



News & Training **SafetyAlert**

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August 2022

OSHA head says the agency
isn't done with COVID-19..... **8**

OSHA heat, disease,
violence rulemaking grinds
slowly ahead **14**

Fatal flood shows need
to address weather in
emergency plans **19**

OSHA working on COVID enforcement, new standards

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News Briefs

Safety Stories You Might Have Missed

Can trucker get workers' compensation after long trip results in blood clots?

published July 7, 2022

A long-haul truck driver who developed blood clots in his legs and lungs can get workers' compensation benefits after the Utah Supreme Court found an almost nine-hour-straight drive contributed to his condition.

The court found that the long drive "that precipitated the injury was unusual or extraordinary when compared to normal life activities," so it reversed a lower court ruling denying the claim.

[Read more](#) 

Can he get workers' compensation for hearing loss years after diagnosis?

published July 8, 2022

Can an employee with hearing loss from work-related noise exposure get workers' compensation benefits even if he filed a claim more than two years after being diagnosed with the condition?

The Iowa Court of Appeals found the employee couldn't collect benefits since, as a "reasonable person," he should have realized the "nature, seriousness and probable compensable character" of his condition long before he filed his claim.

[Read more](#) 

Ohio has new law limiting workers' comp for work-from-home employees

published July 1, 2022

Ohio Governor Mike DeWine signed a bill into law June 24 limiting workers' comp benefits for work-from-home injuries.

Prior to the enactment of this law, HB 447, law firm Thompson Hine said an injury sustained "in the course

of and arising out of one's employment when working at one's home was treated in the same way" as an injury that occurred at the employer's workplace.

[Read more](#) 

Court: Ammonia release wasn't 'uncontrolled' under HAZWOPER

published June 30, 2022

When is an uncontrolled release of a hazardous substance not an uncontrolled release? When it doesn't fall under the definition of uncontrolled in the HAZWOPER standard, according to the U.S. Court of Appeals for the Eleventh Circuit.

In a ruling upholding an Occupational Safety and Health Review Commission (OSHRC) decision, the court found the term uncontrolled, within the meaning of an OSHA standard, didn't apply to just any kind of release.

[Read more](#) 

OSHA proposes acceptance of Massachusetts state plan

published June 30, 2022

Massachusetts is on the cusp of being approved to have its own OSHA state plan covering state and local government employers.

The plan would cover approximately 6,500 public sector employers and almost 434,000 public employees throughout the state. Private sector and federally employed workers in Massachusetts would remain under federal OSHA's jurisdiction.

State and local government employers are excluded from federal coverage under the Occupational Safety and Health Act, but there is a provision for states to assume responsibility for occupational safety and health programs under a state plan, which must be approved by OSHA.

[Read more](#) 

Contractor pays \$5K fine for allowing teens to work around dynamite

published June 29, 2022

Controlled Blasting Inc., a demolition contractor in Georgia, allowed three 16- and 17-year-old employees to work in an area where explosives were stored and transported and directed them to drill and cover holes where dynamite was placed for demolition activities.

The hazardous orders of the federal child labor law prohibit teens from doing this kind of work.

The DOL's Wage and Hour Division fined Controlled Blasting \$5,592 for the violation.

[Read more](#) 

OSHA looking to revise lead exposure rules

published June 29, 2022

OSHA is seeking input on modifying its current lead standards "for general industry and construction to reduce the triggers for medical removal protection and medical surveillance."

This will effectively prevent harmful health effects in workers who are exposed to lead when compared to the current standard.

[Read more](#) 

Court: Injured worker who fell through manhole entitled to Labor Law claim

published June 28, 2022

An injured worker who fell through an open manhole while attempting to step over it is entitled to summary judgment under a New York Labor Law claim, according to the state's appeals court.

The appeals court found there were issues of fact surrounding how far the general contractor at the worksite went to ensure the safety of workers.

[Read more](#) 

Teen worker's thumb injury leads to investigation, \$17K fine

published June 24, 2022

An investigation by the DOL's Wage and Hour Division found that Deli & Byung OG NA, operating as Schlotzky's Deli of Memphis, Tennessee, allowed 16- and 17-year-old workers to clean and operate a deli meat slicer on a daily basis.

Activities involving cleaning and operating devices such as meat slicers are prohibited under the hazardous orders of federal child labor law.

The restaurant also allowed teen employees to work past 7 p.m. while school was in session and didn't maintain proper records for workers under the age of 19.

These violations led to a \$17,818 fine.

[Read more](#) 

Employer who reported injured worker to immigration must pay \$650K

published June 23, 2022

A Massachusetts business owner must pay \$650,000 in damages after a federal jury found that he and his company retaliated against an injured worker by reporting his immigration status to law enforcement.

Pedro Pirez and his company, Tara Construction, were ordered to pay the worker \$600,000 in punitive damages and \$50,000 in compensator damages following OSHA's 2019 whistleblower investigation.

OSHA accused Pirez of initiating a law enforcement investigation and detention by U.S. Immigration and Customs Enforcement after the employee reported a serious injury and caused OSHA to open a rapid response investigation.

[Read more](#) 

Worker's electric shock result of misconduct or vague rule?



"Thanks guys, I appreciate the help," Safety Manager Pete Travers said to a group of workers. They were sent over to help him clean up a significant amount of water from a broken sprinkler head.

"No problem, Pete," one of the workers said. "Just glad it wasn't one of us who caused it."

"Yup, and at least all of our materials were out of the way since the contractors were here to work on the sprinklers," another said.

Pete thanked them, double-checked on the well-being of the contractor who accidentally made the mess, then walked over to John Jenkins, the company attorney, who seemed to be waiting for him.

