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SAFETY NEWS ALERT

Safety News Alert, part of the SuccessFuel 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 lead by veteran Editor-in-Chief Fred Hosier.

NSC: U.S. COVID deaths surpass 2018 accidental death numbers

■ Deaths now exceed 170K, according to data

Mortality numbers in the U.S. for COVID-19 – by August – have already surpassed the total number of preventable, accidental deaths in the country in 2018, the most recent year of final data, according to the National Safety Council.

The latest data reveals the number of confirmed and probable COVID-deaths in the U.S. now exceeds 170,000, more than the 167,127 preventable deaths the nation saw in 2018.

If this pace continues, COVID-19 will be the third leading cause of death in 2020, falling just behind heart disease and cancer.

This would also mark the first time since 2016 that preventable deaths – including drug overdoses, motor vehicle crashes and falls – would not be the third leading cause of death in the U.S., an NSC news release states.

Numbers illustrate scale of pandemic

While this data is preliminary, it “clearly illustrates the scale of the pandemic. In a little more than six months, COVID-19 has claimed more lives than accidental drug overdoses, motor vehicle crashes and falls combined during 2018.”

The coronavirus has also impacted

(Please see COVID deaths ... on Page 2)

OFFICE OF INSPECTOR GENERAL

Handling of COVID whistleblower claims questioned

OSHA needs to develop a caseload management program for investigating the many coronavirus-related whistleblower complaints it's received, according to the Department of Labor's Office of Inspector General.

Complaints left open too long could leave workers to suffer emotionally and financially while leading to the erosion of key evidence and witnesses.

The OIG investigation revealed the pandemic significantly increased the number of whistleblower complaints OSHA received, straining the agency's ability to complete investigations in a timely manner – something it was having trouble with even before the pandemic.

Whistleblower investigators told the OIG no more than 20 open investigations at one time would be the optimal caseload per investigator.

Depending on the region, there were 15 to 40 open investigations in 2019 and 19 to 45 in 2020.

A triage pilot program meant to expedite complaint screenings OSHA experimented with before the pandemic wasn't used during the pandemic.

Recommendations for the agency

- The OIG recommends OSHA:
 - fill the five current whistleblower investigator vacancies
 - continue to monitor and evaluate the triage pilot program while considering extending it to all regions, and
 - develop a caseload management plan to evenly distribute complaints among its investigators.
- OSHA agreed with the OIG recommendations.

NATIONAL SAFETY COUNCIL

NSC's next Congress goes virtual in 2021

The National Safety Council says due to continuing concerns about COVID-19, its annual flagship conference will be a fully virtual event in March 2021.

The exact dates for the virtual conference will be announced in the coming weeks.

The NSC Congress & Expo had been scheduled for October 2020 in Indianapolis, and then was postponed until March in Houston.

Ensuring a safe event

"Our stakeholders all expect an excellent experience and most important, they expect to be safe," said NSC CEO Lorraine Martin.

"By moving our Congress & Expo fully online to a virtual platform, we can both ensure a safe and comfortable event for everyone while continuing to deliver the world-class safety event everyone looks forward to," Martin said.

This is only the second time the

NSC hasn't held its annual Congress since 1912. The event was also postponed in 1945 after World War II.

The NSC's Green Cross for Safety Awards gala will also be held virtually on Oct. 1, 2020.

Guidance for employers on COVID-19 and updates on the virtual Congress can be found on the NSC's website at nsc.org/coronavirus

COVID deaths ...

(continued from Page 1)

preventable deaths with "increases in opioid overdose and motor vehicle fatality rates as an indirect consequence of the pandemic."

NSC is urging the public to continue to follow public health guidance around facial coverings, physical distancing and proper hygiene, and reminds employers to ensure their employees return to work at traditional work environments safely.

All masks are not the same

As for coverings, a researcher has shown, via a video, the difference in droplet spread with no mask and different types of face coverings.

A video from a chemist at Duke University shows whether masks reduce coronavirus spread, and which masks perform best.

Using a box, a laser, a lens and a cell phone camera, the test confirmed that when people speak, small droplets get expelled, so disease can spread by talking, without coughing or sneezing.

The face covering that reduced droplet spread the most were N95 masks without valves that are used in hospitals.

