



National Safety
Management
Society

DIGEST

Updating Members on Safety Management News

January 2012

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New Year Greetings and Wishes

We hope you had a very enjoyable holiday season, and are inspired to realize your goals in 2012. This promises to be an interesting year, given today's economic and political situation. On behalf of President Roosevelt Smith and the entire NSMS Board of Directors, we appreciate your ongoing association with our professional society and wish you all the best, personally and professionally in the New Year. May you and your family have a year full of many new and interesting paths to take, success, good fortune, health, safety, peace, joy, love and happiness.

Welcoming Our New 2012 NSMS Members

On behalf of NSMS President Roosevelt, the NSMS Executive Committee and the NSMS Board of Directors, we like to thank all members who have proactively renewed their 2012 National Safety Management Society memberships. We would also like to acknowledge, recognize and welcome the following new members to our professional organization:

- **Dr. Robert J. Coletti, Esq.**, General Counsel – New York Paving (Long Island City, New York)
- **Kevin P. Franzen**, Director of Safety – U.S. Pipeline (Houston, Texas)
- **Michael A. Munoz**, Safety Director – Southern Wine and Spirits (Syosset, New York)
- **Wendy Covey-Scott**, HES Manager – RPS (Houston, Texas)

Reminder: Time to Renew Your NSMS 2012 Annual Memberships

As we enter into a new year, it is time to renew your membership with the National Safety Management Society (NSMS). NSMS is grateful for your membership and dedicated following of our information sharing and we look forward to your continued association with us. As a member, you will continue to receive our monthly publication of The Safety Digest, filled with valuable safety articles and society information and updates.

If you have already renewed your membership, thank you and please disregard this email message.

This is the 11th consecutive year with no dues increase. Please renew no later than January 31, 2011. **After January, there will be a "late renewal fee" assessed.**

Please make your checks payable to: National Safety Management Society and mail it to our P.O. Box:
National Safety Management Society
P.O. Box 4460
Walnut Creek, CA 94596-0460

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PDF (Printable): [Membership Renewal and Update Form 2012](#)

Online Renewal: <http://www.nsms.us/comm/dues.html>

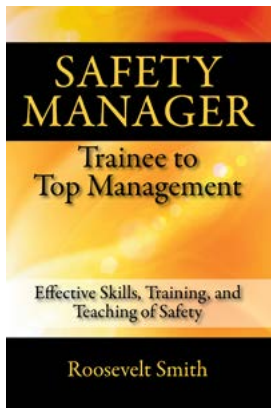
Your dues during 2011 will support a number of critical initiatives, both new and ongoing, including our online Safety Digest sent out to you each month. NSMS will strive to further: engage in outreach activities, maintain the website, offer online and live technical and management training workshops (with significant course fee reductions for members), maintain certification programs safety technicians and supervisors, prepare for annual conferences, offer CSHM exam preparation workshops, support establishment of state chapters, open student chapters at various educational institutions, and any other initiatives based on member needs and recommendations.

Thank you again for your ongoing interest of the National Safety Management Society.

For those of you who are non-members, past members, non-member CSHMs, or NSMS state-chapter members-only, and are regularly accessing and reading our monthly online publication for free, we encourage you to go online to our website (<http://nsms.us>) and join/support our organization and not miss out on future benefits and interactions. Thank you.

Members' Accomplishments and Special Recognitions –

NOTE: If any current or new NSMS member would like to share his/her special accomplishments and/or recognition awards, please send those announcements to nsmsinc@yahoo.com and we will gladly publish them and celebrate together! A photo is optional.



NSMS President Roosevelt Smith has become the author of a new safety management-related book titled, “Safety Manager: Trainee to Top Management.” The book delves into the topics of:

- Safety should be the origin of thinking in the preparation and implementation of every task in life.
- Safety is a major concern throughout society, and something everyone is in continuing struggle to improve.
- Safety and health professionals identify and provide ways to decrease work environment hazards, assist in decreasing costs, and optimizing the contributions of every employee.

The book is available @ <http://www.rooseveltsmith.net> in paperback and e-book formats (kindle/Nook/etc). Congratulation Roosevelt on this accomplishment!

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.

Please contact instructor@oshatrain.org for the information to access this material. You must be a current NSMS member and provide your NSMS member number.

College Outreach Initiative Launched

Per decision of the National Safety Management Society Board of Directors, President Roosevelt Smith signed an outreach letter introducing our Society to colleges and universities that currently offer academic degree programs in occupational safety and health. The goal of this initiative is to offer higher educational institutions the opportunity to establish Student Chapters. The Student Chapter is designed for students pursuing a career in the safety, health, environment (SHE) fields.

NSMS Student Chapters provide a means for students to gain real-world insights into their chosen field of study through mentoring and interaction with experienced technical, supervisory and management working-level professionals. A student chapter may be established in any school that confers academic (2-year associate, 4-year undergraduate and/or graduate) degrees in safety and health management and/or technology.

If your institution does not receive one of our outreach letters and you are interested in establishing a Student Chapter, download the guidance document from our website at <http://nsms.us> or email our headquarters to receive an electronic copy at nsmsinc@yahoo.com

ANNOUNCEMENT

WORKSHOP AVAILABILITY

NATIONAL SAFETY MANAGEMENT SOCIETY

“Enhancing Safety Management Skills, Knowledge & Abilities (SKAs):

2-Day Professional Development Workshop”

PLEASE NOTE: NSMS would like to offer this program at your location if a minimum class size of twenty five (25) attendees can be registered. An individual who volunteers to organize the group will receive have his/her registration fee waived.