"What can I do for you, John?" Pete asked.

"We have an OSHA citation to discuss," John replied, getting straight to the point.

It's going to be a long day,
Pete thought.

Failed to account for power line

"The citation is about someone who got an electrical shock at a worksite," John said. "There's something about a crane that was being disassembled."

"Benny Mays," Pete said. "He was helping a crew disassemble the crane when a metal connector on a load line touched an overhead 14,400-volt power line."

"He was pretty badly injured," Pete added. "He's lucky he wasn't killed."

"Is it a standard practice to use a metal connector?" asked John.

"Yeah, but not when you're that close to an overhead power line," said Pete. "We have rules against assembling or disassembling a crane that close to overhead power lines."

"The supervisor and crew wrote up a job safety analysis for the job but failed to take the power line into account for some reason," Pete explained.

"I see," John said. "So this is really a case of unpreventable employee misconduct. We can definitely fight this."

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

The decision

No, Pete's company lost when the Occupational Safety and Health Review Commission (OSHRC) found that the safety rules in place failed to sufficiently address the hazard.

The company claimed this was, among other things, a case of

unpreventable employee misconduct since its supervisor failed to address the power line in the job safety analysis (JSA).

But OSHA argued that the entire crew had worked together with the supervisor to create the JSA so the

company had constructive knowledge of the violation. The agency also claimed the company failed to put adequate rules in place to address the distance requirements of the standard in question [1926.1407(b)(3)].

continued on next page

You Be The Judge

Worker's electric shock result of misconduct or vague rule?(continued)



Rule wasn't specific enough

The OSHRC found the company failed to prove its work rule adequately addressed the OSHA standard requiring additional measures be in place to keep equipment from

encroaching beyond the minimum distance of 20 feet from a power line.

Contrary to the company's rule, the standard doesn't permit reliance

on a general plan to maintain the distance without an affirmative, specific measure in place to prevent encroachment before disassembly takes place.

Analysis: Pay attention to details in OSHA standards

This case shows that even while the employer made an attempt to address the OSHA standard in its safety rule, its efforts fell well short of the goal and eventually led to an employee getting injured.

When it comes to creating rules that would be considered adequate compared to OSHA standards, close usually doesn't cut it. Safety professionals know they need to be familiar with the standard in question. And if OSHA is giving specifics when it comes to measurements or process steps then that means the agency expects them to be adhered to.

Cite: *Secretary of Labor v. TNT Crane & Rigging*, Occupational Safety and Health Review Commission, No. 16-1587, 6/2/22. Dramatized for effect.

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

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Poor housekeeping, lack of PPE lead to 3rd-degree burns

"This old warhorse is leaking again," said Ryan Hall. "Looks like it's oil."

Supervisor Carly Miller came over to inspect the machine.

"Good eye," she told Ryan. "Let's mop it up, then we can get back to work."

Ryan and Carly fetched the cleaning supplies and mopped up the area around where the machine leaked.

"We'll get maintenance to look at it first thing tomorrow. But be careful not to slip for the time being," Carly said. "I'll get the warning cones and let the rest of the team know about it."

Oil residue and scalding hot materials a deadly combo

Ryan returned to the work at hand, forming glass bottles in a furnace.

As he removed the molten bottles, he placed them in the temporary holding container.

"Has the leak stopped?" Carly asked him a short time later.

"I think so," replied Ryan.

"Good," she said. "We'll still get maintenance to look at it tomorrow."

"Sounds good," Ryan replied. As he turned back to the furnace, he accidentally knocked over the container with the still-molten bottles in it.

The bottles crashed to the floor, igniting the oil residue around the machine. The fire spread to Ryan's pant leg as his Supervisor rushed to extinguish the flames.

Ryan suffered third-degree burns from the accident. OSHA investigated.

Result: The employer was hit with a willful violation for failing to provide flame-resistant clothing. Other violations included failure to train workers on PPE requirements, fire extinguisher usage and keeping floors clean from leaking oil.

Fines totaled \$122,000.

Key: Companies must provide PPE appropriate for the hazards of the workplace in order to keep workers safe from harm.

Based on an accident at Piramal Glass USA.

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

Healthcare rule is coming, infectious disease standard on the horizon



OSHA

OSHA head says the agency isn't done with COVID-19



by Merriell Moyer

Assistant Secretary of Labor for OSHA Douglas Parker said the agency is still working to address COVID-19 in the healthcare industry while preparing rulemaking for a permanent infectious disease standard.

Parker, speaking at the American Society of Safety Professionals 2022 Conference and Expo, said OSHA is focusing its efforts on COVID-19's impact on health care first, before addressing the need for a broad standard to cover infectious diseases in general.

COVID emphasis program will continue

Because of another increase in hospitalizations from COVID-19

across the U.S., OSHA isn't letting up on COVID-related enforcement activities or work on a COVID-19 standard specifically for the healthcare industry.

The agency, according to Parker, is poised to announce an extension to its COVID-19 national emphasis program (NEP), which was set to expire at the end of July.

That NEP resulted in a push at the beginning of 2022 that saw OSHA conduct "inspections in the same number of healthcare facilities in the first six months of this year than we had done all of last year."

Inspections have become more focused

Instead of doing what Parker called "our typical wall-to-wall inspection,"

the agency conducted more focused inspections revolving around key areas of respiratory protection in healthcare settings.

"This was in response to our decision to suspend the Healthcare emergency temporary standard (ETS) while we work on a final rule," Parker said. "It's indicative of something people will see more of, which is more inventive strategies – working outside of our normal administrative processes and trying new things."

