

February 17, 2020

### WHAT'S INSIDE

- 2 Sharpen Your Judgment**  
Did the lockout/tagout program cover every machine?
- 3 What's Coming**  
Top workers' comp concerns for 2020
- 4 Who Got Fined – And Why**  
15-year-old suffers fatal fall; \$159K OSHA fine
- 5 What's Worked for Other Companies**  
Music at work was too much of a distraction
- 6 Safety Regs Update**  
OSHA updates list of industries exempt from inspections
- 8 What Would You Do?**  
Is mandatory overtime wearing down crew and affecting safety?

### SAFETY NEWS ALERT

**Safety News Alert**, part of the Catalyst Media Network, keeps safety pros up to date on the latest OSHA news, safety training ideas, workers' comp cases and injury cases from other companies. Read what more than 334,000 safety pros turn to regularly for occupational safety information. Safety News Alert's editorial staff is led by veteran Editor-in-Chief Fred Hosier.

## One dead, two injured after supervisor caves to peer pressure

### ■ OSHA investigates, court upholds fine

Peer pressure can be a double-edged sword when it comes to safety: It can convince workers to do the right thing, or it can push them to take risks. The wrong sort of peer pressure can result in death, as it did in this incident.

#### Voicing concerns

On July 23, 2015, Basic Energy Services was hired by Mid-States Petroleum to remove a section of oil pipe stuck 7,500 feet underground.

Basic Energy sent Michael Brown to supervise rig operator Johnny Mullins, derrick hand Justin Turner and two other derrick hands.

An employee of Knight Tools provided specialty tools to help remove the pipe, and the work was overseen by a Mid-States representative.

A 120-foot-tall mobile rig used a long string of pipes to jolt the pipe, latch on and reel it in.

The crew freed the pipe, but the pipe string got stuck.

To free the string, the Knight Tools employee told Mullins to follow the same procedure as earlier, but Mullins told Brown he was concerned the derrick hands working high up on the rig would be at risk.

The Knight Tools employee told

*(Please see Peer pressure ... on Page 2)*

### ENFORCEMENT

## Maximum OSHA penalties increase for 2020

Maximum OSHA fines bumped up 1.76% as of Jan. 16, 2020, to adjust for inflation.

- The new maximums are:
- \$134,494 for willful and repeat violations, up \$2,339
  - \$13,494 for serious and other-than-serious violations, up \$234, and
  - \$13,494 per day for failure-to-abate violations.

The minimum for a willful violation has increased to \$9,472.

#### Inflationary change

This is the annual change under the Inflation Adjustment Act of 2015, which requires the Department of Labor to adjust monetary penalties no later than Jan. 15 each year.

The DOL is required to calculate this adjustment based on the Consumer Price Index for All Urban

Consumers. Annual adjustments are based on the percent change between the October index preceding the date of adjustment and the prior year's October index.

#### Effective dates

OSHA will apply the higher penalty amounts for violations that occurred any time after the inflation adjustment rule took effect on Nov. 2, 2015, but were not assessed before the Jan. 15, 2020, adjustment date.

Before the Inflation Adjustment Act was passed in 2015, for many years, OSHA fines had remained at a \$70,000 maximum for willful and repeat violations and a \$7,000 maximum for serious violations.

*(For increases in MSHA maximum fines, see story Page 6.)*

Info: [tinyurl.com/fines589](https://tinyurl.com/fines589)

## WORKERS' COMPENSATION

### Court: Medical weed covered under comp

A New Jersey employer must reimburse an injured worker for medical marijuana, according to an appeals court.

The court found a comp judge's order doesn't require the company to possess, manufacture or distribute marijuana, so there is no conflict between the state's Medical Marijuana Act and the federal Controlled Substances Act.

#### Concrete dumped on him

In 2001, Vincent Hager was employed by M&K Construction and was working on a company jobsite when a truck delivering concrete dumped its load onto him.

Hager suffered lower back pain radiating down both legs, was diagnosed with central disc herniation, annular disc bulging and other spinal problems, and was told to see a neurosurgeon.

Surgery and opioids didn't provide relief for Hager.

He told a doctor he wanted an

alternative to opioids, so the doctor suggested medical marijuana.

Hager got a prescription, and the medical marijuana provided some pain relief. M&K refused to pay for it.

But a judge said paying for medical marijuana through workers' comp didn't conflict with the federal Controlled Substances Act.