This interdisciplinary workshop will enable safety professionals/managers to sharpen their skills, knowledge and abilities in interacting with employees and company leadership. The fee (early-bird, pre-registration payment) for NSMS members is \$125 and \$275 for non-members and an on-site (or late) registration payment of \$195 for NSMS members and \$325 for non-members (includes lunches and program materials). With space available, college students enrolled and majoring in this field of study are also invited to attend (NSMS Student [Affiliate] Members’ workshop fee is \$75).

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

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

Day One – (subject to minor adjustments)

- Administrative Business, Introductions and Workshop Overview
- Safety Management Principles and Practices (Including Upcoming Fed-OSHA I2P2)
- 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 – (subject to minor adjustments)

- Occupational Safety and Health Auditing
- Accident Investigation Process
- 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

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

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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:

New Year's Resolution: Spread the Safety Message

(Safety Daily Advisor – December 28, 2011)

If health and safety are truly a top priority in your organization, that commitment needs to be communicated throughout the ranks every day. There are many opportunities for doing so and many ways to do it.

The most common and fundamental direction for communication in most organizations is from the top down. Top management establishes policies and work rules and issues them to department heads, which pass them along to front-line supervisors who, in turn, spread the word to employees.

Important communications may also be published in the handbook or posted on departmental bulletin boards, in the break room, etc. Managers may also deliver announcements over the public address system or on an intranet.

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Actions Speak Louder Than Words

One of the most effective forms of communication and demonstration of safety commitment, however, is by example—such as by wearing the hard hat or eye protection in the same areas where workers must do so. Other actions by management that "speak loudly" of its commitment to safety and health include:

- Establishing an incentive system that reward safe behavior
- Sponsoring wellness programs (which may include workers' families) that provide such services as flu shots, blood pressure screening, and the like
- Distributing booklets on safe work practices and enclosing safety reminders in pay envelopes
- Maintaining close contact with workers off the job because of illness or injury—expressing concern and looking forward to and facilitating their return to work
- Publishing information in the company newsletter or on an intranet about accidents and how they might have been prevented, about safe behaviors, and about workers with excellent safety records

Training is another vital component of communicating safety messages and commitment. For optimum effectiveness, trainers must make sure the message is received and understood as well as delivered. This may mean quick quizzes on material covered and handouts that can provided ongoing reminders. It may also mean providing information—both in training sessions and in posting throughout the facility—in languages other than English.

Sideward Communication

In OSHA's guidelines for the conduct of occupational safety and health programs, the elements of safety communication and management commitment are closely linked to employee involvement.

It stands to reason that when workers feel they have a stake in an organization's operations, they can more productively participate in them. This results in improved morale, reduced absenteeism, and increased compliance with prescribed behaviors such as safe work practices.

Employee involvement also results in sideward safety communication. Examples of sideward communication among employees include:

- Sharing personal safety knowledge and experience with co-workers
- Participating in discussions in safety meetings and training sessions
- Volunteering to conduct safety demonstrations
- Membership on a safety committee or an inspection or accident investigation team
- Sideward communication at the supervisory and departmental levels is also important. An understanding of each other's functions and goals by human resources, purchasing, production, engineering, maintenance, and safety, for example, enables their separate activities to be of mutual benefit and helps promote a safer workplace.

Upward Communication

- Perhaps the simplest, and virtually universal, example of upward safety communication on the job is employees reporting to supervisors when something goes wrong.
- An enlightened management will benefit greatly by providing more channels for input from all levels on the organization chart. One of these is a suggestion system in which those most intimately familiar with a task are encouraged to propose changes that could make it safer, faster, or more profitable.
- Company-wide opinion surveys are another method of upward communication and can help management learn about employee safety and health concerns.

Every Which Way

A steady flow of information and ideas about safety moving in all directions can only solidify a sense of community within an organization. It thereby leads to greater enthusiasm and efficiency and improved safety—as well as a more satisfactory bottom line.

OSHA Enforcement Actions in 2011 Prove Costly to Some Employers

2011 was a busy year for OSHA enforcement. Here's a quick roundup of some of the most costly actions. As we start another year under the watchful eye of an OSHA administration that has not been reluctant to propose large penalties when citing employers for safety and health violations, it may be helpful to take a quick look at some of the previous year's more costly enforcement actions and at the violations that prompted this response from OSHA.

Mill Faces \$2M Penalties for 'Egregious Disregard'

OSHA has proposed penalties of more than \$1.9 million to Alabama-based lumber company and its principal.

Citations are for egregious and other violations including exposing employees to amputation and fall hazards. Before the June enforcement, the company had been cited 77 times by OSHA since 2007.

An inspection was opened in December 2010 in response to a complaint that employees in the planer mill were exposed to amputation hazards while working on machinery that was not locked out to prevent accidental start-up.

Two months later, OSHA received a second complaint regarding a partial finger amputation that occurred on unguarded machinery.

OSHA Chief Dr. David Michaels commented: "This situation reflects a systemic problem with the way this company approaches safety and demonstrated an egregious disregard for workers' safety and health."

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Manufacturer Cited for Asbestos Exposure

A Cicero, Illinois, display design company is facing penalties of \$1.2 million. The citations and fines were issued after five unprotected and untrained workers were allegedly required to conduct asbestos removal, which exposed them to the cancer-causing material.

OSHA levied 19 willful and 8 serious health citations following an inspection at the company's facilities in December 2010. The action came in response to a referral from the Illinois Environmental Protection Agency.