Surgical masks also performed well, as did hand-made cotton face coverings.

However, bandanas and neck fleeces such as balaclavas didn't block droplets much at all.

A Duke physician said if everyone wore a mask, we could stop up to 99% of these droplets before they reach someone else.

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.

WHO WAS RESPONSIBLE FOR MISSING GUARD RAILS?

Safety Manager Pete Travers was enjoying his week-long "staycation" despite having to cancel travel plans.

I finally have time to play that new video game, Pete – a long time gamer – thought.

He turned on the gaming console, and just as the intro screen began to fade, his phone rang.

"Pete? It's John," Attorney John Jenkins said. "We need to talk."

Couldn't see it from ground level

"It's about that OSHA citation involving scaffolding," John said.

"Our company was the general contractor at a multi-employer jobsite," Pete said. "There were a lot of subcontractors involved, and one of them was in charge of all the scaffolding onsite.

"They would sign off on a tag attached to the scaffold to show it was checked," Pete continued "Our supervisors checked the tags on their safety walks to make sure inspections were being done.

"The other subcontractors had to do their own inspections before using the scaffolds," Pete added.

"Then why didn't anyone notice the one scaffold's missing guard rails OSHA is citing us for?" John asked.

"No one seems to know anything about it, but I can tell you there's no way you could see them missing from ground level," Pete replied.

"Then since we didn't have any knowledge of the violation, we can fight this," John said.

Pete's 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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WORKERS' COMPENSATION

COVID-related comp claims rising in CA

■ SPIKE INDICATES LAG IN FILING, REPORTING, RECORDING CLAIMS

COVID-19 workers' compensation claims continue to rise in California, climbing to 31,612 claims, or 10.2% of all California job injury claims reported for 2020, as of Aug. 10, according to a new report.

Those claims include 140 COVID-19 death claims, which are also up from the 66 reported on July 6.

May and June saw "sharp increases in COVID-19 claims for each of those months, as the number of COVID-19 claims with June injury dates more than doubled from 4,438 claims as of July 6 to 10,528 claims as of Aug. 10," according to a California Workers' Compensation Institute news release.

COVID-19 claims dated from May rose from 3,889 cases to 4,606, which indicates a lag in filing, reporting and recording such claims.

The institute projects "there could ultimately be 29,354 COVID-19 claims with July injury dates and 56,082 COVID-19 claims with January through July injury dates."

This data was compiled via the

institute's COVID-19 and Non-COVID-19 Interactive Claim Application, an online data tool that integrates data collected by the institute, the Bureau of Labor and Statistics and the Division of Workers' Compensation.

Breakdown of industry shares

The report's breakdown showing each industry's share of the COVID-19 claims reveals healthcare and public safety/government workers account for the largest number of claims.

Industries with the highest numbers of claims include:

- Healthcare, with 38.7% of the claims recorded for the first seven months of 2020.
- Public safety/government workers, accounting for 15.8%.
- Retail, with 7.9%.
- Manufacturing, with 7%.
- Transportation, with 4.7%.
- Food Services, at 3.9%.
- Administration and Waste, 3.8%.
- Agriculture, 2.9%.
- Construction, 2.7%.
- Wholesale, 2.4%.

COVID & PPE

Court: McDonald's cannot use dog diapers as masks

A McDonald's restaurant in Oakland, CA, must provide its workers – who'd been forced to wear dog diapers and coffee filters as masks – with more protection against the coronavirus, per an Aug. 13 court order.

The franchise location had been hit by an outbreak of the coronavirus, so workers filed a lawsuit to force the company to provide more effective protection against the disease.

PPE, sick leave addressed

A preliminary injunction against the franchise owners was issued by the court "imposing 11 measures including providing 'adequate and sufficient masks' and gloves to

employees," according to a *San Francisco Chronicle* story.

The restaurant was also ordered to allow employees who call in sick to stay home, send home workers who exhibit symptoms of the coronavirus or who are in quarantine while waiting for test results, and to follow other state and local sick leave requirements.

On June 24, two McDonald's restaurants in Chicago were ordered to comply with state mask and social distancing requirements in a similar lawsuit brought by workers.

The judge in that case found that while the franchisees were making an effort, they could have done more, considering the severity of the situation.