Parker said he told OSHA's regional administrators he wasn't interested in what the in-compliance rate was when it came to COVID-19.

"We need to make our presence known in these facilities," he said. "We need to be engaging with people. We need to be talking about the importance of maintaining the protections we had in our rule."

Trying to do what takes 7 years in about 9 months

While the NEP continues into the fall, OSHA will be working on getting a COVID-19 healthcare standard in place before the end of 2022.

That is no easy task, however, as the agency doesn't typically have the luxury of working quickly to establish a new rule.

"Our average health-related rule takes about seven years, historically," Parker said. "We're trying to finalize this rule in a nine-month period, so you can imagine the resources we're bringing to bear to finalize our healthcare rule. We think it's important to have fixed rules in place before the fall and the potential for increased cases in the winter."

Abandoned COVID ETS now an 'important blueprint'

A COVID-19 ETS that had been introduced in the midst of the

pandemic was ultimately struck down by the U.S. Supreme Court, but Parker said that ETS has been a helpful model for the healthcare industry.

"(The ETS) still remains an important blueprint for employers," Parker said, as elements of it – including things like vaccination requirements, masking and the like – continue to be used by healthcare employers.

Parker mentioned that the original ETS was the result of OSHA's "tremendous need to act" in the face of a global pandemic, resulting in the agency's need "to go big, go bold and push the envelope."

Infectious disease standard about more than pandemics

Once work is done on the permanent COVID-19 healthcare standard, the agency will be turning its attention toward creating a broader infectious disease standard. That standard will definitely apply to healthcare settings, but Parker said the full scope is still undetermined

as it could potentially cover other industries that are deemed high-risk.

The reason health care will be the main focus of this standard is because workers in the industry are the core of the U.S. healthcare system, according to Parker.

"We think it's critically important to have a general infectious disease standard that will protect these workers," he said. "If that (system) collapses, then we are defenseless against (a pandemic)."

But he emphasized that an infectious disease standard wouldn't only be about pandemics as it could also apply to more localized outbreaks of diseases like tuberculosis and measles.

"If we learned anything from the COVID-19 pandemic, it's the importance of being prepared," Parker said. "And I think if we'd have had a rule in place we would have had better outcomes in health care than what we had."

[Read this story online](#) 



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Who Got Fined & Why

She never saw forklift coming: Veteran employee killed on the job

Everyone who works for Sunbelt Forest Products wishes they'd flagged forklift hazards sooner. It may have prevented the death of a co-worker and friend.

What happened: A 45-year-old woman was struck by a forklift while she walked through the lumber yard she worked at. OSHA attributed the accident to obstructed views. The safety agency wrote up Sunbelt Forest Products (Athens, Alabama) for:

- exposing workers to struck-by hazards by allowing employees to walk where forklift drivers couldn't see them
- failing to distinguish and mark shipping department travel aisles for trucks, forklifts and pedestrians
- not requiring forklift drivers to keep a clear view of their driving paths, and
- failure to remove damaged forklifts from service.

Result: OSHA's post-inspection analysis is a warning to all facilities that use lift trucks: "A forklift typically weighs between 4,000 to 9,000 pounds and poses significant risk of severe injury or death to workers who may be struck-by this equipment. Employers must take precautions in workplaces that use powered industrial vehicles to prevent devastating incidents and the loss of someone's life." OSHA fined Sunbelt \$53,866.

Worker's arm chopped off on machine that employer knew was dangerous

Brick manufacturer didn't correct a machine guarding deficiency – with tragic results.

What happened: A 53-year-old employee of TYK America in Clairton, Pennsylvania, severed his arm while working on a brick crushing machine. OSHA inspectors discovered a safety switch on the lid of the brick crusher was bypassed which let the crusher operate with the lid open. Company records showed management knew about the unguarded point of operation on the machine from prior inspections, but didn't address the missing machine guard.

Result: Inspectors determined the injured worker's left hand and arm were caught and pulled into the rotating drums of the machine while loading brick pieces into it. TYK was issued one willful citation for the machine guarding infraction. Serious citations for a lack of warning labels and guarding on machinery, and leaving a damaged hoist in service for lifting pipes and molds as heavy as 1,600 pounds.

Penalty: The company is paying \$108,769 in OSHA fines. It stands to pay more in a workers' compensation claim to the worker and a possible negligence lawsuit.

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

Keeping COVID-19 from passing through the holes in the Swiss cheese model



No matter how big or small a company is, an emergency like the COVID-19 pandemic can cause major disruptions for the safety and health of employees and for the overall well-being of the business.

For example, the Kuwait Oil Company explores, drills and produces oil and gas within the State of Kuwait and is also involved in storage of crude oil in the country and delivery to tankers for export outside of the country. The company operates about 140 oil rigs, employs more than 15 international and local drilling contractors and 30,000 drilling crews from 75 different countries. With employees being from different countries, you have many different languages and a variety of skill and educational backgrounds.

Major challenges in addressing the hazard

When the pandemic hit, we were taken off guard just like everyone else. And we had some major

challenges to overcome, including:

- an initial lack of awareness about COVID-19
- a diverse workforce from COVID-19 endemic areas
- the need for travel and accommodations at worksites
- difficulties maintaining social distancing
- the need to come up with a way to monitor employee health conditions for COVID-19
- a lack of quarantine facilities, and
- the fact that our drilling facilities were typically visited by more than 50 different service contractors, subcontractors and other visitors whose awareness levels varied.

With such a complex range of challenges, we wanted a comprehensive method that would help us address everything and potentially reveal gaps we hadn't initially thought of. That's where the Swiss cheese model of accident causation comes in.

