what the inspector is looking for. When the inspector asks him about the scaffolding, the worker answers the questions the best he can, even though he isn't legally obligated to provide the information requested. After the inspection, the subcontractor is cited for scaffolding violations that could have been avoided if the worker had contacted a manager or attempted to limit the scope of the inspection [*Secy. v. D.H. Shelton & Associates, Inc.*, OSHRC Docket No. 90-0143, March 30, 1993].

Tell Workers How to Respond to Requests of OSHA Inspectors

Cases like *Shelton* show why it's so important to train your workers how to respond when OSHA inspectors appear at your door. One good way to get your point across is to adopt a company-wide policy. Like the one in Tools, your policy should tell workers:

Who to Alert of Inspector's Presence. OSHA inspections are tricky. Since they're generally the first persons the inspector encounters, your workers must understand not only their own rights but those of the employer. At the very least, you need to be able to count on your workers to ask the inspector to wait until a company representative can get to the scene. Here's how to make the appropriate arrangements. There's also a Model Form in the Tools section that tells workers what to do when an OSHA inspector (or, if you're from Canada, OHS inspector) shows up at a jobsite unannounced.

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Who to Alert of Inspector's Presence

Workers – particularly lower level staff apt to make first contact with the inspector, such as front desk attendants and receptionists -- should be instructed to contact a proper company representative before letting an OSHA inspector into the facility. "A knowledgeable person -- such as a job foreman or business owner -- should always meet with the inspector to determine the scope of his investigation and accompany him through the facility," recommends a former OSHA inspector. Lawyers say that in most cases an inspector will wait up to 30 minutes for a company representative to come to the jobsite.

What to Ask Inspectors

Tell the appropriate supervisor or manager at a job site to ask the inspector certain key questions to determine what the inspection is about. **Example:** After discovering that an inspection was prompted by a complaint, a safety representative for a construction company directed an OSHA inspector to the machine that caused the injury and showed him how the company had since made the equipment safer with additional machine guards. The inspector was satisfied to limit his inspection to the area that the complaint focused on.

Key questions to ask an OSHA inspector include:

- What is the scope of the inspection—that is, what does the inspector plan to inspect?
- What’s the reason for the inspection—is it a random visit, a programmed inspection or in response to a complaint?
- What workplace records does the inspector propose to review?
- Which workers and company officials does he want to interview?

If a supervisor or manager isn’t available to ask these questions, the next-highest level official at the jobsite should. Or, somebody should ask the inspector to wait until a company representative arrives.

What to Say to Inspectors

Of course, all workers should be instructed to be courteous and cooperative. But they should also be advised not to befriend the inspector or offer information that isn’t requested. Nor should they offer opinions such as about whether something is in compliance. In addition, instruct workers to keep a detailed record of any conversations they have with OSHA inspectors and list any documents they hand over.

What Rights Workers Have During OSHA Inspections

If an OSHA inspector does interview your workers, make sure they know they can have a lawyer or company representative present at the interview. This is important because it protects your company and lets you know what the inspector may use in a subsequent prosecution.

Conclusion

You can use the Model Policy (see below) to develop a company policy to prepare your workers for OSHA inspections. Although it’s written with the U.S. OSHA inspection process in mind, it can be easily adapted for a Canadian OHS inspection. Distribute this policy to first line supervisors and other workers whom an inspector is likely to encounter. Be sure to adapt the policy to meet your company’s requirements and the laws of your state or province. And show the policy to your lawyer before distributing it. Workers – particularly lower level staff apt to make first contact with the inspector, such as front desk attendants and receptionists -- should be instructed to contact a proper company representative before letting an OSHA inspector into the facility. “A knowledgeable person -- such as a job foreman or business owner -- should always meet with the inspector to determine the scope of his investigation and accompany him through the facility,” recommends a former OSHA inspector. Lawyers say that in most cases an inspector will wait up to 30 minutes for a company representative to come to the jobsite.

MODEL OSHA INSPECTION POLICY

PURPOSE

This document has been prepared to communicate Company policy on the procedures to follow when an inspector from the federal or state Occupational Safety and Health Administration (“OSHA”) arrives at one of Company’s jobsites. This policy applies to all workers, supervisors, forepersons, line managers and other personnel (which we’ll refer to collectively as “Employees”).