Info: [tinyurl.com/mediweed589](http://tinyurl.com/mediweed589)

#### Peer pressure ...

(continued from Page 1)

them there was nothing to worry about, and Brown told Mullins to do what he was told.

When it didn't work, two derrick hands came down off the rig, but Turner remained 60 feet above the ground.

The Knight Tools employee told Mullins to try a second time, and again Mullins voiced his concerns, but was told by Brown to follow orders.

After the pipe string didn't break free, the Knight Tools employee and the Mid-States representative told Mullins to try again, but Mullins was still concerned for Turner's safety.

#### 'Too timid'

The Knight Tools employee mocked the Basic Energy crew for being too timid and called them derogatory names, with most of his jeering directed at Mullins, while the Mid-States representative laughed.

Brown told Mullins to do as instructed, which he did, causing the front end of the rig to lift off the ground.

The pipe string broke free, then the rig fell and flipped onto its side, injuring Mullins and Brown and killing Turner.

OSHA cited Basic Energy for the incident, fining the company \$7,000, which was upheld in court.

The OSHRC stated the company failed to follow its own safety policy and industry standards when Brown – who succumbed to peer pressure from the Knight Tools employee – repeatedly refused to listen to Mullins' stop-work requests.

Info: [tinyurl.com/peers589](http://tinyurl.com/peers589)

## SHARPEN YOUR JUDGMENT

This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.

#### ■ DID THE LO/TO PROGRAM COVER EVERY MACHINE?

Safety Manager Pete Travers sneezed loudly.

"Bless you, Pete," Attorney John Jenkins said as he entered Pete's office. "You're looking a little rough."

"Ugh, I'm feeling rough," Pete replied, wiping his nose with a tissue. "I took my daughter to the doctor last week, and I just knew I was gonna be next."

"I hate to add to your troubles, but OSHA has hit us with a citation," John said.

"What's it about?" Pete asked.

#### No specific procedures

"The citation says our lockout/tagout program is lacking," John said, as he looked through the paperwork. "It says we don't have specific procedures for each of our machines. Is that right?"

"No, that's not right," Pete said. "Because of all the new machines we acquired last year, the company hired an outside firm to write up our new LO/TO procedures."

"According to OSHA, there were four machines we failed to provide specific procedures for," John said, handing Pete the citation.

Pete scanned the paperwork.

"These four have two energy sources, and we already had a procedure for that type of machine," Pete said. "The firm we hired wrote up all the new, single-source machines."

"If we have procedures for all the machines, then we should be able to fight this," John said.

The company fought the citation. Did it win?

■ Make your decision, then please turn to Page 6 for the ruling.

## SAFETY COMPLIANCE *Alert*

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## NEW REPORT

### Top workers' comp concerns for 2020

■ 'CHANGE' IS A KEY WORD IN THE LIST FROM A NATIONAL INSURANCE GROUP

**A**ging, the gig economy and technology are among the top concerns in workers' compensation, according to a new report.

The National Council on Compensation Insurance released its "Focus on 5" list of issues based on a survey of more than 100 workers' compensation executives.

Among the five biggest concerns going into the next decade, the executives included questions regarding:

- How will the aging and changing workforce affect the industry?
- Will the gig economy grow to the extent that it affects the traditional workforce? Will it grow to impact premium levels in a substantial way?
- How will rapidly changing workplace technology affect jobs and the workers' comp industry?

#### Addressing the issues

Some of the executives polled are already taking steps to proactively address these issues, according to

the report.

**The aging and changing workforce:** Workers' compensation executives are following up on employer audits of their workforces and spending time educating them on the challenges of an aging workforce. Focusing on workplace safety and education remain important priorities in attempting to address this concern.

**The gig economy:** Some insurers say they're closely monitoring state legislative activity and court cases to keep current on the evolution of gig economy workplace trends while others are evaluating alternative coverage options for gig workers. A few have established research teams specifically to track gig economy trends.

**Rapidly changing technology in the workplace:** Insurers are already adapting to new technology in a variety of ways. For example, they're exploring ways to use the data generated by wearable technology as well as considering alternatives for policy delivery systems for employers and workers.

Info: [tinyurl.com/top5comp589](http://tinyurl.com/top5comp589)

## OSHA FINE

### Court: Workers were employees, not contractors

**T**wo workers in an unprotected trench were found to be employees of their company and not contractors by the Occupational Safety and Health Review Commission (OSHRC).

