

March 2, 2020

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### 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.

## When workers alert OSHA instead of managers: \$1M payout

### ■ One in four whistleblowers won their cases in 2019

Just how far will employees go when they feel something isn't right about safety in their workplace?

First, they'll raise the issue internally. If they don't get satisfaction, some will go to OSHA or another federal or state safety agency.

When they become a whistleblower, certain legal rights kick in. If they feel those rights have been violated, OSHA may hear from them again.

In fiscal year 2019, OSHA reported receiving 2,640 complaints of retaliation from whistleblowers in cases involving alleged violations of the OSH Act, Surface Transportation

Assistance Act and the Federal Railroad Safety Act.

In the same time period, OSHA completed 2,597 whistleblower safety cases. Whistleblowers won 655 of those cases – that's one in four.

#### Significant penalties

When the employee wins, here's how much the employer pays:

- In August 2019, a federal judge ordered Lloyd Industries, a manufacturer in Pennsylvania, to pay **\$1.04 million** to employees fired for helping an OSHA investigation.

*(Please see Alert OSHA ... on Page 2)*

### WORKERS' COMPENSATION

## Did marijuana use cause worker's finger amputation?

A worker whose finger was amputated by a machine she wasn't trained on isn't entitled to workers' compensation because her drug test was positive for marijuana, according to a court.

An Arkansas court found her clouded judgment was the cause of her injury, not her lack of training.

Jamy Blair was hired by American Stitchco Inc. to operate sewing machines.

She operated sewing machines for one day but was transferred to the cutting department.

#### Positive drug test

Blair was only shown once by a co-worker how to feed material through the machine. The machine's buttons weren't labeled.

On her fourth day she was operating two cutting machines. One jammed.

She hit what she thought was the

"off" button and tried to pull the material loose. Her finger was severed.

Blair's finger had to be surgically shortened. Medical personnel noted she was alert with normal judgment.

She took a post-accident drug test before being released from the hospital.

The company fired her because she tested positive for marijuana.

Blair admitted using marijuana, but said the last time was four weeks before she started working for Stitchco.

She filed for workers' comp, which the company fought.

The Workers' Compensation Commission denied her benefits.

An appeals court said marijuana impaired Blair's judgment, citing her attempt to clear a jam in a machine she wasn't trained on. The decision was upheld. Benefits were denied.

Info: [tinyurl.com/weedcomp590](https://tinyurl.com/weedcomp590)

## HAZARDOUS EXPOSURE

### OSHA: Pay fired employee \$103,000

A Michigan school district was ordered to pay \$102,905 to an employee who was fired after reporting employee and student exposure to asbestos and pesticides.

OSHA ordered the Dearborn Heights School District to reinstate the employee and pay back wages, and other compensation for unjustly disciplining, discrediting and firing the worker.

#### Publicly disputed complaints

The fired employee was one of two key witnesses in a federal investigation into a 2012 whistleblower complaint involving asbestos exposure at the public school. The employee also reported potential exposure of pesticide at the school in 2016.

OSHA's investigation into both incidents found the school district publicly disputed the complaints and media reports of potential hazards.

The district also used its website to accuse the two employees of spreading misinformation and causing a public

health scare, and stated it was within its rights to terminate whistleblowers, which is a violation of federal law.

Days after receiving OSHA's June 2016 findings in the first whistleblower case, the school district allegedly began conducting a progressive disciplinary campaign against the second worker and eventually fired them.

Info: [tinyurl.com/asbestos590](http://tinyurl.com/asbestos590)

#### Alert OSHA ...

(continued from Page 1)

- In November 2019, UPS Freight was ordered to pay almost \$48,000 in compensatory and punitive damages and back wages to a driver who said managers retaliated against him for refusing to operate a commercial motor vehicle without an electronic logging device.
- A jury awarded \$40,000 in lost wages, pain and suffering, and punitive damages to a former employee of Fairmount Foundry in Pennsylvania. OSHA said the iron-casting company fired him for reporting alleged safety hazards to the federal agency.
- In November 2019, a former Michigan wastewater treatment plant worker got \$125,000 as part of a settlement in a whistleblower case. The worker had filed a lawsuit, claiming he was fired in retaliation for reporting health and safety violations to state agencies and for filing a workers' compensation claim.