POLICY

Employees shall **immediately** notify Company’s safety representative when an OSHA inspector or representative is at a jobsite. An executive-level manager or, if none is available, the highest ranking Employee who is available shall meet with the inspector and ask him/her to refrain from beginning the inspection for at least 30 minutes until the one-half hour or until the safety representative or another Company representative arrives. If no one arrives within one-half hour, or if the inspector refuses the request, the Employee shall accompany the inspector throughout the inspection in accordance with the following procedures.

PROCEDURES

All Employees responding to a request by an OSHA inspector to investigate a jobsite shall:

1. Initial Meeting: Meet with the inspector before the inspection takes place to determine the scope of the inspection. Employee should ask whether the inspection is random or the result of a complaint or imminent hazard. Employee should try to ensure that the inspector limits the inspection to the purpose he/she states is the purpose of the inspection.

2. Credentials: Ask the inspector for his/her credentials before allowing the inspector to gain entrance to the jobsite. No one will be allowed to enter a jobsite without proper credentials, such as an identification badge indicating that the inspector is an OSHA representative.

3. Warrant: Ask if the inspector has a warrant.

a. If the inspector has a warrant, Employee shall inspect the warrant to determine whether the inspection is limited to a particular area of the jobsite.

b. **[Optional]** If the inspector does not have a warrant, Employee shall demand that the inspector obtain one and return at a later date.

c. If the inspector has a warrant, Employee shall direct the inspector to the areas listed in the warrant, but not refuse his request to inspect other areas. OSHA inspectors shall be permitted to inspect all aspects of the jobsite, regardless of the areas listed on the warrant. In such an event, Employee shall simply state to the inspector that the area he is inspecting is not listed on the warrant and the search may not be permissible.

4. Accompany: Employee shall accompany the inspector at all times during the inspection.

5. Interviews: Employee shall allow the inspector to interview other workers. All workers have the right to be accompanied by an attorney and a company representative must be present at all interviews. Employee shall take notes of all conversations the inspector has with the representative and other workers.

6. Records: Employee shall keep a detailed record of all documents turned over to the inspector. Do not give the inspector free access to document storage. Instead, provide only those documents that the inspector requests and make a copy of each document before turning it over.

7. Courtesy and Cooperation: Remain as calm and polite as possible. Be courteous and answer questions truthfully, but do not offer information that the inspector hasn't asked for or make guesses when responding to questions. Avoid making any statements that could be construed as an admission of violating any laws or regulations, and don't speculate as to how any accidents occurred.

8. Correct Hazards: If possible, immediately correct any hazards that are found during the inspection before the inspection ends.

9. Closing Conference: Meet with the inspector for a closing conference. Take notes of any alleged violations and requirements for corrective action. Ask whether there will be a follow-up inspection and if so, when such an inspection is expected to take place.

Government Studies Warned That Coal-Dust Limits Are Outdated

(By Ken Ward Jr., The Charleston Gazette – April 13, 2010)

Federal and state standards for controlling coal dust in underground mines date back nearly a century, and are not adequate to prevent explosions in modern, highly-mechanized operations, according to government research that regulators have never acted upon.

Researchers at the National Institute for Occupational Safety and Health published reports in 2006 and 2009 urging regulatory agencies to re-examine the standards, but no such action has been taken.

Joe Main, assistant labor secretary for the U.S. Mine Safety and Health Administration, said the NIOSH recommendations would get a closer look in the wake of last week's deadly explosion at Massey Energy's Upper Big Branch Mine in Raleigh County.

"I think you can pretty well expect that to be on the table," Main said in an interview Tuesday afternoon.

Gov. Joe Manchin said Tuesday he is considering emergency action to tighten West Virginia's dust standard until he can call the Legislature into special session to pass a new law.

"I'm going to do everything I can in this state," Manchin said. "I can't wait until the feds start moving."

Coal dust is highly explosive, as is methane gas, which is naturally liberated by geologic formations underground.

If methane builds to explosive levels and is ignited, coal dust can be tossed into the air and explode -- making underground blasts 10 times more powerful. When methane ignites in the presence of excessive dust, an explosion that might have caused minor damage or injured miners can easily shoot through mine tunnels, killing dozens of workers.

Investigators digging into the cause of last week's explosion that killed 29 workers at Massey Energy's Upper Big Branch Mine in Raleigh County are focusing on their belief that coal-dust accumulations made the disaster far worse. The operation has been repeatedly cited not just for ventilation problems, but also for unsafe levels of coal dust.