Because the company's owner paid the workers at an hourly rate, provided all equipment and had control over how they worked, they couldn't be classified as contractors.

#### No cave-in protection

Speedy Rooter of Pennsylvania sent two plumbers to replace a sewer line.

The job involved digging a trench. It was over six feet deep, with vertical walls, and no cave-in protection.

OSHA received a complaint and issued multiple violations and

a \$29,394 fine for failing to train employees on cave-in hazards and provide adequate cave-in protection.

In court, the company's owner claimed she didn't control the worksite because both workers were independent subcontractors, not employees. Also, she didn't provide them with benefits or deduct taxes from their pay.

However, evidence revealed the workers fit the definition of employee since the company controlled the:

- manner, means and location of work
- source of tools and instruments, and
- method of payment

While no taxes were withheld or benefits offered, the OSHRC said those alone are not controlling factors.

Info: [tinyurl.com/contractors-589](http://tinyurl.com/contractors-589)

## TRENDS TO WATCH

Watch what's happening in various states. Some actions indicate trends.

### ■ RESEARCH: TEMP WORKERS HAVE HIGHER INJURY RATES

New research shows temporary workers have higher injury rates than permanent employees.

The study looked at more than 1.3 million accepted workers' compensation claims in Ohio from 2001 to 2013, including over 45,000 claims from workers employed by temporary services.

The results were similar to those from other studies using workers' comp data from the states of Washington and Illinois.

Injured temporary workers were younger and had less tenure compared to injured permanent employees.

Info: [tinyurl.com/tempinjur589](http://tinyurl.com/tempinjur589)

### ■ NEW WEBSITE HAS INFO ON EMPLOYMENT STATUS LAW

A new website was released providing California employers and employees with resources and information on the state's Employment Status Law, or AB5, which went into effect Jan. 1.

Information on the website, [Labor.ca.gov/EmploymentStatus](http://Labor.ca.gov/EmploymentStatus), is coordinated by various Labor Agency departments, including Cal/OSHA.

AB5 addresses employment status when a worker is claimed to be an independent contractor, and requires use of the "ABC test" to determine if workers are employees or independent contractors, according to a Department of Industrial Relations news release.

Employers who visit the website can find information to assist in determining employment status of workers and help in understanding their legal obligations as employers, including information regarding workplace health and safety laws.

Info: [www.labor.ca.gov/employmentstatus/](http://www.labor.ca.gov/employmentstatus/)

## Roundup of most recent OSHA citations

### **15-year-old suffers fatal fall: \$159K OSHA fine**

OSHA has cited two contractors for exposing employees to fall hazards after a 15-year-old worker suffered fatal injuries after a fall at a worksite.

OSHA said employees were exposed to fall hazards while installing standing seam roofing about 49 feet above ground level without being tied off.

The companies were cited as a single employer because both share supervision on a common worksite and have interrelated operations.

**Fine:** \$159,118

**Companies:** Apex Roofing and Restoration LLC, and WW Restoration LLC, Pelham, AL (inspection site Cullman, AL)

**Business:** Roofing contractors

**Reasons for fines:**

*Two willful violations:*

- Each employee engaged in a steel erection activity who is on a walking/working surface with an unprotected side or edge more than 15 feet above a lower level wasn't protected from fall hazards by guardrail, safety net, personal fall arrest, positioning device or fall restraint systems
- The employer didn't institute a training program and ensure employee participation in the program, training each employee exposed to a fall hazard

### **Part of worker's arm amputated: \$317K fine**

OSHA cited a manufacturer after a worker's lower right arm and four fingers were amputated. The employee's arm got caught in a lamination machine that lacked adequate machine guarding.

The company was cited for similar hazards in December 2017 after two workers suffered injuries.

**Fine:** \$316,929

**Company:** Nox U.S. LLC, Fostoria, OH

**Business:** Vinyl flooring manufacturing

**Reasons for fine:**

*Two willful violations for failure to:*

- develop and use procedures for control of potentially hazardous energy
- ensure energy control application steps were implemented on machines before servicing

*One repeat violation for failure to:*

- provide adequate training so workers acquired skills needed for safe application of energy control devices

*Four serious violations for failure to:*

- perform hazard assessments to determine proper PPE for employees
- require employees to wear appropriate hand protection
- provide machine guards to protect employees from moving parts
- guard projecting shaft ends

*One other-than serious violation for failure to:*

- provide OSHA 300 logs to inspectors within four hours of request

**Note:** The company was placed in the Severe Violator Enforcement Program.

### **Fire, explosions lead to \$132K in OSHA fines**

OSHA cited this company following a June 2019 fire and explosions.