Solution in the form of Swiss cheese?

The Swiss cheese model, developed by James Reason,

provides an excellent visual representation of how a high severity problem is comprised of a system of breakdowns within an organization.

Reason developed this model to illustrate how analyses of major accidents and catastrophic systems failures tend to reveal multiple, smaller failures leading up to the actual hazard. Each slice of cheese represents a safety barrier or precaution relevant to a particular hazard, with no single barrier being foolproof. Each one has holes that may line up occasionally to allow an incident to occur.

As you work within the Swiss cheese model, the idea is to make sure that the holes in one barrier don't align with the holes in the next barrier.

We developed several effective measures to implement Swiss cheese model strategies into our plan to address COVID-19 in our company.

Created awareness

The first challenge was to create awareness about the COVID-19 hazard among our diverse workforce that operated in multiple countries.

Keeping COVID-19 from passing through the holes in the Swiss cheese model (continued)



To do so, we:

- created a document for employees that listed multiple health and safety tips related to COVID-19 prevention and then translated it into the various languages we needed to cover
- developed an online COVID-19 awareness quiz, again in multiple languages, and
- used a variety of social media, in multiple languages, to create further awareness of the hazard.

Developed COVID-19 procedures and protocols

In developing new procedures to address COVID-19, we:

- made clear who was responsible for handling COVID cases
- clarified what COVID-19 symptoms were and what precautions and protective measures to take
- addressed who should be notified of outbreaks and when, and
- used Kuwait Ministry of Health guidelines and World Health Organization (WHO) requirements in the procedures.

Engaged senior management in managing COVID-19

We created an internal daily COVID-19 dashboard for our senior management team that provided information on:

- employee and contractor training for the various new COVID-related procedures, including the number of employees and contractors who attended the training, the date of the training and what the training covered
- the number of COVID-19 cases among employees and contractors for each department with a breakdown of current cases, recoveries and deaths.

Higher levels of management had access to another dashboard with a broader daily overview of the situation.

We also enhanced a pre-existing management database, called MyHSSE, with COVID-19 data management capabilities.

Management of emergency cases

When COVID-19 cases did occur, we decided to use a central emergency phone number for all

cases. Once a call came in, then a flow chart was followed that required:

- identifying exposed and close contacts as early as possible through close-contact tracing and surveillance
- carrying out initial health screenings for close contacts
- proceeding with sanitization and disinfection of the affected areas
- activation of the company's business continuity plan, if required, and
- having affected employees follow post-treatment procedures.

Development of return-to-work strategies

Once the government relaxed lockdown measures, we had to develop a new procedure to cover the challenges of returning to the workplace during a pandemic.

The procedure contained 20 identified measures that needed to be followed for preventing or minimizing the spread of COVID-19 in individual workplaces and within the company as a whole. This procedure was developed

Case Study

Keeping COVID-19 from passing through the holes in the Swiss cheese model (continued)



using guidelines from the Kuwait Ministry of Health and WHO requirements.

This included:

- temperature monitoring at every office, facility and oil rig
- having visitors fill out a COVID-19 self-declaration form before being granted entry to an office or facility, and

- using COVID-19 protocol checklists during spot checks at offices, facilities and rigs.

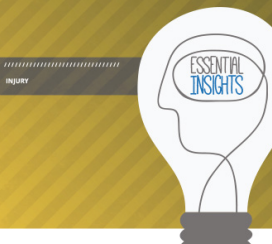
We also created a multi-lingual return-to-work brochure for employees that detailed our methods for containing the COVID-19 situation, getting help in case of an outbreak and for controlling the situation in the event of an outbreak.

(Adapted from "Swiss Cheese Model Strategies for COVID-19 Prevention: A Case Study of an Oil and Gas Company," a presentation by Ashok Garlapati, HSE Consultant, and Marzouq Al Otaibi, Team Leader HSE Exploration and Drilling, both with the Kuwait Oil Company, at the ASSP Safety 2022 Conference + Expo)

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SafetyNewsAlert

Heat Stress: Keeping Employees Safe



Exclusive Safety News Alert Guide

Heat Stress: Keeping Employees Safe

This Essential Insights provides the heat-stress information you need to identify heat stress warning signs, prevent heat-related illnesses and keep workers safe in hot conditions.

[get the guide](#)

OSHA heat, disease, violence rulemaking grinds slowly ahead



by Merriell Moyer

Spring agenda reveals some progress



Heat illness, infectious disease and workplace violence are still on OSHA's radar for its Spring 2022 Regulatory Agenda, with rulemaking efforts continuing, albeit slowly.

Violations involving these three hazards have typically been enforced via the General Duty Clause – with enforcement efforts already in place for 2022 on heat illness and COVID-19 – and the agency has announced its intentions of creating specific standards for each of them over the past several years.

Likewise, the inclusion of electronic submissions for Form 300 injury and

illness data on this year's agenda should come as no surprise since OSHA has been eager to restore the Obama-era rule that had been mostly withdrawn by the Trump administration.

With all of that in mind, here are the highlights from OSHA's Spring 2022 Regulatory Agenda:

Heat illness

In June 2022, California, Washington, Minnesota and the U.S. military all have heat illness rules in place for workers, but OSHA continues to

rely on the General Duty Clause for enforcement. However, the agency admits "it is likely to become even more difficult to protect workers from heat stress under the General Duty Clause" because of a 2019 court decision in *Secretary of Labor v. A.H. Sturgill Roofing*.

Since 2011, Public Citizen, a non-profit consumer advocacy organization, along with members of Senate in 2019, have asked OSHA to initiate rulemaking on heat-related illness, so the agency published an advance notice of proposed rulemaking (ANPRM) on

Oct. 27, 2021, to explore a possible heat stress standard.