Mine safety experts have known for decades how to prevent coal dust explosions: Apply large amounts of "rock dust," usually powdered limestone, to wall and floor surfaces underground. Even if there is an explosion, the rock dust mixes with coal dust and helps prevent it from fueling a larger blast, experts say.

Under current federal regulations and West Virginia rules, coal companies must apply enough rock dust so that the "incombustible content" of mine dust in clean-air intake tunnels makes up at least 65 percent of all dust measured. In "return air" courses, rock dusting must be adequate to make the incombustible content 85 percent of all dust measured.

But those rules are based on dust surveys of U.S. mines conducted in the 1920s.

Four years ago, after a series of deadly mine disasters in West Virginia and Kentucky, NIOSH conducted the first comprehensive survey of coal dust in more than 80 years. The agency examined coal-dust particle size, which is important because smaller and finer dust particles require more rock-dusting to prevent explosions.

Michael J. Sapko and other NIOSH researchers examined coal-dust samples from 50 mines across the country.

"Underground coal mining technology has become highly mechanized, and this has resulted in increased coal production rates," Sapko wrote in an August 2006 paper. "Coal mining has become highly mechanized and this has resulted in increased coal production rates.

"The present coal size study indicates that the coal dust in intake airways of U.S. mines is finer than that measured in the 1920s," the paper said.

In a follow-up paper, Marcia L. Harris and other NIOSH researchers recommended that the 65-percent standard for rock-dusting be increased to at least 72 percent.

"Modern underground coal mine conditions have changed since the early 20th century," that study said. "The coal dust deposited in mine intake airways is significantly finer. As such, more rock dust needs to be applied in order to prevent a propagating explosion in intake airways."

Still, over years, regulators have found that compliance even with the outdated coal-dust standards has been difficult.

Across the coalfields, there is a long history of mine explosions that were turned from small accidents into major disasters by the failure of mine operators to control coal dust.

The Upper Big Branch is the worst U.S. mining disaster since December 1970, when 38 miners died in an explosion at Finley Coal Co.'s Nos. 15 and 17 mines in Hyden, Ky.

The Hyden blast was ignited by the use of improper explosions underground. But federal investigators found that, "Excessive accumulations of coal dust, and inadequate applications of rock dust in parts of Nos. 15 and 16 mines permitted propagation of the explosion throughout the mines."

Since 1970s, coal dust has been linked to at least six major U.S. coal-mining explosions that killed 73 miners, according to a Charleston Gazette review of government records.

Last year -- like almost every other year -- the most frequently cited violation by MSHA inspectors was allowing the accumulation of combustible coal dust in underground mines. In 2009, coal operators nationwide were cited for violating coal-dust accumulation rules more than 9,200 times, accounting for 11 percent of all underground coal mine violations.

Inadequate rock-dusting is also among the top 10 most frequently cited violations at underground coal mines nationwide, with more than 1,200 violations nationwide in 2009, according to MSHA data.

In underground mines, dust is produced at the working face where coal is mined, at conveyor belts and coal transfer points, and by the normal movement of workers and machines. Coarse dust settles rapidly. But the fine coal particles remain airborne much longer, and can be blown relatively long distances in underground mines. This fine dust is known as float coal dust, and can be a major danger to underground miners.

After 13 miners died in a September 2001 explosion at the Jim Walter No. 5 Mine in Brookwood, Ala., the U.S. Government Accountability Office faulted MSHA for not having a clear program to regulate float coal dust. Several MSHA district managers told the GAO "the lack of a specific criteria for floating coal dust makes it difficult to determine what is an allowable level.

"As a result, mine inspectors must rely on their own experience and personal opinion to determine if the accumulation of floating coal dust is a safety hazard that constitutes a violation," the GAO said in a September 2003 report. "According to some inspectors we interviewed, this has led, in some cases, to inconsistencies in inspectors' interpretations of the procedures - some inspectors have cited violations for levels of floating coal dust that have not brought citations from other inspectors."

In response, MSHA said that float coal dust "must be evaluated on a case-by-case basis." There is no "shopping list or clear-cut formula to indicate when and to what degree that presence of coal dust poses a distinct hazard to the miners," MSHA officials told the GAO.