**Fine:** \$132,600

**Company:** Philadelphia Energy Solutions, Philadelphia

**Business:** Petroleum refinery

**Reasons for fine:**

*10 serious violations, including failure to:*

- include corrosivity data of highly hazardous chemicals in process safety management information
- address consequences of engineering and administrative controls in process hazard analysis
- address hazards related to facility siting in process hazard analysis
- establish or implement written procedures to maintain ongoing integrity of process equipment
- perform inspections and tests on process equipment
- establish written procedures to manage changes to process chemicals, technology, equipment, procedures and facilities

## WORKERS' COMP DECISIONS

### **Worker filed 10 years after retirement: Can he collect?**

A worker filed a claim for his hearing disability 10 years after retiring from his job. Can he collect?

**What happened:** An employee who worked as a machinist for almost 29 years suffered gradual hearing loss. More than 10 years after he retired, his doctor diagnosed him with a hearing disability.

**Company's reaction:** Your claim was filed too long after your retirement.

**Decision:** Yes, he could collect. There was no evidence his disability manifested before he retired, so he was entitled to benefits despite the length of time that passed, according to the court.

**Cite:** *Tower v. ConocoPhillips Co.*, LA Court of Appeals, No. 19-81, 11/6/19.

### **Injured worker accused of fraud: Can she collect?**

An injured worker was accused of fraud in making her comp claim. Can she collect benefits?

**What happened:** A healthcare worker injured her back lifting a client's wheelchair into a car. She reported the incident to her supervisor, but the supervisor initially failed to fill out a report or send her to the doctor.

**Company's reaction:** You lied on your workers' comp paperwork, so we don't owe you anything.

**Decision:** Yes, she could collect.

An appeals court found she incorrectly filled out the paperwork because she didn't understand it, not because she was trying to lie.

**Cite:** *Cook v. St. Genevieve Healthcare Services Inc.*, LA Court of Appeals, No. WCA 19-300, 11/6/2019.



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# WHAT'S WORKED FOR OTHER COMPANIES

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**S**CA subscribers include a broad range of small, medium and large firms involved in all types of economic activity. In this regular section, three of them share a safety success story.

## 1 **Music at work was too much of a distraction**

Listening to music, whether on headphones or via wireless speakers, can be a major distraction on the job.

We had an incident about a year ago that changed our stance about workers listening to music while performing their duties.

A technician working in an elevated area was listening to music on his wireless speaker and failed to hear a co-worker announce a stop-work so a ground technician could enter the exclusion zone below.

Of the two technicians working above, only one heard the announcement, stopped work and replied with an all clear. The technician who was listening to music on his wireless speaker continued to work and dropped a bolt, which fell 300 feet and grazed the ground tech's hand.

The ground tech was lucky to come out of it with only a nasty bruise – it could've ended a lot worse.

### **New policy born from near miss**

After such a close call, we knew we had to make some changes regarding

use of headphones and speakers.

As a result, our headphone/speaker policy was born, and we edited our communication policy so we could prevent another such incident from happening.

Music can help pass the time for workers, but it can also be an enormous distraction. We want our employees to go home safe and healthy every day, so we had to put this policy in place for their protection.

*(Joseph Kidwell, EHS Manager, Auxilius Heavy Industries, Fowler, IN)*

**REAL  
PROBLEMS,  
REAL  
SOLUTIONS**

## 2 **Want engagement? Think like an advertiser**

Employee engagement is real and can have an impact on safety.

The question is, how do we get it? How do we get people to feel it? The fact is, what used to work doesn't work anymore.

In years past, people didn't have a cell phone beeping in their back pockets – they had a lot less competing for their attention.

Today, we're addicted to our devices, and it's really hard to get anybody to even look up if they can

use phones during their shifts.

To get them engaged, we have to cut through the clutter.

### **Align message with demographics**

The way to communicate to get that engagement is to start thinking about it like an advertiser. Who is your target audience? Who is it you need to reach? This varies widely with each industry and facility.

One size does not fit all with communications, so you need to take a hard look at your demographics.