"[The company] failed in its duty to protect the health and safety of its workers," said Secretary of Labor Hilda L. Solis. "Such disregard will not be tolerated by the Labor Department. No one should risk serious illness or death to earn a paycheck."

Railroad Ordered to Pay for Whistleblower Violations

OSHA has ordered a major railroad company to pay more than \$615,000 to three employees who the agency claims were wrongly terminated and suspended by the Omaha-based railroad for reporting safety concerns. OSHA says the employer violated whistleblower provisions of the Federal Railroad Safety Act.

A railroad conductor was fired in September 2010 after making repeated complaints to the company's hotline about safety issues, including trip hazards and obstructed signs, and for noting that a supervisor violated safety procedures during a field test.

A second conductor was suspended without pay for 5 days last November after making complaints on the hotline regarding rough spots on the track. And a third employee, a locomotive engineer, was fired after reporting a job injury in August 2009.

"Workers have the right to report work-related injuries and safety concerns without fear of retaliation," said Michaels. "[The railroad] has created a climate of fear instead of a climate of safety. The company must take immediate steps to change this unacceptable pattern of retaliation."

Note that in its 2012 budget, OSHA has requested additional funding for the 21 whistleblower protection programs it administers.

OSHA Fines Machine Maker; Says Violations Were Ignored

OSHA has issued 33 citations to a manufacturing plant in Batesville, Mississippi, with proposed penalties totaling \$487,700. The company, based in Ohio, has 170 facilities throughout the United States that manufacture machinery for hydraulics, air conditioning, refrigeration, and aerospace systems.

Among 16 repeat violations were those for excessive air pressure in cleaning equipment, failure to conduct inspections of the lockout/tag out process, failing to unblock exit doors and routes, and absence of machine guarding.

The repeat violations were based on previous inspections conducted at other company locations.

A number of serious violations were issued as well for struck-by hazards, electrical equipment violations, and eye protection issues.

"Companies that cut corners at the expense of worker safety must be held accountable," said Michaels. "In this case [the company] not only failed to make safety its top priority, but the company ignored many violations that OSHA previously brought to its attention."

OSHA at 40: Supporters, Critics Weigh In (Safety Daily Advisor – December 19, 2011)

OSHA turned 40 this year. For the latest on what's happening at the agency and how OSHA initiatives are affecting U.S. business, BLR turned to Deputy Assistant Secretary of Labor Jordan Barab and Joe Trauger, vice president of human resources policy for the National Association of Manufacturers (NAM).

At 40, OSHA may be middle-aged, but the agency shows no signs of slowing down.

Jordan Barab, second in command at OSHA, cites the agency's overall focus on enforcement, calling enforcement a major tool in the agency's arsenal. "We're still looking at a far-too-high number of fatalities and illnesses and injuries that could have been prevented by following simple OSHA standards," he says. "We need to crack down on these with every tool we have."

The agency, Barab says, has no intention of backing down from the sizable enforcement actions it has pursued since the transition from the Bush White House to the Obama administration. He adds that OSHA will continue to emphasize voluntary compliance, outreach, and consultation, assisting employers that wish to follow the law.

But Joe Trauger of NAM disagrees. "I believe many in the business community view OSHA's posture as adversarial and overly aggressive." He contrasts the current climate with that of 20 years ago, during the Clinton administration. At that time OSHA was positive and productive, he says, working with business to ensure compliance.

"In my opinion," states Trauger, "that's where the notion of helping business comply really took root and certainly continued up to the current state we're in. Today, he sees OSHA involved in a game of "gotcha," issuing citations with no chance at remediation.

OSHA and the Economy

Another area of contention between the business community and OSHA is the effect of OSHA initiatives on the economy. According to Barab there is a "tremendous amount of misunderstanding out there about what we do and its effect on the economy.... We consider ourselves a tool in leveling the playing field so that those who care aren't put at an economic disadvantage."

He goes on to say, "There are those who claim that regulation and enforcement are killing jobs, but it's really the opposite. Studies of our regulations show that they often produce more benefits and cost less than predicted because businesses are able to innovate and find cheaper ways to address hazards. There's no evidence that regulations are doing anything but what they were supposed to be doing and helping companies."

Once again, Trauger disagrees. NAM has been vocal in its assertion that regulation is strangling job growth in a country that desperately needs jobs. In a post on NAM's blog, ShopFloor.org, the organization criticized the claim by Dr. Michaels that some regulation can spur job creation because required new equipment and devices must be innovated and built.

"That would be a good thing if true," according to the blog post. "Think how easy it would be for regulators to rev up the economy. Just place more burdens on businesses and see the economy grow as they spend money to comply with them. That, however, is simply not the way the world works. Dr. Michaels' argument is nonsense on stilts."

i2p2

When asked about OSHA priorities in the coming months, Barab mentions progress toward an injury and illness prevention program (i2p2) standard. The agency defines it as a set of "universal interventions that can substantially reduce the number and severity of workplace injuries and alleviate the associated financial burdens on U.S. workplaces."

The next stage of the process is a small business review period, followed by publication of a proposal. Similar standards are now on the books in more than a dozen state-plan states.

Trauger weighs in on i2p2, saying, "My view, and I believe the Association's view, is that i2p2 is concerning. We don't have much in the way of details yet, but in terms of specifics, many view implementation of it as the last regulation OSHA would ever have to issue."

His reference is to the concern that the agency would be able to use an i2p2 standard as a kind of catchall, which Barab and others at OSHA contest.