Cal/OSHA Issues Citations to Hospital, Fire and Police Departments in Meningitis Exposure Case

The Department of Industrial Relations' (DIR) Division of Occupational Safety and Health, better known as Cal/OSHA, today issued \$101,485 in citations to Alta Bates Summit Medical Center in Oakland for ten violations of the state safety and health standards in connection to a life-threatening exposure of bacterial meningitis. The case also involves citations issued to the Oakland Police Department and Fire Department as well as a continuing investigation of

meningitis exposure involving ambulance employees of American Medical Response. The exposure resulted in the emergency hospitalizations of an Alta Bates employee and an Oakland police officer.

“The new Aerosol Transmittable Disease (ATD) Standard was designed to protect workers from just this type of exposure,” said DIR Director John C. Duncan. “Protection of medical facility staff and first responders is critical in the process of assisting the public in need of the life-saving services they offer. We cannot allow the spread of diseases caused by airborne aerosols in these critical professions when preventive measures are readily available, and have been required since August 2009.”

On Dec. 3, 2009, Alta Bates Summit Medical Center in Oakland received a patient with bacterial meningitis. The patient was transported by American Medical Response with the assistance of a fire department paramedic. The ambulance service responded to the home of the patient where the Oakland Police and Fire Departments had previously arrived. Employees of all three responders at scene were exposed to bacterial meningitis.

“This is a textbook case of why the ATD Standard was developed and why it is so important that it be implemented,” said Cal/OSHA Chief Len Welsh. “This case is also a “wake-up call” for other medical facilities and first responders to make sure their ATD program, procedures and employee training meet the requirement of the standard and will be effective in preventing situations like this, which are completely preventable and should never happen.”

Cal/OSHA was notified on Dec. 15 by Alta Bates that a respiratory therapist, who directly treated the patient, was hospitalized at another hospital and in the Intensive Care Unit being treated for bacterial meningitis. The respiratory therapist was hospitalized for 11 days.

Alta Bates Summit Medical Center was issued citations for not implementing an ATD program, not providing post exposure information to employees, not properly fit testing employees for respirators and not providing medical treatment to the exposed employee. They also received two willful citations: one for not reporting the meningitis case to the local health authorities and other employees in a timely manner, and one for failure to conduct an exposure analysis of employees exposed to bacterial meningitis for a week after the exposure.

The Oakland Police Department, which had an officer hospitalized in the Intensive Care Unit of another hospital for five days with bacterial meningitis, was cited \$31,520 for nine violations that included failure to develop and implement the required ATD standard, failure to properly notify the Oakland Fire Department and American Medical Response of the exposure, not obtaining a medical evaluation of the exposed employee, failure to report the officer’s hospitalization to Cal/OSHA, and for not notifying the exposed employee of his exposure to meningitis.

The Oakland Fire Department, whose paramedic assisted in transporting the exposed patient, was cited \$2,710 for five violations that included failure to develop and implement an ATD standard, not properly notifying the Oakland Fire Department and American Medical Response of the exposure and providing exposed employees with a copy of their medical evaluations. None of the responding fire fighters, who all used personal respirators, developed the disease.

An investigation involving American Medical Response is still open.

All employers involved in the transportation and treatment of a patient exposed to bacterial meningitis are required to provide respiratory protection, report the case to the local health authority and to employees or other employers exposed and initiate appropriate medical treatment. This investigation revealed a failure to comply with these requirements.

Willful citations are issued when evidence shows that the employer knew hazards existed which could lead to serious physical harm or a fatality and took no action to correct the hazards and comply with the appropriate regulations. The companies cited have 15 business days to appeal or to accept the violations and pay the penalties.

EU-OSHA Tackles Twitter and Unsafe Maintenance

(Occupational Health and Safety Magazine – April 26, 2010)

EU-OSHA, the European Agency for Safety and Health at Work, now has a Twitter page to make it easy to track new campaigns, guidance documents, events, and regulatory actions affecting some of Europe's 220 million workers. The Bilbao, Spain-based agency in fact has a new Healthy Workplaces campaign set to launch April 28, Workers Memorial Day, that is focused on the importance of safe maintenance in European workplaces.