Who are you trying to communicate with? What shift do they work? Do they operate vehicles?

Where and how can you reach them?

Once you determine your demographics, then you can align that with the unique message you're trying to convey to them.

This will help you reap the benefits of fewer safety incidents and higher productivity that comes with good engagement.

*(Jude Carter, VP Marketing, Marlin, New York, at the 2019 VPPPA Safety+ Symposium)*

## 3 **Positive reinforcement enhances meetings**

How do you get employees engaged about safety when you're already the safest in your field for the whole state?

It's exciting to have that top safety rating, and it means a discount on our liability and workers' comp insurance.

But when it's quarterly safety and wellness meeting time, our department heads – many of whom already hold monthly safety meetings within their own departments – often say: "Why do we need to go over all this at yet another meeting?"

I tell them it's a refresher, so we don't become complacent. That's why we're safe.

Topics we've recently covered include: slip, trip and fall; sexual harassment; defensive driving; bloodborne pathogens; workplace violence; and tornadoes and thunderstorms.

### **Rewards for low risk**

Sometimes I bring candy or doughnuts to the meetings as a special treat for the employees.

I pay for those myself, and I'm happy to do that because they do seem

to enjoy the meetings more because of them.

They were such a hit that I'm hoping for approval to include safety meeting treats in my work budget for next year.

The special treat for the summer meeting is instead of sitting inside, we go out for a walk for 10 minutes and chat as we walk.

We also give employees tips on being safe at home, because that's where most injuries happen.

*(Andrea Schwan, Risk Manager, City of Aberdeen, Aberdeen, SD)*

## SMALLER FACILITIES

### OSHA updates list of industries exempt from inspections

OSHA released its updated list of industries exempt from inspections when there are 10 or fewer workers employed by a company.

The new list, which was released and made effective Jan. 21, includes dozens of small business types, including distilleries and cemeteries.

This is the most recent listing of the North American Industry Classification System (NAICS) codes for industries with a days away, restricted or transferred (DART) occupational injury and illness rate below the national private sector average rate of 1.6 for 2018.

If an OSHA compliance officer discovers an employer has a DART rate below the national average and has had 10 or fewer employees consistently throughout the past 12 months, the officer will not conduct an inspection.

Some industries included on the list:

- painting and wall covering contractors
- siding contractors
- commercial and institutional building construction
- distilleries
- coffee and tea manufacturing
- pulp mills
- textile and fabric finishing mills

- paint and coating manufacturing
- dental laboratories
- household appliances, electric housewares and consumer electronics merchant wholesalers
- footwear merchant wholesalers
- new and used car dealers
- gas stations with convenience stores
- bookstores
- taxi and limousine services
- newspaper, periodical and book publishers
- software publishers
- landscape services
- architectural and engineering services
- automotive repair and maintenance, and
- cemeteries and funeral homes.

notification are going up \$1,281 to \$73,901.

The maximum fine for failing to correct a violation will be \$8,006, up \$139 from 2019, and violations relating to smoking standards are going up \$6 to \$338.

This is the annual change under the Inflation Adjustment Act of 2015, which requires the Department of Labor to adjust monetary penalties no later than Jan. 15 each year.

The DOL is required to calculate this adjustment based on the Consumer Price Index for all Urban Consumers. Annual adjustments are based on the percent change between the October index preceding the date of adjustment and the prior year's October index.

#### OSHA too

OSHA's maximum penalties have increased in the same manner (*see story Page 1*).

Increased penalties apply to those assessed after the effective date of the rule, so penalties assessed after Jan. 15, 2020, whose violations occurred after Nov. 2, 2015, will be affected by the higher penalty amounts, according to the DOL announcement.

**Info:** [tinyurl.com/fines589](https://tinyurl.com/fines589)

### MSHA maximum fines get annual boost

MSHA's maximum fines are getting a 1.76% boost for inflation as of Jan. 16, 2020

Maximum fines for flagrant violations are rising \$4,697 to \$270,972, while regular assessments, penalty conversion tables and penalties for failure to provide timely

### SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, Pete's company lost. The company didn't provide enough information in its LO/TO procedures for the four machines that had two energy sources, according to the court.

Pete's company claimed the four machines were similar in that they each had two energy sources – electrical and pneumatic – so one procedure was sufficient to cover them all.

OSHA argued the machines were different enough for each one to warrant its own specific procedure, and the company's current procedure was too generic to permit workers to appropriately lock out those machines.