Anticipating concerns about how an i2p2 standard would be enforced, OSHA will, for the first time, release details about enforcement at the same time it releases an early draft of the proposed regulation and its economic impact. Typically, enforcement guidelines are published several months after a standard is issued.

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Child Labor Law Proposals Concern Locals About Effect On Agriculture



(By Carolyn Lee, The Imperial Republican - December 5, 2011)

The Department of Labor (DOL) is proposing to revise the child labor regulations in the Fair Labor Standards Act, which set forth the criteria for the permissible employment of minors under the age of 18 in agricultural and non agricultural occupations. The proposal, according to DOL, “would implement specific recommendations by the National Institute for Occupational Safety and Health, increase parity between the agricultural and non agricultural child labor provisions and also address the other areas that can be improved.”

However, the changes concern people associated with youths who work on incorporated family farms, with 4-H and with FFA. “Several things bother me,” said Robert Tigner, Extension Agent for the Chase County Extension Office. “The rules from DOL are prohibiting work by children under age 18 around a lot of things, and on non-parent farms under the age of 16.” Tigner said the rules don’t define what “work” means, and whether it’s compensated or non-compensated.

Until “work” is defined, Tigner said, he has questions concerning 4-H and FFA. “Youths are supposedly exempt if they work on their parents’ farm or ranch. But what if they live in town and have projects on their grandparents’ ranch?” he asked. In addition, Tigner said the rule seems to prohibit work around horses, as well as cattle, sheep and hogs.

While the rule exempts youths from working on their parents’ farm or ranch, many “family farms” now are corporations or LLCs, with more than one owner. “Then that exemption no longer applies,” he said. “Virtually all corporations in production agriculture are family-owned organizations,” he pointed out.

Some of the prohibitions in the proposed rule upon youths under age 18 are that they cannot work at above six feet in height, or work around irrigation systems. Detasseling corn by those under 16 would be permitted on farms owned by parents but would be forbidden on farms structured as corporations or partnerships. Youths under age 16 must be directly supervised by parents. Jason Speck, FFA advisor and ag teacher at Chase County Schools, added that if a student works for someone who owns a lawn mowing business, the youth can’t run the mower. Youths under age 18 can’t use equipment with moveable parts, he noted.

SAE (Supervised Agricultural Experience) projects that would be affected would include working at grocery stores, golf courses, equipment companies and more, not including on-farm jobs.

Tigner said the rule as proposed “is foggy at best. It prohibits kids under 16 from operating powered equipment over 20hp.” Where he grew up, Tigner said, youths are hired to pick up rocks in a field and throw them on a flat rack pulled by a tractor. That would be prohibited.

Oiling and maintaining powered equipment or equipment attached to powered equipment is also prohibited, he said. “So a youth can’t change the oil on a tractor? Who’s going to define those kinds of things?” he asked.

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Speck said the rule is “a big issue in FFA because of the students’ SAE projects. Most are hit by that because of the machinery issue. It also goes into working with animals, too.”

The teacher added that the DOL says the proposed rule won’t affect FFA or 4-H, “But if you don’t own your animals it will affect you.” “The biggest thing at issue,” Tigner stated, “is that farming is a business but also a lifestyle, with the lessons that they (youth) learn with this work. These are lessons that will probably get lost if this rule isn’t modified or dropped.”

Although the proposed change in rules is meant by the DOL to bring farm agriculture labor in alignment with non-agriculture farm labor rules, Tigner said the premise of “one size fits all” is wrong.

The comment period for the proposed revision closed Dec. 1. Many agricultural organizations in many states have voiced opposition to the proposed changes.

OSHA's Undersecretary Defends Fall-Protection Rules for Homebuilders

(By Richard Piersol, Lincoln Journal Star – November 19, 2011)

The Department of Labor's deputy assistant secretary for occupational health and safety makes no apologies for new fall-protection rules that apply to homebuilders.

In fact, Jordan Barab said they were overdue.

In an interview, Barab acknowledged what he called the usual objections industries raise when faced with changing safety rules, that they're unrealistic and will cause financial distress.

"There have been a number of builders in Nebraska who haven't been too shy about talking to us," Barab said.

He talked to some of them in a recent meeting at the office of Sen. Mike Johanns.

OSHA's first-issued fall-protection rules for home construction came out in 1994, with options for companies to develop their own alternate plans, he said, and those rules have had exemptions that applied in some cases since then. OSHA never got around to addressing the issue again until last year, and with improvements in technology, forged ahead toward covering all residential builders and rescinding what were supposed to have been temporary exemptions.

"First of all, falls are a major hazard in the construction industry," Barab said. "They're the leading cause of death in construction and a major problem in residential. Between 2005 and 2009, 545 workers were killed in residential construction, 191 by falling off roofs. That doesn't even include disabling injuries. There are thousands of injuries every year from residential construction. We felt, given the technology and feasibility advances, and seeing too many (injuries and deaths,) changing the temporary directive was long overdue."

The industry was actually divided, he said, even in Nebraska. Half of states run their own occupational safety and health programs and they recommended getting rid of the exemptions along with construction unions and others.

"A lot of builders are very supportive, because they're at a bidding disadvantage," Barab said. "This kind of levels the playing field. Half a dozen states never adopted our exemption in the first place, and they've been complying without much of a problem."

Every time OSHA issues a new regulation regimen, the agency hears that it will put people out of business, according to Barab. "Usually they find better, cheaper ways to comply than we even thought of," he said.