EU-OSHA's guide for the campaign starts with a sobering reminder: The disastrous July 6, 1988, fire on the Piper Alpha gas drilling platform in the North Sea killed 167 workers and started from a routine maintenance incident. The cause was condensate that ignited after leaking when workers tried to bring a condensate pump back on line quickly after it had been shut down for maintenance. "The incident was put down to a failure in the permit to work and associated isolation systems. Both of which are critical to ensuring maintenance can be carried out safely," the guide states.

Hazards to which maintenance workers may be exposed include vibration, noise, excessive heat and cold, radiation, heavy lifting, confined spaces, fire, explosion, mold, and biological hazards. The document says an estimated 10-15 percent of fatal work accidents and 15-20 percent of all accidents are related to maintenance.

Five basic rules for safe maintenance, according to EU-OSHA, are:

- Planning
- Making the work area safe
- Using appropriate equipment
- Working as planned
- Making final checks

The agency hopes unions, employer groups, safety and health professional associations, insurers, managers, and workers discuss the campaign at their meetings and promote good practices.

Safety Training Strategies: Weekly Word

(By Richard Hawk, Safety Stuff – March 24, 2010)

Susan Johnson from the US Postal Service is assisting a Post Office Distribution Center with their VPP (Voluntary Protection Program) Safety Program that is partnering with OSHA. Their team needed to be rejuvenated and she came up with an idea to have a "Weekly Word" or "Word of the Week".

Since there had been a breakdown in Communication amongst the different tours and employees we came up with "COMMUNICATION" as the first word. With each word they come up with, an incentive program or an event that encompasses the Weekly Word. For "COMMUNICATION" they came up with a VPP Communication card where employees could write their ideas for VPP sub-committees such as housekeeping, hazard recognition etc, ideas for improving safety, morale and job tasks.

The cards are then reviewed and the concerns along with solutions are discussed at stand-up talks for all employees. These talks will be done with a karaoke machine and a projector so that they can show the concern and also the result out on the workroom floor as it is hard for these employees to leave their work area.

They also have posters up of different ways to communicate such as phones, letters, email, radio, newspapers etc. Since they rolled out the program in February they gave out boxes of candy hearts with messages on them. (Just another way of communicating).

Week number two's word will be "ENCOURAGEMENT" and it will be all about encouraging everyone to jump on board the Safety Wagon!

Lessons Learned: Tufts Medical Center to Pay \$5,000 to Settle Record-Keeping Issue With OSHA

(The Patriot Ledger – April 30, 2010)

Tufts Medical Center has agreed to pay \$5,000 to settle an Occupational Safety and Health Administration complaint that cites the hospital for not following certain record-keeping procedures.

The federal agency began investigating the issue at the hospital after the Massachusetts Nurses Association filed a complaint with the agency last fall.

The agency cited Tufts Medical Center for failing to properly record several employee injuries, ranging from back strains to broken thumbs that occurred on the job. The Boston hospital was also cited for failing to properly record numerous needle-stick injuries and cuts from sharp objects.

John Chavez, a spokesman for the U.S. Department of Labor, said OSHA didn't find any examples of actual hazardous or unsafe conditions for the employees. He said the complaint, which was settled on April 13, was specifically a record-keeping case.

The Canton-based nurses union touted the \$5,000 fine in a press release on Thursday that accused the hospital of showing a lack of concern for the health and safety of its workers. The union also protested changes in nurses' staffing patterns with picketing at the hospital in February.

Tufts Medical Center issued a statement on Thursday saying that the incomplete employee injury logs were clerical errors due to recent changes in recording requirements. The hospital said it also diligently documented injury information through other internal injury monitoring systems. The hospital said it quickly clarified the employee injury logs after OSHA raised the issue.

Lessons Learned: Vermont Companies Safer Than Peers

(Burlington Free Press Staff Report – April 22, 2010)

The Vermont Department of Labor announced Wednesday that local companies enrolled in the state Occupational Safety and Health Administration's Green Mountain Voluntary Protection Programs have bettered the national average regarding reportable job-site injuries and illnesses. A Bureau of Labor Statistics report tracks two performance measures and compares them by industry.

The first measure is the industry Total Case Incident Rate (TCIR), reflecting the work site's total recordable cases in a calendar year. The second measure is the Days Away Restricted and/or Transferred rate (DART), reflecting the number of recordable cases in a calendar year that result in an employee missing time from work or having to perform duties which are not their normal duties. These rates are reflected in a percentage per 1,000 employees by industry.