OSHA was scheduled to analyze comments stemming from the ANPRM in June 2022.

Infectious disease

While COVID-19 is the first infectious disease to come to mind thanks to the recent pandemic, an OSHA infectious disease standard would cover everything from tuberculosis, shingles and measles to Severe Acute Respiratory Syndrome (SARS) and, of course, the coronavirus.

This standard would cover “employees in health care and other high-risk environments.”

The agency “is examining regulatory alternatives for control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease.”

OSHA issued a request for information (RFI) on such a standard in May 2010, long before the COVID-19 pandemic. A notice of proposed rulemaking (NPRM) is scheduled for May 2023.

Workplace violence

While workplace violence is possible in any industry, OSHA is specifically looking at violence in healthcare and social services settings.

The agency issued an RFI to the healthcare and social services industries in December 2016 regarding workplace violence and “a broad coalition of labor unions and the National Nurses United each petitioned OSHA for a standard preventing workplace violence in health care,” according to law firm Littler Mendelson.

OSHA granted the petitions in January 2017 and is preparing to initiate pre-rule efforts under the

requirements of a Small Business Regulatory Enforcement Fairness Act (SBREFA) in September 2022.

Injury, illness reporting

This proposed rule would require establishments with 100 or more employees in designated industries to submit data electronically once a year on OSHA’s Form 300 injury and illness records.

The Improve Tracking of Workplace Injuries and Illnesses rule would update the agency’s classifications system for determining the industries covered by submission requirements and would require company names on the forms.

A comment period on the rule was extended to June 30, 2022, with a final rule scheduled for December 2022.

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What Would You Do?

Can workers help maintenance department without proper task training?



It's quiet – too quiet, Manager Mike Kelly thought, grinning at the old movie cliché.

Despite being slightly amused with himself, Mike knew he was feeling that way for a reason. Experience taught him that when work was slow and it was quiet on the jobsite, it didn't necessarily mean it was safe.

He maintained his focus as he continued his safety walk through the facility.

As Mike made his way from the warehouse into the production area, he saw a group of four machine operators gathered around John Gantry, a maintenance technician. They were all standing near a section of conveyor belt, with the operators listening intently as John spoke and gestured toward the belt.

'No need for anything official'

"So, once you have the cover removed, you'll be able to see all the areas I talked about that need to be lubricated," John said to the operators as Mike approached.

"Gentlemen," Mike said to John and the assembled machine operators. "What are you guys up to?"

"Since work has slowed down, we're helping the maintenance crew with some stuff," one of the machine operators said.

"Yeah, it's just some light preventive maintenance," John explained. "Nothing major, Mike."

"Have any of you had official task training for this?" Mike asked the operators.

"I'm training them now," John said, before anyone else could speak. "I do this job all the time, Mike, so I know what I'm talking about. No need for anything official, since it's a simple, straightforward task."

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

No JSA, documentation = red flag

For many safety professionals, the answer likely lies in John saying, "No need for anything official." That probably means he's not working off of any sort of job safety analysis (JSA) and there isn't any kind of documentation.

Those are red flags, for sure. Without a proper JSA, how can John be sure he's covering every aspect of the task and how to perform it safely?

Further, without documentation of the training, how can anyone know who has been trained to do this task going forward, especially if John continues to train more workers?

With those questions in mind, Mike should shut down this training

until a proper, documented version can be created to ensure the safety of the machine operators, who probably have no experience in doing the task in question.

Maybe they already have some training

Conversely, maybe Mike just doesn't have all the facts, yet.

It's possible that the machine operators do already have some experience and training maintaining parts of the conveyor system as part of their regular job duties. In this case, the maintenance department may have its own JSA that the machine operators could easily work off of.

John may already have documentation for the training – a simple sign-in sheet would do, technically – and if not, that would be easy enough to rectify since Mike caught it early.

If they're not trained, they shouldn't help

Either way, it's important to ensure that employees who aren't trained on a specific task refrain from providing help on that task.

Why? Because it could lead to tragedy.

continued on next page

What Would You Do?

Can workers help maintenance department without proper task training? (continued)



For example, a 31-year-old millwright with training on cranes and with more than 13 years of experience died when a crane boom struck him while he was working with several untrained miners to change out the boom.

Other workers didn't know procedures weren't followed

As he and a miner began to perform the job, four other untrained employees approached to help.

The millwright was attempting to remove a pin that had become stuck on the underside of the boom and he directed the untrained miners on what to do as he worked to free the pin.

However, he failed to follow the instructions in the crane's manual, which warned against working under the boom, and his untrained helpers didn't realize that certain

other safety procedures weren't being followed as they performed the task.

Eventually, the pin was freed after the millwright instructed one of the miners to raise the boom up and down a few times to loosen it. With the pin no longer stuck, he used a hammer to tap it out, causing the boom to fall onto him.


The millwright was pronounced dead while being transported to a local hospital.

Root cause: Lack of proper task training

Investigators with the U.S. Mine Safety and Health Administration found that one of the root causes was that the employer didn't task train all miners to properly change boom extensions.

After the incident, the employer developed new written procedures that included a job safety analysis

and a procedural check sheet all miners had to use before changing, or helping to change, boom extensions on cranes. The check sheet included reviewing and understanding the crane manufacturer's manual.

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

Training Tips

Showing instead of telling can make the difference



Ever had this common exchange with workers?

Supervisor: "I noticed Safety Hazard X this week."

Worker: "What? I didn't see that," or "No way, that never happens."

Most employees don't notice minor safety hazards in their day-to-day work.