#### Reinforce the message

At good companies, workers can always bring their safety concerns to a manager without fear of retaliation.

But do employees know and believe that's the case where *you* work?

Just like many types of safety training, the message that employees should always report problems, risks and hazards needs to be reinforced on a regular basis.

For more on the cases in this story, search "retaliation" on our website.

## 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.

### ■ FEAR OF FIRING TO BLAME FOR REPEAT VIOLATIONS?

The view Safety Manager Pete Travers had from his office allowed him to survey the different work zones like a protective mother hawk.

"Hey Pete, have you had lunch yet?" said Attorney John Jenkins, appearing in the doorway.

"You scared me," Pete said. "No, I haven't."

"Let's go get some lunch," John said. "There's a great place that's near our job site where OSHA made that on-the-spot inspection."

#### Double trouble

"John, I'm just as frustrated as you that we're being cited for the same violations as two years ago," Pete said, sipping his iced tea. "But I can't be at all our sites at once. If I'd been there, I would've warned the foreman about the rules."

"I've decided I'm going to argue employee misconduct," John said, taking a bite of salad.

"Todd Bradford – one of the laborers on that job – was from the union and took an OSHA training course. So he knew he was working in a situation where he could've been injured, but didn't speak up."

Pete countered, "The foreman, who's also union and OSHA trained, gave him orders. It was only when the compliance officers showed up unannounced that he pulled Todd out of the trench."

"What's he gonna do? Defy his supervisor, bring the whole project to a stop and get fired?"

Pete's company contested the citations. Did it win?

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

## SAFETY COMPLIANCE *Alert*

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## INFECTIOUS DISEASE

### Guidance on coronavirus prevention

#### ■ OSHA AND THE CDC OFFER WAYS TO LIMIT EXPOSURE FOR WORKERS

As the novel coronavirus outbreak continues to evolve, OSHA and the Centers for Disease Control and Prevention (CDC) have posted guidance on their websites.

Both agencies wanted to address exposure prevention for those most likely to be exposed.

#### Limited information

Information on the virus, which originated in China, and the severity of its symptoms is still incomplete, with effects ranging from infected people with no symptoms to people who are severely ill and dying.

Early cases of the virus were linked to a large seafood and animal market, suggesting animal-to-person spread, but the number of patients who have had no exposure to animal markets is growing, and there's other evidence suggesting the virus is spreading between people.

China has reported spread of the virus from infected patients to healthcare workers, according to OSHA.

Without sustained human-to-human transmission in the U.S., most American workers aren't at significant risk of infection, but workers involved in airline operations, healthcare and border protection may be exposed to travelers infected with the virus in China or other affected areas.

Business travelers who visit areas where the virus is spreading may also be at a higher risk of exposure.

However, it's still unclear how easily the virus spreads among humans.

#### Reducing exposure

The CDC recommends:

- everyone get vaccinated for the flu and take regular preventive actions to stop the spread of germs
- healthcare professionals be on the look-out for people with fever and respiratory symptoms who recently traveled to Wuhan, China, and
- travelers stay up to date with CDC's travel health notices related to this outbreak.

**Info:** [tinyurl.com/virus590](http://tinyurl.com/virus590) and [www.osha.gov/SLTC/novel\\_coronavirus](http://www.osha.gov/SLTC/novel_coronavirus)

## RECORDKEEPING

### March 2, 2020, is deadline for e-reporting 300A

Heads up! It's time again to electronically submit injury summaries to OSHA.

March 2, 2020, is the deadline for electronically reporting your OSHA Form 300A data for calendar year 2019.

#### Who has to report?

Establishments with 250 or more employees that are currently required to keep OSHA injury and illness records, and facilities with 20-249 employees that are in certain industries must submit info from Form 300A electronically to OSHA.

(For a list of facilities with 20-249 employees that have to report, go to [tinyurl.com/300Alist591](http://tinyurl.com/300Alist591).)

OSHA says it uses the data to

identify facilities with high rates of workplace injuries and illnesses. OSHA will use the data for both enforcement and outreach.

There are three options to submit the data on OSHA's website:

- Enter the data into a webform
- Upload a CSV file to process single or multiple facilities at the same time, or
- Transmit an API file.