For the 2009 calendar year all of the employers recognized by the GMVPP have outperformed the latest injury and illness statistics. The performance numbers listed as a percentage below the related Bureau of Labor Statistics average for their respective industries:

- Ben & Jerry's Homemade, St. Albans Manufacturing Facility -- TCIR: 64 percent below industry average. DART: 52 percent below industry average.
- United Water NACO, St. Johnsbury Wastewater Treatment Facility -- TCIR: 100 percent, no recordable cases. DART: 100 percent, no recordable cases.
- Energizer Battery, Bennington Manufacturing Facility -- TCIR: 61 percent. DART: 88 percent
- Energizer Battery, St. Albans Manufacturing Facility -- TCIR: 30 percent. DART: 16 percent
- G.E. Aviation, Rutland Manufacturing -- TCIR: 31 percent. DART: 42 percent
IBM, Essex Junction -- TCIR: 31 percent. DART: 17 percent
- Entergy Nuclear Vermont Yankee, Vernon -- TCIR: 60 percent. DART: 100 percent, no recordable cases
- Vermont Agency of Transportation, District 7, St. Johnsbury -- TCIR: 58 percent. DART: 100 percent, no recordable cases

The GMVPP is a VOSHA partnership program that recognizes work sites with exemplary safety and health management systems in place. Those systems are based on four core values: management commitment and employee involvement; work site hazard assessment; hazard prevention and control; and employee safety and health training.

Lessons Learned: Manufacturer Faces \$106,800 Fine for Recurring Hazards

(Occupational Health and Safety Magazine – April 30, 2010)

OSHA has proposed a total of \$106,800 in fines against Service Manufacturing Group Inc., chiefly for uncorrected and recurring hazards at the company's Scajaquada Street sheet metal fabrication plant in Buffalo, N.Y. OSHA cited the company for 12 violations of safety standards in March 2009. The company agreed to correct all hazards but failed to submit proof of

abatement. OSHA then opened a follow up inspection in October 2009 and found that eight of the 12 violations had not been corrected.

As a result, OSHA has issued the company eight failure to abate notices, carrying \$100,500 in fines. The uncorrected conditions encompass uninspected overhead cranes, lifting slings and fire extinguishers; failure to electrically interconnect containers while dispensing flammable liquids; missing gauges to ensure proper air velocity in paint spray booths; and failure to medically evaluate an employee's fitness to wear a respirator.

"Each of these conditions can have a serious impact on the health or safety of workers at the plant," said Arthur Dube, OSHA's area director in Buffalo. "The ongoing failure to rectify these hazards continually exposes workers to potential fire and crushing injuries. These conditions must be addressed promptly, completely and effectively."

The latest inspection also found that the plant failed to close unused openings in electrical boxes and cabinets, lacked an educational program on fire extinguisher use and limitations, and had not posted in the workplace the citations issued as a result of the earlier OSHA inspection. These conditions resulted in the issuance of, respectively, one repeat citation, with a \$3,000 fine, one serious citation, with a \$1,500 fine, and one other than serious citation, with a fine of \$1,800.

"One means of preventing hazards is for employers to establish an effective comprehensive workplace safety and health program that involves their employees in proactively evaluating, identifying, and eliminating hazards," said Robert Kulick, OSHA's regional administrator in New York.

Service Manufacturing Group has 15 business days from receipt of its citations and proposed penalties to comply, meet with the OSHA area director or contest the findings before the independent Occupational Safety and Health Review Commission.

Safety Tidbits

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

- World's oldest fire: A coal seam in Australia's Burning Mountain has been burning for 6,000 years.
- Hot air balloon crashes in the United States average 34 deaths and 30 serious injuries per year.
- A-room-a therapy: In the 1800s, doctors recommended painting rooms red to prevent smallpox.

- **“The Bare Essentials of Safety “**

Air New Zealand came up with a novel way to make passengers actually pay attention to the pre-flight safety announcements: nude flight attendants. Well . . . sort of. In 2009 the airline produced a video called "The Bare Essentials of Safety."

It stars three real Air New Zealand flight attendants and a pilot demonstrating the oxygen mask, seat belts, and flotation devices while dressed only in body paint designed to look like their flight uniforms.

To make sure they didn't offend anyone, the oxygen mask, seatbelt, and flotation device were "strategically placed" in the video.