And they're hesitant to admit that they could've made a mistake too: Admitting to an error feels like a no-win situation.

Next time you notice a safety hazard, take a picture or video of it.

Then go to the worker and ask: "What's wrong with this picture?"

More often than not, you'll get a nod and a quick apology and acknowledgment of the hazard.

Safety snapshots will get your point across without the worker putting up a fight about what did or didn't get done.

And that lets you move onto fixing the issue: Not arguing about whether or not it even exists.

Encouraging staffers to speak up about near-misses

If staffers aren't speaking up about their near-misses, it's only a matter of time before someone gets hurt.

But workers usually don't want to discuss near-misses because they're afraid they'll get in trouble.

One way to get them to talk?

Ask them how they'd feel if a co-worker ended up in a wheelchair because of a hazard they knew existed – but didn't want to talk about.

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

HAZARDS

Fatal flood shows need to address weather in emergency plans



by Merriell Moyer

A fatal weather-related incident at a remote mine in Utah may not be likely to happen at most worksites, but the tragic event serves as a reminder that emergency plans need to include dangerous weather.

Because the mine operator failed to provide an emergency plan that included hazardous weather events, a pair of flash floods killed one miner and endangered eleven others.

No one aware of flash flood watch

Gary Nelson, a 48-year-old miner with almost 13 years of mining experience, worked at the Gentry Mine No. 3, a coal mine in a remote area of Emery County, Utah.

On Aug. 1, 2021, at 10 p.m., Nelson and seven other miners received their shift assignments and got into two Genco Geep personnel carriers, Jeep-like vehicles that would take them down into the mine.

It was raining lightly in the area of the mine at the time of departure. The miners were unaware of the fact that it was raining much heavier at higher elevations, with the National Weather Service issuing a flash flood watch for the area throughout the evening.

However, the mine operator didn't monitor the weather of the surrounding area, so none of the workers or supervisors were aware of the flash flood watch.

FLASH FLOOD
KILLED
WORKER,
**ENDANGERED
11 OTHERS**

2 floods hit, one right after the other

A passing storm resulted in several inches of rain on top of a nearby mesa, which saturated the ground and produced an abnormal amount of drainage down through a series of canyons to the plateaus below. At one point, a build-up of debris at one canyon breached and released a large amount of water, which created a flash flood that had a “large amount of force” behind it, according to an investigation report from the U.S. Mine Safety and Health Administration (MSHA).

At 10:08 p.m., as the first flash flood was sweeping down the canyons, the personnel carrier turned right onto the elevated mine access dirt road, which ran along a narrow canyon adjacent to a creek bed. The miners were only about a quarter mile from their starting point.

The first flash flood, which contained large boulders and broken pine trees, hit the lead personnel carrier head on. The flood pushed the personnel carrier downhill, causing it to flip over four times and become stuck on its side between the roadside and the river bed. The miners inside managed to free themselves from the wreckage and swim to solid ground. They reached high ground just as the second flash flood struck.

Body found 7 miles away

Nelson’s personnel carrier had departed shortly after the lead vehicle. It encountered the first flash flood 0.16 miles from where the crew departed. The flood still had enough force behind it to flip the personnel carrier onto its side. Nelson and another miner exited the vehicle and began helping other crew members get out, with each of

them seeking higher ground to get away from the rising water.

The second flash flood hit as Nelson and the other miner were helping their co-workers. As the miners got to safety, they looked for Nelson, but couldn’t locate him.

At 10:14 p.m., when the floodwaters had receded, the crew returned to their departure location and a headcount was conducted. Nelson was still missing, so emergency responders were called in for a search and rescue operation. Nelson’s body was found almost seven miles away in the Huntington Canyon river bed. He was pronounced dead at 11:30 a.m. Aug. 2, 2021.

Detailed weather procedures now in place

MSHA investigators found the root cause of the incident was the mine operator’s failure to have procedures for monitoring potentially dangerous weather conditions.

The mine operator has since developed a written procedure directing personnel at the departure point to use available weather forecasts to monitor for potential flooding.

A weather monitoring station was also installed at the mine to monitor rain, temperature, humidity, wind and barometric pressure. This weather station is intended to fill in any gaps in weather service coverage for the remote area the mine is located in. The mine operator also petitioned the state for a Doppler weather station.

The weather procedures include:

- checking current weather conditions and forecasts during pre-shift examinations,

and more often as weather conditions warrant, and

- posting current weather conditions and any advisories or warnings in a “clear conspicuous manner” where miners can review them at the start of a shift.

There’s also a surface foreman on duty at all times when miners are working who is in a position to evaluate and respond quickly to weather watches and warnings. If it rains, the foreman will use data from the weather monitoring station to determine if the road into the mine should be closed due to potential weather that could affect the miners’ safety. The foreman will also immediately notify the miners of any closures or other weather emergencies.

Weather worries across industries

While most safety professionals might not operate under circumstances in which they have to worry that workers could get swept away by a flash flood, many likely have other weather-related hazards to worry about.

Whether it’s a sudden thunderstorm with deadly lightning threatening outdoor workers, a downpour that makes an open dock unsafe for forklift operators or high winds that could cause problems for a roofing crew, having an emergency plan that addresses weather hazards can help keep employees safe.

Such a plan would give employees and supervisors guidance on how to respond to the hazard, including when to take action and where to go in case conditions become too dangerous to stay where they are.

[Read this story online](#) 

Don't let ladders become a workplace hazard



Ladders are a basic tool for many jobs. But they come with a fair share of dangers, as well.

Falls, collapses and other hazards can result from using a ladder improperly.