TRENDS TO WATCH

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

■ 11 BUSINESSES FINED OVER CORONAVIRUS COMPLIANCE

Nevada OSHA fined 11 businesses for failing to comply with coronavirus pandemic mitigation measures, including mask-wearing and social distancing.

About 700 inspections were conducted statewide.

A Walmart and a Neiman Marcus were among those fined, with both receiving penalties of \$12,600, according to the *Las Vegas Sun*.

Other fines ranged from less than \$3,000 for a tire store to \$6,000 for a Las Vegas pizza restaurant.

This is the result of Governor Steve Sisolak's July announcement he would focus on data specific to businesses and municipalities instead of broad guidelines for geographic areas to reopen with coronavirus prevention measures in place.

■ NEW LAW REQUIRES POLICIES FOR COVID PROTECTIONS

The District of Columbia enacted a new law Aug. 13 requiring employers to implement social distancing and worker protection policies adhering to its mask order.

Employers must implement policies in the "Protecting Businesses and Workers from COVID-19 Emergency Amendment Act of 2020" no later than Aug. 20.

Under the act, employers must post signs on exterior doors stating entrance is prohibited to anyone not wearing a mask, attempt to eject those not wearing masks and provide masks to employees.

A few exceptions exist involving medical conditions, disabilities and job equipment precluding wearing of a mask, according to law firm McGuire Woods.

The law also prohibits retaliation against employees who test positive for COVID-19 or are caring for someone with the disease.

Roundup of most recent OSHA citations

Worker caught, killed in machine: \$55K OSHA fine

OSHA cited a Georgia saw mill when an employee was killed after getting caught in a machine.

The employee suffered a fatal injury when their clothing got caught on the shaft of a conveyor.

OSHA conducted the inspection under the National Emphasis Program on Amputations and the Regional Emphasis Program for Powered Industrial Trucks.

Fine: \$55,326

Company: Southern Wood Components, Moultrie, GA

Business: Sawmill

Reasons for fine:

12 serious violations, including failure to:

- develop procedures for control of potentially hazardous energy
- conduct periodic inspection of energy control procedures
- ensure employees understood purpose and functions of energy control program
- ensure employees used lockout/tagout devices before servicing equipment
- provide machine guarding at points of operation
- cap unguarded projecting shaft ends

Two other-than-serious violations for failure to:

- develop and implement written emergency action plan
- train employees in use of portable fire extinguishers

7 employees sick with coronavirus: \$40K fine

OSHA cited three Ohio nursing facilities for failing to fully implement respiratory programs leading to the coronavirus-related hospitalization of seven employees.

Each location was found to have serious violations of two respiratory protection standards meant to protect employees from exposure to the coronavirus.

The agency also issued a Hazard Alert Letter regarding the company's

practice of allowing N95 respirators to be used for up to seven days without conducting initial fit testing.

All three facilities – Pebble Creek Healthcare Center in Akron, and Salem West Healthcare Center and Salem North Healthcare Center, both in Salem – are owned by OHNH EMP.

Fine: \$40,482

Company: OHNH EMP, Blue Ash, OH

Business: Nursing care facilities

Reasons for fine:

Six serious violations, including failure to:

- establish and implement written respiratory protection program for required respirator use (at each facility)
- provide medical evaluations to determine employee ability to use respirators (at each facility)

Roofer fined \$49K for fall hazards at two worksites

OSHA cited a roofing contractor after fall hazards were found at two worksites in Boynton Beach, FL.

The agency initiated inspections at both locations as part of the Regional Emphasis Program for Falls in Construction.

Fine: \$49,930

Company: Camaney Services of Central Florida, Lake Worth, FL

Business: Roofing contractor

Reasons for fine:

Seven serious violations, including failure to:

- initiate and maintain accident prevention program
- regularly inspect worksites
- protect employees working on steep roof 6 feet or more above lower levels from falling by using guardrail system with toe boards, safety net or personal fall arrest systems
- train employees to recognize and avoid fall hazards
- ensure ladder side rails extend at least 3 feet above upper landing surface
- ensure ladders were used only for their intended purpose

WORKERS' COMP DECISIONS

Can he collect even with a history of back problems?

A worker with a history of back problems fell, injured his knee and claimed the fall caused more back pain. Can he collect?