Starting this year, employers must include their facilities' Employer Identification Numbers.

Other OSHA rules for Forms 300, 300A and 301 aren't changed by the electronic requirement.

**Info:** [osha.gov/recordkeeping/finalrule/index.html](http://osha.gov/recordkeeping/finalrule/index.html)

## TRENDS TO WATCH

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

#### ■ RULE REQUIRES EMPLOYEE ACCESS TO SAFETY PLANS

A proposed standard requiring California employers to share their safety plans with employees is expected to go into effect Jan. 1, 2021.

California's Occupational Safety and Health Standards Board has approved the standard.

The standard requires employers to provide employees with access to written injury and illness prevention plans within five days of a request.

Employers have two options:

1. They can provide requesting employees a printed or electronic copy of the plan.
2. In lieu of providing a copy of the plan, employers can allow their employees "unobstructed access through a company server or website, which allows an employee to review, print and email the current version of the program."

**Info:** [tinyurl.com/calinjprev590](http://tinyurl.com/calinjprev590)

#### ■ WEBSITE UPDATED TO VERIFY OSHA TRAINING CARDS

Nevada employers have a new way to verify employee OSHA 10- and 30-hour Construction and General Industry training cards.

The Division of Industrial Relations and Safety Consultation and Training Section implemented updates to the NV1030.org website allowing employers to verify OSHA cards issued after Jan. 1, 2020, according to *Nevada Business Magazine*.

Previously, the website was used for finding authorized OSHA 10- and 30-hour trainers, but now the site also allows employers to verify the card status of their employees.

Older cards may not be verifiable on the site, but they could still be valid. If a card was issued before Jan. 1, 2020, it must be verified by contacting the issuing institution.

**Info:** [NV1030.org](http://NV1030.org)

## Roundup of most recent OSHA citations

### **Employee crushed to death when stone falls on him**

OSHA cited a manufacturer after a stone slab fell off a storage rack, crushed and killed an employee.

**Fine:** \$87,516

**Company:** Quartz and Stone Creations of New Hampshire, Northwood, NH

**Business:** Cut stone manufacturing

**Reasons for fine:**

*13 serious violations, including failure to:*

- furnish place of employment free from crushing hazards likely to cause death or serious physical harm
- keep emergency escape ladder accessible and free from vegetation
- ensure appropriate eye and face protection was worn
- implement energy control program
- get manufacturer's approval before modifying forklifts
- train forklift operators on safe use of fork attachments
- prevent employees from standing on or under elevated parts of forklifts
- take forklifts in need of repairs out of service
- examine forklifts before use
- safeguard employees from recognized hazards of electrical equipment

*Seven other-than-serious violations, including failure to:*

- keep exit signs clearly visible
- perform annual maintenance checks on fire extinguishers
- retain all employee audiometric test records
- preserve employee silica and noise exposure records for at least 30 years
- perform initial monitoring of worker exposure to respirable silica

**Note:** Four of the other-than-serious violations are from a second citation with no fine.

### **2 workers die in trench collapse; \$88K OSHA fine**

Two Alabama contractors were cited by OSHA after two workers were killed in a trench collapse at a residential project.

**Fines:** \$55,326 (Calloway Inc.);

\$33,156 (OLA Inc.)

**Companies:** Calloway Inc., dba American Lawn Company, Bessemer, AL; OLA Inc., dba Outdoor Living Areas, Bessemer, AL

**Businesses:** Water and sewer line construction (both companies)

**Reasons for fines (both companies):**

*Six serious violations each for failure to:*

- train employees on recognition and avoidance of unsafe conditions
- ensure employees wore protective helmets in areas where head injuries could occur
- provide safe mean of egress from excavation 4 feet or more in depth
- keep excavated materials at least 2 feet from edge of excavation
- ensure excavations were inspected daily by competent person
- protect employees working in trench from cave-ins by using adequate protective systems

### **Crane drops steel plate on worker's foot: \$170K**

OSHA cited a New Jersey aluminum manufacturer after a crane operator was hospitalized when a steel plate fell from an uninspected crane onto his foot.

Inspectors found the company failed to conduct annual crane inspections and didn't report the injury within 24 hours of the injured worker's hospitalization.