The court agreed with OSHA, finding the company's

procedure failed to specifically address the LO/TO process for each individual machine. There was no evidence the company had machine specific procedures providing enough information to safely lock out any of the four machines, according to the court.

#### ■ ANALYSIS: LO/TO PROCEDURES MUST BE SPECIFIC

This case illustrates just how specific lockout/tagout procedures have to be to meet OSHA's requirements.

Even in situations where different machines have similarities, they are rarely similar enough to be lumped together into a generic LO/TO procedure – at least from OSHA's point of view.

**Cite:** *Secretary of Labor v. Birdsboro Kosher Farms Corp.*, Occupational Safety and Health Review Commission, Nos. 16-1575 and 16-1731, 9/23/19. Dramatized for effect.

## Government notices on workplace safety

Here's SCA's digest of key notices that appeared recently in the Federal Register (FR) or on OSHA's website concerning workplace safety issues.

### CDL DRUG TESTING

A federal transportation agency is increasing the minimum annual percentage rate for random controlled substance testing for commercial motor vehicle drivers.

The Federal Motor Carrier Safety Administration (FMCSA) has increased the rate from 25% of the average number of driver positions to 50% of the average number of driver positions, effective in calendar year 2020.

The FMCSA Administrator must increase the minimum annual random testing percentage when data received for any calendar year shows the reported positive rate is equal to or greater than 1.0%.

The rate for 2018 was 1.0%.

The increase was announced in the Dec. 27, 2019 *Federal Register*.

Info: [tinyurl.com/motor589](https://tinyurl.com/motor589)

### MINING SAFETY

A Kentucky mine received illegal notification of an impending MSHA inspection, the Federal Mine Safety and Health Review Commission found, reversing a judge's previous decision.

After the judge's decision that MSHA failed to establish a violation of Section 103A of the Mine Act, which forbids advance notice of an inspection, the agency filed an appeal, arguing the judge's conclusions were incorrect.

Six MSHA inspectors arrived at the KenAmerican Paradise No. 9 mine April 20, 2012, after receiving an anonymous hazard complaint about conditions at the mine.

They notified the foreman of the complaint, and two inspectors went to the dispatcher's shack to warn the dispatcher, Lance Holz, not to provide notice of the inspection when calling for someone to escort the inspectors down into the mine.

Holz called for an escort while Inspector Doyle Sparks secretly

monitored a mine-phone receiver from which he could hear Holz's call.

Sparks said he overheard a miner ask Holz, "Do we have any company outside?" to which Holz responded, "Yeah, I think there is."

After hearing the exchange, Sparks asked the miner to identify himself but received no response. He noted the conversation in his report.

While testifying in front of the judge, Holz claimed to have said, "I don't know," when responding to the miner's question, but also said it was possible he may have said what Sparks claimed.

The judge accepted Holz's "I don't know" claim and said Sparks misunderstood the law, issuing his citation based on a miner's solicitation for advance notice, rather than the actual giving of notice.

On appeal, the commission found the judge failed to recognize Holz and the miner were using coded language.

Info: [tinyurl.com/impin589](https://tinyurl.com/impin589)

### ORDERED TO PAY FINES

A Florida roofing contractor was found in contempt after failing to pay more than \$2 million in OSHA fines.

A petition was filed by the Department of Labor to find Jacksonville-based Great White Construction Inc., Florida Roofing Experts Inc. and owner Travis Slaughter in contempt for not paying \$2,202,049 for multiple egregious violations.

The 11th Circuit Court of Appeals held the companies and Slaughter in contempt, ordered they pay the outstanding penalties and required the violations to be corrected.

If all three parties fail to comply, they face jail time and "other relief the court deems proper," according to the DOL.

This comes after repeated inspections of Slaughter's job sites by OSHA and legal action to address the contractor's violations of safety requirements.

Slaughter and his companies were cited for not providing fall protection.

Info: [tinyurl.com/contempt589](https://tinyurl.com/contempt589)

## WHERE TO GET HELP

### NEW FACT SHEET: ACTIVE SHOOTER READINESS

While statistics show the chances of a workplace experiencing an active shooter incident are low, the results are more devastating when a facility isn't prepared.

The California Commission on Health and Safety and Workers' Compensation has released a new fact sheet, *Preventing and Preparing for an Active Shooter Incident*.