Among the complaints from some builders is that OSHA uses its regulations to impose fines that it uses to support the agency. "That is one of the myths," he said, and he heard it a week ago on the Kaleidoscope program on KETV in Omaha, a presentation he called "OSHA bashing."

"It's totally wrong," he said.

Nationwide, there have been 500 compliance assistance meetings, training sessions and meetings with associations to help determine if particular rules are infeasible or create greater hazards. "We're trying to help employers comply," he said.

Among the "myths" Barab says he hears are the "fantastically inflated" costs of compliance. "We don't expect this to add much cost at all," he said. The new equipment is reusable, and although the work might take more time, the costs some builders use to rationalize their objections "don't come close," he said.

"It may increase the costs a little bit, but nothing is more costly than a serious injury or fatality," Barab said.

Another myth, he said, is that OSHA is focusing on residential construction in Nebraska. Nationally, about 55 percent of the agency's inspections are on construction sites, according to Barab, a little less than that in Nebraska.

Ergonomics: Policy and Tactics

(Safety Daily Advisor – November 23, 2011)

Despite improvements in safety practices and management systems, employees continue to be injured in manufacturing worksites. Many injuries are related to awkward postures, bending, and lifting.

Combating cumulative trauma disorders (CTDs) is a long-term process that relies on continuous improvement. According to the Ohio Bureau of Workers' Compensation (*Ergonomics Best Practices for Manufacturing*), you need a clear and well-supported policy combined with effective tactics to minimize the risk of CTDs in your workplace.

Policy

Begin by adopting policies that:

- Position ergonomic efforts as part of an overall goal of maintaining and preserving a healthy environment for all employees.
- Give ergonomic efforts the same level of importance as cost reduction, productivity, and quality assurance initiatives.
- Express an expectation of full cooperation by the workforce.
- Designate individuals known to get things done as ergonomic leaders.
- Secure the support of relevant labor groups, if applicable.
- Schedule meetings with employees to present and discuss policy and implementation plans.
- Set specific goals that give priority to jobs and areas with greatest risk.

Tactics

Follow up with tactics that:

- Train the workforce to be more aware of risk factors for CTDs.
- Provide detailed instructions to those who will help lead the initiative or serve on committees.
- Bring in outside experts for consultation or program implementation, if necessary.
- Provide release time or other arrangements for employees involved in committees or other safety activities.
- Track and report results.
- Publicize key accomplishments.

Risk Factors

OSHA considers manual material handling the primary cause of compensable injuries in the U.S. workforce. The risk factors are common in such incidents, many of which occur at manufacturing worksites:

- Lifting heavy loads
- Carrying bulky loads or loads at a distance from the body
- Frequent lifting
- Bending the trunk, such as when lifting items from the floor or reaching into a bin
- Twisting the trunk
- Static loading, such as holding or carrying objects for long periods
- Pushing or pulling (especially pulling)

Of course, materials handling is only one of a number of tasks that put employees at risk of developing CTDs. Be sure to identify the specific risk factors in your workplace and the employees most at risk.

Harmonic Hazard Communication

(Safety Daily Advisor – December 9, 2011)

Training your employees on understanding chemical container labels and material safety data sheets may not be music to your ears, but the Globally Harmonized System (GHS) is intended to bring harmony to the process.

As the world's nations move toward GHS, give your employees answers to the following questions:

Q: What is the purpose of the GHS?

A: The purpose of the GHS is to provide a comprehensive international system for defining health, physical, and environmental hazards of chemicals; classifying chemicals based on their specific hazards; and communicating hazard information and protective measures consistently throughout the world.

Q: Why is the GHS necessary?

A: The GHS is necessary because of the global economy in which chemicals are imported and exported among different countries around the world. With international trade in chemicals comes the risk that chemical suppliers in some countries might not do as good a job of identifying hazards of their products or of recommending precautions to prevent exposure to hazards—and that could put you and your co-workers at risk.

Q: How will the GHS make workplaces safer?

A: Implementation of the GHS is expected to create a safer work environment and reduce chemical exposures for workers all around the world, including in the United States. It is believed that consistent and simplified communications about chemicals and safe work practices provided by the GHS will create greater awareness of hazards, resulting in safer use of chemicals in the workplace.

The articles published in the NSMS Safety Digest have been compiled from a variety of sources. Every effort is made to provide accurate information. NSMS does not warrant that the information or materials are free from error.

Q: What's the difference between the MSDS and the SDS?

A: The 16-section Safety Data Sheet (SDS) will replace the MSDS, although the two documents are basically the same. The primary differences between the two documents include how the documents are organized, the number and content of sections, the information included, and degree of detail presented. Despite these differences, however, the purpose of the SDS is the same as that of the MSDS—to provide safety, health, and environmental information about chemicals to help prevent accidents and exposures.

Q: Will chemical labels also change under the GHS?

A: Yes, there may be some changes. But since many labels used in the United States already meet GHS standards, labels under the GHS will often look similar to the labels you are used to and contain basically the same information.

Prepare your employees for the GHS by making sure they know what it's all about and what to expect as it is implemented.

Improving Workers' Comp: Hard Work, But Worth the Effort

(Safety Daily Advisor- December 5, 2011)

Workers' compensation benefits can be a lifesaver for an injured employee, but providing and managing coverage can be a costly hassle for employers. Experts say that workers fare better and companies save money when comp is integrated into safety and risk management functions.

The challenge for business today, says Sam Friedman, is adding money to the top line through sales due to the economic slump. "As a result, the emphasis switches to the expense side. Risk managers have a challenge to prove their value, and asking for investments in safety, wellness, and loss control is a tough sell."