**Fine:** \$169,524

**Company:** Aluminum Shapes LLC, Delair, NJ

**Business:** Aluminum extruded product manufacturing

**Reasons for fine:**

*Three repeat violations for failure to:*

- perform monthly inspections of hoist chains
- complete periodic inspections of cranes in past 12 months
- report hospitalization of injured employee within 24 hours

*One serious violation for failure to:*

- secure load in lifting device

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

## WORKERS' COMP DECISIONS

### **Can terminated worker continue to collect?**

An injured worker fired for insubordination wants to continue to collect benefits. Can she collect?

**What happened:** A worker injured her leg after being told her work needed improvement. The company accommodated her restrictions, but she continued to struggle and was fired for insubordination.

**Company's reaction:** You were fired for misconduct, which had nothing to do with your injury.

**Decision:** No, she couldn't collect. Even though there was precedent an injured worker fired for misconduct doesn't count as refusal of employment, there wasn't enough evidence proving she was still injured when she was terminated, according to an appeals court.

**Cite:** *City of Fort Smith v. Kaylor*, AR Court of Appeals, No. CV-19-308, 11/6/2019.

### **Can family of worker killed by disease collect?**

A worker got meningitis and died after cleaning a storage shed. Can his family collect benefits?

**What happened:** A groundskeeper contracted meningitis and died after cleaning out a storage shed contaminated with bird feces and dead birds. Doctors said the infection could've been a result of exposure to bird feces.

**Company's reaction:** Others who worked in the shed didn't get sick.

**Decision:** The family couldn't collect. Despite the doctors' expert opinions, there was no conclusive evidence the infection had a connection to the storage room.

**Cite:** *School District of Indian River County v. Cruce*, FL Court of Appeals, No. 1D17-3342, 11/27/19.

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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 **Put it in an email or save it for a meeting?**

Our employees get so focused on their day-to-day work tasks – plus whatever else is going on in their lives – that safety's not something they're thinking much about.

So when it comes to workplace safety awareness, I have to be selective how I put the word out.

### **Undivided attention needed?**

Management is on board with the importance of safety, so I have the authority to send emails out to the entire campus if there's something that's

happening, or going to happen, that everyone needs to be aware of.

But those messages should be items our people can quickly read and then go about their day. One example of that: when it gets really cold, tips on how to walk properly on patches of ice so they don't slip, fall and get injured.

Other times, I mix it up by printing and posting fliers in our break rooms.

For more-involved and critical safety issues – like emergency management, the alarm system or fire extinguisher training – it makes more

sense to address them in-person.

The best time of all to do that is the quarterly "all-hands" staff meetings, when operations are shut down for an hour and everybody's in the conference room.

Safety managers have to read their personnel and decide: Is a mass email, or a flier in a high-density area, enough? Or is this something people will pick up better if I'm looking them in the eye?

*(John Seidl, EHS Site Manager, Derco Aerospace Inc., Milwaukee)*

**REAL  
PROBLEMS,  
REAL  
SOLUTIONS**

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## 2 **Ergonomics policy improves engagement**

When I started the job at my employer two-and-a-half years ago, they hadn't kept track of ergonomic injuries.

I made sure that changed.

### **Injuries kept to a minimum**

The new policy encourages workers to be proactive by speaking up, nipping injuries in the bud.

The employee might start feeling a little pain. They'll call me and I'll find ways to help.

This year we made 30 ergonomic evaluations.

Usually, we inspect the work station of a new hire. Or it could be an employee's work station where there's nothing wrong – the worker just wants to make sure they're safe.

We've kept ergonomic injuries to a minimum.

There have been just two ergonomic-related injuries this year. One was carpal tunnel/repetitive motion; the other was tendinitis.

The employee with tendinitis had been incorrectly using equipment, and

waited until they were already injured before reporting it.

### **Until there's a regulation ...**

Someday there will be detailed federal laws on workplace ergonomics because of the insurance costs involved as a result of injuries. But in the meantime, it's up to safety directors to make the call.

*(Antonio Ruiz, Environmental Health and Safety Manager, Otis College of Art and Design, Los Angeles)*

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## 3 **Some tips to prevent new hire injuries**

When people get injured it's usually in their first six months on the job or after 10 years and complacency sets in.