How well does your team know ladder safety? Answer *True* or *False* to the following to find out.

- 1 TRUE OR FALSE:** The top of a ladder must extend 2 feet above the roof or working surface.
- 2 TRUE OR FALSE:** All ladders should be inspected annually to make sure they're safe for use that year.
- 3 TRUE OR FALSE:** The maximum load rating of a ladder tells you the weight of a person the ladder can support.
- 4 TRUE OR FALSE:** For every four feet the ladder is extended vertically, it should be moved one foot horizontally away from the wall it leans on.

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



Test Your Knowledge

Answers from previous page



- 1 FALSE:** Extension or straight ladders must extend 3 feet (36 inches) above the surface workers are accessing. Make sure they are also set at an appropriate angle.
- 2 FALSE:** Ladders must be inspected before each use. Check for possible defects, and if any are found, remove the ladder from service immediately and tag it out until it can be repaired or trashed.
- 3 FALSE:** The maximum load rating of a ladder includes not only the weight of the person on the ladder, but the weight of any material or equipment the worker will be carrying as well.
- 4 TRUE:** Ladders should be set at a 4:1 ratio from the ground level to the top support point. For example, the base of a ladder extending 20 feet up should be 5 feet from the wall.

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



Who Got Fined & Why

OSHA keeps inspecting them but nothing seems to change!

Repeat safety citations are a sign of company owners and leaders not making safety a high-enough priority.

What happened: Four workers suffered amputation injuries in less than three years – all under the same roof – at R&F Marketing, a pillow manufacturer in Swainsboro, Georgia:

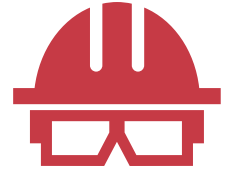
- a 22-year-old machine operator's injury was due to lack of lockout/tagout procedures in late 2020
- two months later, a 40-year-old machine operator sliced off his finger and crushed his remaining nine fingers on equipment with missing energy control locks
- weeks later, a 50-year-old maintenance manager loading a pallet jack onto a truck lost a finger between the wheels of the jack
- this past April, a 37-year-old maintenance manager suffered a hand laceration while cleaning fibers out of a motor

Result: OSHA rang up \$190,000 in safety fines starting with multiple repeat citations:

- obstructing exit routes
- lack of well-lit signs identifying exit routes
- materials stacked in unstable or unsecured tiers
- failure to mount or keep fire extinguishers accessible, and
- lack of training on fire extinguishers

Note: The company's facility management practices also put workers' in harm's way. It was fined for locking an emergency exit door from the outside, and lack of equipment-specific procedures to control hazardous energy and train workers on those procedures.

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



Facility & contractor sued for same fall injury: Who wins, who loses?

Lot of moving parts today, thought Fred Hatton, the manager of a renovation project.

"Hi there, got a pallet of drywall for you," said a delivery driver.

"Great! Didn't know you were coming today," said Fred.

"Sorry about that," said the driver.

"Not your fault! We're running around like a bunch of chickens with our heads cut off unfortunately," said Fred. "Not everyone communicating the next step like they should."

The driver just stared at Fred.

"I'll have someone meet you at your van in a minute," said Fred, realizing the delivery man didn't care about his troubles. Fred went to check on a window installer he'd hired from a local contracting firm.

Directions seemed clear – or were they?

"What's the problem?" said Fred. "I thought you'd started on the windows."

"This barricade is in the way," said Phil, the contractor. He pointed to the plywood board covering an empty doorway space.

"That's not a problem," said Fred. "Just unscrew the plywood. Be careful to work outside though. There are sections of missing floorboards."

"OK. Sounds easy enough," said Phil.

"On second thought, I'll rig up a barrier so you can't pass through the doorway," said Fred.

"As long as I can work on the windows, no problem," said the contractor.

Late in the day, Fred caught up with the contractor. "Looking good," said Fred.

"Thanks. The caulk is setting nicely," said Phil.

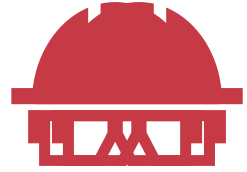
"Do me a favor and put the board back in place for the night," said Fred. "Or do you need help?"

"Nope! I'll take care of it," said Phil. As Fred walked away, he didn't see the contractor prop the plywood board up across the doorway.

But the contractor didn't screw the board back in place.

continued on next page

Facility & contractor sued for same fall injury: Who wins, who loses? (continued)



No one told facility about a morning delivery coming

The next morning a delivery driver showed up. Fred was picking up supplies and not there to greet the vendor.

Not finding anyone at the front entrance, the driver went around to the back. He knocked on the plywood barrier and noticed it bounced.

Taking matters into his own hands, the driver slid the plywood to the side and walked into the darkened facility. "Anyone here? I've got the - whoaahhhh!"

The driver stepped straight into a hole and tumbled eight feet to the concrete basement floor below.

Did Fred do his due diligence?

The driver sued both the host facility and contractor for injuries he sustained.

"I told the contractor to put the board back up," said Fred to his company's lawyer. "He said no problem. I assumed he understood I meant to put it back the way he found it - screwed in place!"

"You know what they say about assuming," chuckled the lawyer. "So why did the delivery man come in?"

"He came out before, most of the crew knew him," said Fred. "Unfortunately I didn't know he was coming that morning or I would've greeted him."

Result: The court let the injured delivery driver's case against the contractor stand, but it dismissed the claim against Fred's company.

The company could show that it strove to enforce safety rules, and wasn't negligent. The driver's accident came down to the contractor not restoring a safety device back to its original state after completing work.

The court granted summary judgment to the company. The contractor, on the other hand, can agree to a settlement or risk a trial.