Friedman is an insurance leader at Deloitte Research and a 30-year veteran of the workers' comp field. He explains that on the surface, cutting a \$100,000 safety training program adds that sum immediately to bottom-line savings.

It's harder to make the case (even though it's true) that holding onto that training program helps avoid costly accidents, comp claims, and productivity losses. What at first blush looks like a \$100,000 savings may not be that at all!

Friedman advises safety and risk management professionals to make sure they're involved in executive-level discussions. That's one way to ensure that safety and loss control are perceived as strategic assets instead of as expendable programs.

More Important Than Ever

Today's workers are being asked to do more with less, says Friedman. Employees are often working longer hours; they're tired, and as a result often at increased risk for injuries.

Friedman believes risk management is even more important when workers are being stretched and the margin of error drops. Losing an employee to injury when there are fewer people to pick up the pieces is especially difficult.

Another problem in times like these is the temptation to file fraudulent claims. Workers are fearful of being laid off. So a back injury that occurred while gardening over the weekend might be construed as a consequence of on-the-job lifting.

As a result of these and other factors, the frequency of comp claims in the United States is up after years of decline, and Friedman says it's no surprise. He emphasizes that in any economic climate, the best way to save money on claims is to prevent them in the first place.

Get Them Back on the Job

The second best way to save money on comp claims is to get injured workers back on the job as soon as possible. Safety and risk managers need to closely monitor employees' injuries, recovery, and return.

"Turning a case over to the [provider's] claims department and telling an injured employee to give you a call when he's ready to come back doesn't seem to work," says Friedman. "I'm not saying you shouldn't hire experts, but you can't afford to divorce yourself from the return-to-work process."

Friedman cites the case of one business whose risk manager and chief financial officer make personal, monthly visits to injured workers. This level of involvement sends both the injured employee and co-workers the message that management actively cares about them.

Friedman advises safety and risk managers to stay positive, as well. Don't assume that workers who file claims are looking for an easy payday. Follow up on why the injury occurred. Keep your eyes and ears open for sources of risk by walking your facility. Listen to your safety committee and find other ways to learn what employees are concerned about. And be sure to let them know you're considering their requests.

"If people on the floor think supervisor are listening and acting on their complaints, they'll be more forthcoming, and the level of trust and collaboration will improve," says Friedman. And before you know it, comp claims will be down.

Tips for Managing Environmental Regulations

(Safety Daily Advisor – December 29, 2011)

Do you find environmental regulations confusing? Use these tips to protect against misunderstanding regulatory requirements.

- Ensure that you are aware of all federal, state, and local regulations that govern your facility, products, and transportation activities. This must be a management activity. You should possess a well-defined process for identifying your obligations, and specific individuals should be assigned to perform this task on a regular basis. Environmental staff or whoever is responsible for environmental compliance should be notified as a matter of course to review all process, equipment, or product changes with any potential to activate new requirements.
- Track new and impending rules. Determine how your state and local governments publish information about their rules. If you pay dues to a state business association, they have staff who tracks these developments. Find out how you can get regular updates. Even better, make notes in your calendar to call two or three times a year for the latest information.
- Check with federal and state agencies for specific conferences and workshops many of them provide. The specific topic is often a cue to an upcoming enforcement priority. Some enforcement officials have been known to target applicable facilities whose personnel did not attend workshops.
- Make indoctrination into environmental responsibilities an intrinsic part of training for new staff as well as for staff who change positions or assume new responsibilities. A fundamental understanding at the operator level of environmental compliance, specific training in spotting the danger signs of non-compliance and clear instructions to report problems can be your best means of avoiding misunderstandings and oversights before they occur. "I knew that was a problem, but I didn't know I was supposed to report it," is a statement you never want to hear from floor staff.
- Network. Attend business conferences and outside training courses, particularly as they pertain to your business sector. Agency technical staff frequently show up at these events specifically to make themselves available to answer your questions. Sharing information with peers in your industry or related industries can be extraordinarily enlightening.
- Perform a facility-specific compliance audit. If you do this yourself, be sure to work from a source that covers all potential areas of regulatory exposure. EPA's statute-specific audit protocols and sector-specific notebooks are tools developed to help you put together the background material and checklists needed to conduct audits. If you can afford it, consider bringing in an outside consultant to help you put together an audit program that you can use on a regular basis. Be sure the consultant has good experience in your industry sector.

10 Great New Year's Resolutions

(Bongarde Safety Briefing, Volume 2, Issue 52 –December 28, 2011)

If you're shopping for a new year's resolution, here are some recommended by SafetyXChange.org contributor Lauryn Franzoni:

1. Resolve to stay optimistic. See the opportunity in every difficulty and anticipate the most favorable outcome to every situation.
2. Resolve to identify the most powerful benefit you offer to the people around you and then deliver it. "The purpose of life," said George Bernard Shaw, "is a life of purpose." What's yours?
3. Resolve to pump-up your personal vitality. The real currency of the new century is not cash. It's vitality. It's the ability to keep going every day of every week of every month of the year with vigor and verve.
4. Resolve to be habitually generous. Success is not something you pursue. It's something you attract by what you become.
5. Resolve to refrain from verbal attacks. Use the language of conciliation, not the language of confrontation. Use words that express your joie de vivre and connection with others.
6. Resolve to be open to the cultures and influences of others. There is a direct correlation between personal well-being and openness to other peoples' ideas and cultures.
7. Resolve to take control of your destiny. Don't be so busy trying to make a living that you forget to make a life.
8. Resolve to increase your human connectedness. The person with the best connections wins.
9. Resolve to increase your creativity by letting go of the familiar. Try to see the world through fresh eyes every day.
10. Resolve to be you because others are already taken. You and I are at our best when we're being authentic.