In those first six months or so, those injuries occur because the newly hired employee is ignorant of the risks involved with their job.

So what can be done to prevent new employees from getting injured?

### **Set expectations, give specifics**

When talking to a potential new hire, tell them about what you expect

at your company from a safety perspective.

When you have orientation, talk about safety while setting your expectations. Tell them, "Here are our safety rules. We expect you to follow them."

You'd be surprised how many companies just give them a safety handbook and say, "Here read this. Oh, by the way, sign the back page, tear it out and give it to me now."

We can't have that. We have to talk to them about it – either go over it right away or talk about it after they've read the handbook.

Tell them, "This is what we expect of our employees. If you're not going to follow these rules then this job is not the best place for you." Then explain what the repercussions are for not following the rules.

After setting those expectations, you'll want to go over the specific safety hazards they'll find in the department they'll be working in.

Let them know you want them to be aware of, and avoid, those hazards.

*(Adapted from a presentation by Edwin Foulk, Partner, Fisher Phillips LLP, Atlanta, at the 2019 VPPPA Safety+ Symposium)*

## TARGET INDUSTRIES

### OSHA revises National Emphasis Program on respirable silica

OSHA has made revisions to its National Emphasis Program on respirable crystalline silica in general industry, maritime and construction.

This new NEP targets specific industries expected to have the highest numbers of workers exposed to silica and focuses on enforcement of new silica standards, one for general industry and maritime, and one for construction.

Those standards were effective June 2016 and compliance was required Sept. 23, 2017 for construction and June 23, 2018 for general industry and maritime employers.

Respirable crystalline silica is generated by cutting, sawing, grinding, drilling and crushing certain types of stone and concrete materials. Inhaling those particles can cause silicosis, an incurable lung disease, along with other lung problems and diseases.

OSHA will conduct 90 days of compliance assistance for stakeholders prior to beginning programmed inspections for the NEP, according to an OSHA news release.

The NEP contains these changes:

- A revised application to the lower permissible exposure limit for respirable crystalline silica to 50 micrograms per cubic meter as an eight-hour time-weighted

average in all three industries.

- An updated list of target industries that area OSHA offices will use to develop randomized lists of employers for targeted inspections.
  - Compliance officers will refer to current enforcement guidance for inspection procedures.
  - All OSHA regional and area offices must comply with the NEP, but are not required to develop corresponding regional or local emphasis programs.
  - State Plans must participate because of the nationwide exposures to silica.
- Info: [tinyurl.com/silica590](http://tinyurl.com/silica590)

### Can products have HCS and GHS container labels?

Guidance from OSHA reveals many chemicals won't be able to carry multi-jurisdictional chemical hazard communication labels on containers.

Past information from OSHA and the UK's Health Safety Executive indicates it won't be possible to place a legally compliant multi-jurisdictional chemical hazard communication label or panel of labels on a chemical container.

A June 2016 OSHA letter of

interpretation seems to state inconsistent OSHA Hazardous Communication Standard and international Globally Harmonized System labels wouldn't be permitted on chemical containers distributed in the U.S., according to the law firm Keller and Heckman.

OSHA's HCS 2012 doesn't prohibit additional information on a GHS-compliant label, and via a January 2013 letter of interpretation, OSHA clarified this is permitted as long as it doesn't cast doubt on the HCS required information.

### Same for European Union

But would affixing a destination country's label along with the HCS-compliant label cast doubt?

Answer: Possibly. If the two labels are on the same container there can be no conflict or contradiction between them, and contradictions may arise if another country adopted a different version of the GHS than the U.S., according to OSHA.

The UK's Health Safety Executive agreed via advice dated Oct. 22, 2019:

"Overall, it is questionable whether the inclusion of multiple country/regional labels would meet all of these requirements."

Info: [tinyurl.com/ghs590](http://tinyurl.com/ghs590)

## SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No. Pete's company lost and will have to pay over \$22,000 in fines.

To prove "unpreventable employee misconduct" on Todd's part, the company would have to have shown that:

- written safety rules were adequately communicated to the employee
- steps were taken by the company to discover violations of the rules, and
- it effectively enforced the rules when infractions were discovered.

The court ruled that Pete's company didn't meet any of those qualifications.