The publication is drafted for school employees, but much of the advice can be adapted to any type of business.

The publication includes the Run, Hide, Fight Strategy for Active Shooter Incidents, with reasons why this strategy works best.

The fact sheet is free and downloadable as a PDF.

Info: [tinyurl.com/shooter589](https://tinyurl.com/shooter589)

## What safety pros say

When was the last time your company reviewed its drug policy?



Source: Exclusive PBP survey of safety pros

Seven in 10 safety pros say they've either reviewed their drug policy last year or are in the process of doing so now. With changing state laws, now is a good time.

Each issue of SCA contains an exclusive survey to give safety professionals insight into what their peers nationwide are thinking and doing.

# WHAT WOULD YOU DO?

Here's a challenging scenario you could encounter. We've asked three of your peers what they'd do. How would you handle it?

## Is mandatory overtime wearing the crew down and compromising safety?

### The Scenario

The plant was buzzing with activity. Manager Mike Kelly watched as workers scurried back and forth preparing product then sending it down the conveyor belt where it would be packed, stacked, wrapped and shipped.

Three weeks ago, one of the plant's biggest customers made a huge surprise order, and with it came a directive for mandatory overtime.

Mike looked over reports detailing some "little" safety mistakes that occurred within the past few days and sighed.

*The OT is starting to take its toll,* he thought.

### No major incidents or close-calls

Later, Mike caught up with supervisors Chuck Matthews, Janet Costello, Jack Hall and Ken Dawson.

"Sorry to pull you all away from work, but I've got some safety concerns about the OT," Mike said.

"What do you mean, Mike? There haven't been any major incidents," Jack said gruffly.

"Not yet, but I think we could be heading in that direction if we're not careful," Mike replied.

"There haven't even been any close-calls," Janet said.

"We've had several ... mistakes, for lack of a better word, that make me think the OT is starting to wear on the crew," Mike said.

"Little mistakes can lead to big incidents," he added.

"We're too busy for this kind of talk," Jack grumbled. "We need this overtime to get the job done, Mike."

If you were Mike, what would you do?

### Reader Responses

#### 1 Elise Allen, EHS Program Manager, Jergens Inc., Cleveland

*What Elise would do:* Try rolling time off or ensuring each person has more downtime.

Yes, the end is in sight, but one small incident that becomes major will really slow down production.

*Reason:* If there are little safety incidents, what about quality?

With safety falling by the wayside, quality may be as well.

Most production departments care more about quality than safety.

#### 2 Stephen Davies, Quality Assurance Manager, LND Inc., Oceanside, NY

*What Stephen would do:* I'd add personnel, like temps, and

another shift. Or, employ the same number of employees, but stagger the shift.

*Reason:* You could also have receiving and pre-production personnel come in a few hours earlier than normal.

Then you have production come in at the normal time and post-production/shipping come in a couple of hours later than normal and stay a couple of hours later at the end of the shift.

#### 3 Leroy Spittle, Safety Manager, Roy Spittle Associates, Gloucester, MA

*What Leroy would do:* I would remind Jack that safety is the first concern not the production quota.

*Reason:* Safety is the primary concern.

### OUTSIDE THE LINES

#### ■ ADD INSTRUMENT CASES TO LIST OF CONFINED SPACES

As a safety professional, you know the dangers of confined spaces, but have you ever needed to warn workers to stay out of luggage?

The Yamaha Corporation recently warned people they shouldn't attempt to squeeze inside musical instrument cases following reports former Nissan Motor CEO Carlos Ghosn fled Japan concealed inside in a double bass case.

According to Reuters, the company tweeted Jan. 11, saying, "There have been many tweets about climbing inside large musical instrument cases. A warning after any unfortunate accident would be too late, so we ask everyone not to try it."

The message was retweeted more than 50,000 times, so hopefully you won't have to add this to your list of safety topics to discuss with workers.

### Did you know ...

#### Deaths from vehicles backing up



In 2017, **53 workers died** after being **struck** by a vehicle **backing up** in a nonroadway area.

Source: U.S. Bureau of Labor Statistics

Safety is just as important once a truck reaches a destination as when it's on the road. OSHA has safety steps for parking, backing up and more.

**Info:** [tinyurl.com/backup589](https://tinyurl.com/backup589)

*This feature in each issue of SCA charts trends in national workplace safety and health to help safety professionals perform their jobs.*