Lessons Learned: Fed-OSHA Fines Chicken Processor \$288K Following Ammonia Incident

(CantonRep.com – December 28, 2011)

The U.S. Department of Labor's Occupational Safety and Health Administration has proposed \$288,000 in fines for 61 violations by Case Farms, a chicken processing facility here.

Violations related to OSHA's process safety management standards allegedly resulted in an ammonia release at the facility June 30, according to a new release from OSHA.

"Case Farms has a legal responsibility to follow established process safety management standards to

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ensure its workers are properly protected from known workplace safety and health hazards," Deb Zubaty, OSHA's area director in Columbus, said in the release. "Failing to ensure protection through appropriate equipment maintenance, training and adherence to OSHA regulations demonstrates a lack of regard for employees' well-being."

The company has 15 days to comply, request an informal conference with OSHA's area director or contest the findings before the independent Occupational Safety and Health Review Commission.

Of 26 serious health violations, 19 relate to process safety management standards designed to reduce workers' exposure to hazardous chemicals.

The process safety management citations, along with those for failing to implement appropriate emergency operations, are in reference to Case Farms' inadequate response to an ammonia leak, which coincidentally occurred on the morning OSHA opened its routine inspection. No injuries or illnesses have been reported as a result of the ammonia leak, the release stated.

Of 30 serious safety violations, seven involve failing to provide machine guarding, and 16 involve electrical safety standards, including unsafe electrical practices that could have resulted in fire, electric shock or arc flash. The remainder involve failing to provide personal protective equipment to guard workers from falls and electrical hazards, allowing workers to walk on working surfaces without proper protection, and failing to implement and train workers in the use of lockout/tag out procedures to control hazardous energy sources.

Case Farms Processing, headquartered in Morganton, N.C., employs about 475 workers at its Winesburg facility and approximately 2,450 corporate-wide. The company also has facilities in Strasburg and Massillon, as well as Dudley, Goldsboro, Mount Olive, Shelby and Troutman, N.C.

Lessons Learned: OSHA Whacks Pipemaker for \$1 Million in Fines

(By Cameron Langford, Courthouse News Service - December 30, 2011)

Federal regulators whacked a pipemaker with more than \$1 million in fines for 30 workplace safety violations after an employee's tip led to an investigation of Piping Technology and Products.

The Occupational Health and Safety Administration said Piping Technology and Products exposed workers "to the risk of amputations and other serious injuries from dangerous machinery" in its Houston operations. Piping Technology is no stranger to federal regulators, OSHA said, as the company was cited in 1986, 1994, 2004 and 2005 in warnings "that specifically addressed the need to guard band saws used in the production processes."

A company worker "contacted OSHA earlier this year, alleging a lack of brakes on overhead cranes and unguarded presses at the company's facility," OSHA said in its statement. OSHA said its investigation found Piping Technology committed 17 "willful violations," committed with intentional disregard of the

law, by failing to guard band saws and to lock out all the hazardous energy sources for several pieces of equipment before maintenance was performed on them.

"Each of the 13 citations carries a penalty of \$70,000, for a total of \$910,000," OSHA said. While willful violations made up the bulk of OSHA's proposed fines, the agency also cited the company for 17 "serious violations," which occur when there is a strong chance that death could result from a hazard the employer should have known about. "The 17 serious violations, with penalties totaling \$103,000, involve the failure to guard other machines and grinders properly, ensure that openings on electrical equipment were securely closed, provide fall protection training and ensure that employees wore hard hats when exposed to overhead hazards," OSHA said in its statement. OSHA has put the company in its "Severe Violator Enforcement Program, which mandates targeted follow-up inspections to ensure compliance with the law," according to its statement.

Piping Technology's vice president Rakesh Agrawal told the Houston Chronicle that company bosses "disagree strongly with the conclusions they [OSHA] reached." Piping Technology has been in business for 35 years. Agrawal told the Chronicle it has 600 employees.

Lessons Learned: Seymour Fined For OSHA Violations

(By Anne M. Amato, ctpost.com – November 16, 2011)

The town is facing fines from Connecticut OSHA for violations uncovered during a surprise inspection by that agency this summer including not having a policy in place that an employee warned local leaders the town needed to have.

First Selectman Paul Roy said the town is seeking to get the fine abated. Though he would not reveal the amount of the fines, he said it could reach tens of thousands of dollars. "We are contesting it," he said Wednesday. "We are trying to get a date with OSHA so we can let them know corrections have been made," Roy said, adding they have photos to show proof of those corrections. Roy briefly discussed the matter at the start of Tuesday's Board of Selectmen meeting.

Nancy Steffens, DOL spokeswoman, said the agency can't release the OSHA report or any information contained in it, including the amount of the fines, because it's still an open case. The OSHA inspection found that training for some recreation department employees on blood-borne pathogens was needed.

Mark Thompson, a former recreation department employee, told selectmen, shortly after the violations were disclosed, that he had tried many times to institute a policy to deal with those types of pathogens, which are micro-organisms that can be transmitted through contact with contaminated blood and body fluids.

He said he brought the matter to the attention of the commission, but nothing happened. He said he continued to raise the issue and became so insistent that a policy was needed that he sounded like "a broken record" to other commissioners.