Cite: Based on *Larsen v. Vision Quest Consulting*. This case has been dramatized for effect.

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

NSC: Drivers could see big street safety changes in next 20 years



by Merriell Moyer

**NEW TECH,
POLICY CHANGES
COULD MAKE
ROADS SAFER**



With roadway fatalities at a 16-year high, 46,000 roadway deaths in 2021 and pedestrians dying in vehicle-related incidents at faster rates, safety professionals with drivers on their rosters have cause for concern.

The National Safety Council (NSC) estimates 462 more people may die in preventable crashes over the 2022 Independence Day weekend alone.

In an effort to reverse these tragic trends, the NSC, with funding from Allstate Insurance, initiated research examining “the history of mobility safety and how it can help identify trends that will define mobility over the next two decades.”

A new report from lead author David Zipper, an expert from the Harvard Kennedy School with a background in technology and local government, explores the evolution of mobility and the implications of past actions on the future of safe transportation.

Mobility, Technology and Safety: The Next 20 Years will be released July 26 via webinar. The NSC released an executive summary of the report June 29.

What does the report predict? Dramatic changes on streets and sidewalks in the next few decades.

The executive summary of the report reveals 10 key conclusions for the next 20 years. Here are some of the highlights:

Motor vehicles will remain top source of street deaths

The trend toward heavy, tall SUVs and trucks “is an ominous one for street safety” since cars and trucks are involved with the majority of traffic deaths in urban areas, including those involving cyclists and pedestrians.

And that trend will only get worse as vehicles get even heavier thanks to electric batteries. For example, the Hummer EV weighs more than 9,000 pounds, which makes it 2,000 pounds heavier than the gas-powered version.

Nothing has been done by the U.S. government to restrain the weight and height of cars and trucks, but some revisions to the New Car Assessment Program and the Federal Motor Vehicle Safety Standards that incorporate Vulnerable Road User (VRU) safety could help.

Automakers have no incentives to protect VRUs such as pedestrians and cyclists, who are the most physically exposed to the motor vehicle hazard. Because of this, the NSC says safety advocates should push for automotive design improvements to enhance VRU safety along with stronger enforcement measures against habitually reckless drivers.

Advanced Driver Assistance Systems should be expected

The NSC research found that none of the experts interviewed for the report expected autonomous cars and trucks to be widely available, in cities at least, in the next 20 years.

Why? Because urban environments have too many “edge cases” that machine learning can’t handle. An example the NSC provided is that someone on a street corner shooing birds away with a broom could be too much for the artificial intelligence to handle.

On the other hand, Advanced Driver Assistance Systems (ADAS) are much more likely to transform city streets in the coming decades. These systems, which include features like automatic braking and pedestrian detection, will continue to improve and become standard.

They’ll also save lives, according to the report.

Parcel delivery is poised for disruption

Ride hail and “micromobility” in the form of companies like Uber and Lyft have changed the face of passenger transportation in the U.S. over the last decade. Likewise, the surge in online shopping, and a “growing antipathy toward delivery vans,” could result in last-mile parcel delivery seeing big changes in the coming decades.

That will definitely be the case if cities decide to charge companies for curb access or ban delivery vans – which the NSC says already occurred in Europe.

What would replace delivery vans? Technologies “like cargo bikes, street delivery drones and sidewalk robots.” However, these new devices could end up overwhelming existing infrastructure.

The NSC is advising that stakeholders work with city and state officials when the time comes to ensure business interests aren’t prioritized over safety.

Urban vehicles regulated by size, speed

“In the coming years, vehicles like 35-mph e-bikes and three-wheeled trikes will blur the lines between categories like car, motorcycle and bicycle,” according to the report.

Why does that matter? Because cities and other government regulators could set parameters

based on weight and size for vehicles permitted in a given lane. So as long as a vehicle is within the set parameters, it’s assumed to be legal.

This approach could enhance safety by reducing disparities in vehicle size and speed if there is a crash. Of course, this would require “a host of implementation challenges for local and state officials.”

Infrastructure, policy revisions essential to enhance safety

While it’s the exciting new technology that attracts all the attention and funding, it’s the mundane policy approaches that could offer some of the most compelling opportunities to improve street safety.

Extending sidewalks, building protected bike lanes and introducing policy solutions such as slow lanes could have a big impact on roadway safety in the next 20 years.

While private companies in the automotive industry will ensure everyone recognizes the potential safety benefits of their products, these infrastructure and policy solutions are likely to receive less attention. But the NSC is encouraging safety advocates to focus on those solutions that “would not otherwise rise to the fore during safety discussions.”

[Read this story online](#) 

Training Tips

Compliance Check: Hazardous waste needs to be accounted for



Reminder: Hazardous waste containers must be labeled with placards or pictograms according to OSHA, EPA, Department of Transportation or National Fire Protection Association guidelines.

That goes for hazardous, universal and electronic waste containers and drums in both central and satellite accumulation areas.

While EPA lists hundreds of hazardous wastes, be careful not to accept the list as the final word.

If a waste stream shows characteristics of being corrosive, ignitable, reactive or toxic, err on the side of caution and treat the materials as hazardous.

In general, all waste streams must be stored separately, in containers that are in good condition and kept closed at all times.

Click [EPA's](#) website here for more on how to characterize hazardous wastes.

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

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Safety News Alert delivers actionable insights, helping Safety execs understand what Safety trends mean to their business.

But we don't stop there.

Our editors read and vet hundreds of sources and hand-select the most relevant, practical content. Then we add our seasoned perspective and deliver actionable insights to help you understand what today's trends mean for your business.

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