It also didn't look good that the company had been cited by OSHA for the same violations in the past.

Todd testified that he followed his foreman's instructions because he'd seen co-workers get laid off for reporting concerns about unsafe conditions, and was afraid the same thing would happen to him.

### ■ ANALYSIS: WORKERS SHOULDN'T FEAR RETALIATION

It's important for employees to be comfortable with reporting any safety issues without fear of retaliation.

Also, company safety policy should be in writing and understood by your employees.

For ideas visit [osha.gov/Publications/OSHA3905.pdf](http://osha.gov/Publications/OSHA3905.pdf)

Cite: *Secretary of Labor v. Casale Construction Services Inc.*, Occupational Safety and Health Review Commission, No. 17-0734, 10/21/19. 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.

### TRANSPORTATION

A trucking company's attempt to decertify a class action lawsuit based on the Department of Labor's new interpretation of the sleeper berth time regulation was shot down Jan. 24 by a federal court.

Because the court didn't refer to an older DOL interpretation in its original decision, the new interpretation had no effect on the case, according to the court.

In 2018, Arkansas truck drivers filed an ongoing class action lawsuit against PAM Transport Inc. claiming they should be paid for time they spent in a sleeper berth under the Fair Labor Standards Act.

PAM Transport argued sleep time is never compensable for commercial drivers under federal law.

However, the Arkansas district court found federal regulation required compensation for sleeper berth time over eight hours during shifts of 24 hours or longer.

Despite the DOL's new interpretation, the court stuck to its original ruling that the truckers should be paid.

Info: [tinyurl.com/berth590](http://tinyurl.com/berth590)

### MINE SAFETY

Failure to pay attention to atmosphere readings of multi-gas detectors led to a fatal explosion at a Kentucky coal mine, according to MSHA. The devices detected methane gas above permissible limits, but the detectors were silenced and no action was taken.

Paradise Mine #9 was shut down for reclamation and a plan for sealing its shafts submitted.

MSHA approved the plan, which required work to stop if methane levels reached 1% or more.

The mine operator, Murray Energy Corporation, hired Fricke Management and Contracting to

construct seals at two shafts but didn't provide the contractor with its directive on methane gas.

On July 31, 2019, a Murray supervisor took readings which indicated methane levels ranging from 0.5% to 3% but didn't record the information or tell the Fricke employees about the unsafe levels.

Richard Knapp, a Fricke employee, and three co-workers arrived at the mine to construct the seals, and Murray provided two of the Fricke employees with multi-gas detectors.

Battery-powered grinders were also in use, and Fricke workers smoked cigarettes as they worked.

Three explosions happened quickly.

One of Knapp's co-workers saw him fall into a shaft. His body wasn't found.

An investigation revealed three multi-gas detectors in use during the operation, but only one of them was turned on in the few hours immediately before the explosion occurred.

Info: [tinyurl.com/mshainvest590](http://tinyurl.com/mshainvest590)

### ACCIDENTAL RELEASES

The U.S. Chemical Safety and Hazard Investigation Board (CSB) approved its final rule on accidental release reporting, which will now grant companies eight hours to report, up from four hours in the proposed rule.

This rule requires facility owners experiencing an accidental release of regulated, hazardous material that results in death, serious injury or substantial property damage to report key information to the CSB.

Required information is limited to critical information so the CSB can make informed decisions about its jurisdiction, inter-agency coordination and deployment, according to the pre-publication version of the rule.

Required information includes:

- minimal contact information
- basic description of the incident, and
- relevant Chemical Abstract Service (CAS) registry numbers associated with the chemicals involved.

Info: [tinyurl.com/release590](http://tinyurl.com/release590)

## WHERE TO GET HELP

### INDOOR ENVIRONMENTAL QUALITY DURING RENOVATION

The National Institute for Occupational Safety and Health (NIOSH) has conducted several health hazard evaluations in buildings undergoing renovations.

NIOSH investigators identified issues that could affect indoor environmental quality (IEQ) such as a lack of dust control, use of high emission building materials and limited communication with occupants about hazards.

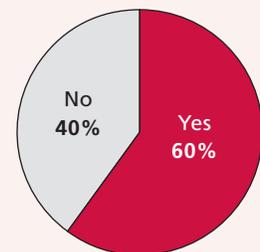
The result is a document outlining steps to maintain acceptable IEQ during construction and renovation projects.