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Thompson told selectmen at a July meeting that he would be upset if the town was fined by OSHA for lacking this policy. Thompson was not available for comment Wednesday.

OSHA also found safety issues with a forklift at the public works facility, which was taken out of service, and the need for a fence at the transfer station. Roy said the fence was needed so people would not fall into the bin.

Training issues were also raised by OSHA, in particular for flaggers, who direct traffic around road work.

OSHA said they needed to be trained on personal protective equipment. Physical hazards at Town Hall, including the use of extension cords and power strips, were also cited.

The inspection took place over two days -- June 13 and 14 -- and involved Town Hall, the public works department, transfer station and storage area at French Memorial Park. OSHA also reviewed recreation department documents to make sure they were in order.

Town officials said the June inspection was routine and not complaint-driven.

Safety Meeting Strategies: What Does OSHA Mean When It Says...?

(Safety Daily Advisor – December 26, 2011)

Many OSHA standards have specific requirements concerning training content and frequency. Here are some frequently asked questions about these requirements.

Q. Could you please clarify OSHA's interpretation of training requirements and what is expected when training must be conducted "at least annually"?

A. "Whenever OSHA standards require that employee training be conducted 'at least annually,' OSHA interprets this to mean that employees must be provided retraining at least every 12 months (i.e., within a time period not exceeding 365 days)," says Judith A. Ruddy, managing editor—safety at Business & Legal Resources, Inc. (www.blr.com).

This annual training need not be performed on the exact anniversary date of the preceding training but should be provided on a date reasonably close to the anniversary date, taking into consideration the company's and employees' convenience in scheduling, Ruddy says.

"Keep in mind that the term 'at least annually' is generally regarded as indicating that circumstances that warrant more frequent training may occur. It is extremely important that employees are trained to protect themselves from all known workplace hazards, including new hazards which may result from changes in work practices, procedures, or tasks."

OSHA training requirements typically include:

- Hazards of the work assignment
- Safe performance of the operation
- Proper use of any required PPE
- Basic information about relevant OSHA regulations
- Application of training to the particular worksite and the equipment being used

Q. Does OSHA have any additional requirements (beyond annual or recurring refresher training) for employees who have left the company and then returned?

A. OSHA does not address training requirements for someone who has left a company and returned. If the company has records of previous training, the process or procedure being trained on has not changed, and refresher training is given in the correct time frame, it seems reasonable that this would meet OSHA requirements. However, your company may have other policies regarding training of rehired employees.

Q. Is online training an acceptable method of EHS training? Do I have to have hands-on training to complement the online training?

A. Online training is an acceptable method of EHS training. Some topics such as forklift and HAZWOPER also require hands-on training. Check the regulations governing the particular type of training you are conducting.

Q. Who is ultimately responsible for the safety and training of rental equipment: lifts, booms, etc.?

A. It doesn't matter whether the equipment is owned or rented, OSHA requires a safe workplace and all safety compliance and training requirements apply to all equipment—rented or owned. The employer is responsible for the safety of its employees.

Q. Is there a requirement (regulation) that requires employees receive general training when using a tool or machine for the first time?

A. There are specific training requirements for employees who use power presses—1910.217 and forging machines—1910.218. There are no specific requirements for training for other machines and tools. However, the General Duty Clause requires employers to provide a safe and healthful workplace. The prudent employer would provide training in those areas where there are not specific OSHA regulations.

Safety Training Strategies: Quick Tip For The Trainer – “Delivering the Message of Zero”

(By Barry Weissman, Safety-X-Change – November 22, 2011)

We start all of our meetings with a safety contact or safety message. Here's one that I put together recently.

In PowerPoint, make a zero as large as possible –one red and one green. (Stop and Go)

While reading this message, show the red Zero.

As you finish, show the green Zero.

MESSAGE: Zero – What is Nothing?

If you don't have your health you have nothing.

If you are involved in an incident you can lose your health and you'll have nothing.

So, what do we need to do?

We need to set Zero as our goal:

- Zero incidents
- Zero injuries
- Zero near-hits

The Hippocratic Oath requires all physicians to never do harm – that's the part of the oath that we should all take.

What does Zero Harm mean to me? It means that I get to hear my children yell – “Daddy's Home!” If we keep Zero as our goal, Zero will be our winning number.



Picture This: Bongarde Safety Briefing, Volume 2, Issue 52 – December 28, 2011

Would you want to be living in the home directly across from this residential construction site, where a precast concrete panel stands without required bracing? Neither would we, especially if the wind kicked up. Come to think of it, we wouldn't want to be standing around the construction site in such conditions either. (WorkSafeVictoria, Australia)

Safety Tidbits

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

- A German study found that 75 percent of electrocutions in the bathtub were caused by hair dryers.
- Cars traveling at 65 mph need 160 feet to come to a stop. Semi-trucks need 420 feet.
- If you are in any way caught up in a fire, the odds are 1 in 77 that you will be injured.
- There is no proper side to a sheet of aluminum foil: The shiny side and the dull side function identically.
- The anaerobic bacteria that causes gangrene is related to the bacteria that causes botulism, tetanus and toxic shock.
- If you suffer from triskaidekaphobia, a morbid fear of the number 13, you would have guessed that the Apollo 13 space flight was in for trouble: it was launched at 13:13 Houston time, and the explosion occurred on April 13.
- Besides chicken pox, you can also catch cow pox, swine pox, and monkey pox.
- About 1 out of every 20 people with asthma are also allergic to aspirin.
- The Fatburger fast-food chain sells "Hypocrites" --veggie burgers topped with bacon.