The document categorizes the recommendations by stage of the project, from initial planning to implementation.

Info: The document is free at [tinyurl.com/lieq590](http://tinyurl.com/lieq590)

## What safety pros say

Are you concerned about catching the flu in 2020?



Source: Bradley Corporation survey of 1,005 people

In response to flu outbreaks, 80% say they wash their hands more frequently, thoroughly or longer after using a public restroom.

Info: [bradleycorp.com/handwashing](http://bradleycorp.com/handwashing)

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?

## Crew is frustrated with 'Big Brother' supervisor watching their every move

### The Scenario

Manager Mike Kelly leaned back in his office chair and stretched.

*Boy, these reports can be daunting,* he thought.

As he prepared to get back to his paperwork, there was a knock at the door.

"Come in," Mike said.

The door cracked open and three production workers filed into Mike's office. They looked upset.

*Oh no, what's this about,* Mike thought.

"What's going on guys?" he asked.

"We've had enough, Mike," one of them said.

"We're not going to put up with Big Brother anymore," said another.

"I'm sorry, I'm a bit confused," Mike said. "Can you give me more information?"

"We're talking about Ken

Dawson, the supervisor," the third explained.

### Sneaking around

"Ken is constantly watching us," the first worker said. "He says it's to make sure we don't take shortcuts on safety, but he's going too far."

*Strange. Ken's crew is already pretty safety conscious,* Mike thought.

"He's sneaking around and staring at us from behind stacks of pallets like he's waiting for us to mess up," the third worker said.

"It's gotten so bad, some of the guys have started calling him Big Brother," the second worker said. "We're all distracted because you never know when or where he'll be watching."

If you were Mike, what would you do?

### Reader Responses

#### 1 J.W. McGee, Safety Director, Charley Toppino & Sons Inc., Key West, FL

*What J.W. would do:* I'd take the head-on approach. I do pretty much the same job on infrastructure job sites by being seen, making workers take safety breaks and bringing them things like Gatorade or replacement PPE.

*Reason:* Talking to the workers, not at them and using positive reinforcement usually gets the message across in a better way.

#### 2 Joseph Kidwell, EHS Manager, Auxilius Heavy Industries, Fowler, IN

*What Joseph would do:* I had a supervisor like that once, and several workers gave me a heads up about him. He did sneak around, but I found

if I stayed busy and did things right, he wouldn't bother me.

*Reason:* Some guys did get written up because they were taking shortcuts with safety or slacking off, so I guess if you're guilty, you'd get a little upset getting caught.

#### 3 Lewis Britton, Safety Manager, Joe Tex Xpress Inc., Mount Vernon, TX

*What Lewis would do:* I'd remind them it's Ken's job to ensure employees under his supervision are working and using proper safety practices. Ken could also use some training on how to oversee staff without making them paranoid.

*Reason:* It's the responsibility of management to foster trust within the company and let employees know the company cares about worker health and wants to make sure they are safe while working.

## OUTSIDE THE LINES

### ■ BILL WOULD CRACK DOWN ON ICE CREAM LICKING

Better food safety is the aim of an Arizona lawmaker's new bill.

Rep. T.J. Shope has introduced a bill to make it illegal to lick ice cream and return it to a store shelf.

Last summer, a Twitter video showed a teenager removing a half gallon of ice cream from a freezer in a Texas Walmart, taking off the top, running her tongue across the ice cream, resealing the container and putting it back on the shelf. Social media copycats followed.

Violators would face up to a \$750 fine or four months in jail. If someone eats the contaminated product or posts about it online, the penalty rises to up to a year in prison.

I scream, you scream, we all scream at people who open, lick and put back ice cream.

**Info:** [tinyurl.com/licecream590](http://tinyurl.com/licecream590)

## Did you know ...

### Preventing amputations



Under federal law, employees **under age 18** are **prevented** from performing certain tasks because of **amputation hazards**.

Source: OSHA

Among the machines workers under 18 are prohibited from using: certain saws, meat processing and woodworking machines.

**Info:** [tinyurl.com/amputation590](http://tinyurl.com/amputation590)

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