What happened: While working on a 4-foot high elevated platform, the worker – who had a history of back of problems – fell and injured his left knee and leg, which workers' comp covered. Later, he was diagnosed with complications in his lumbar spine.

Company's reaction: Your current back problem is not work related.

Decision: He couldn't collect.

Although his condition did worsen, he couldn't prove this was a result of the fall, according to the court.

Cite: *Neisinger v. New Hampshire Insurance*, Montana Workers' Compensation Court, No. 2017-4143, 2/26/20.

Can he get benefits after testing positive for weed?

An injured worker tested positive for marijuana. Can he collect?

What happened: An injured employee received comp benefits and was prescribed opioids for pain. As per company policy, routine drug testing was required to ensure the drugs were being used as prescribed. One test came back positive for marijuana.

Company's reaction: You violated our drug policy, so you voluntarily left employment, and we won't be paying you disability benefits.

Decision: He couldn't collect. He read and signed the drug policy, so he knew a positive test would result in termination, according to the court.

Cite: *State ex rel Merritt v. Industrial Commission of Ohio*, OH Court of Appeals, No. 18AP-234, 2/27/20.

WHAT'S WORKED FOR OTHER COMPANIES

SCA 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 **Want engagement? Share your mistakes**

In near-miss or injury incidents, it can be difficult to get employees to admit they may have made a mistake.

That's because people – including ourselves – are afraid to admit their mistakes.

If you ask an employee why they didn't follow a procedure, what ends up happening is you shut them down.

They don't look for any sort of relationship between you and them – all they'll want is to get away from you.

I've had experiences in the past where I pointed the finger and asked,

“Why did you do that?” and I found people didn't engage with me.

That's because it's embarrassing to be called out in such a way.

Be willing to humble yourself

What I did is I started sharing mistakes I'd made in the past.

When I shared those, I actually get more of a response and more engagement.

If you're willing to humble yourself to share a story about a time you fell or tripped along with one about something like locking your keys in the

car, it can help build a relationship.

This opens the door for you – as a safety professional – to be human, which is cool because you'll get your employees to start engaging more and participating in your safety program.

You'll develop relationships beyond the procedural side of safety, which will help foster more engagement and ultimately more honesty when mistakes do happen.

(Tim Page-Bottorff, Certified Safety Professional, SafeStart, Washington, at ASSP's Safety 2020)

**REAL
PROBLEMS,
REAL
SOLUTIONS**

2 **Communication when we can't be face-to-face**

We always want to try to resolve conflict face-to-face.

In the environment we're in now, where we're doing lots of things virtually, it's essential we understand *how* to communicate.

That's because people don't have the opportunity to see things like our body language.

It's all about the delivery

One of the most important parts of improving oral communication

is speaking in shorter segments.

This gives people the opportunity to receive the information in manageable bits so they can digest it and respond to us.

Where possible, eliminate any jargon or industry-speak that might be a barrier for effective communication.

Make sure to use tone and inflection. The human voice is the greatest instrument ever developed because of its versatility. We have to be able to use it.

Emphasize the points you want to make by varying your pace, slowing

down at important parts and not being afraid of silence.

Many people want to fill silent gaps in conversations. But silences will help create a more impactful message.

Finally, you have to believe in what you say. Don't utter a word that you don't actually believe.

Planning your delivery will help you get your content across.

(Based on a presentation by Julius Rhodes, Founder, MPR Group, Chicago, at ASSP's Safety 2020)

3 **COVID-19 shifted our work-at-home policy**

How has work culture shifted due to the coronavirus?

Remote work hadn't been part of our work culture.

When it comes to that, we had a traditionally conservative, old-school culture.

Removing stress

Despite talking about it, nothing pushed us to remote work.

Then coronavirus struck.

We turned on a dime to

remote work.

Even our customer service reps took their phone sets to work from home.

My job as a leader is to get the job done.

But I think often, being seen and performing get woven together as one in the same.

And they're completely not.

With coronavirus, the lens we now look through asks the question, *how do we remove as much stress as possible so employees can get their jobs done?*

I think the expectations of workers have shifted.

We're hearing voices we haven't heard before.

Flexibility is key

People didn't think we could work remotely before, and now it's been going on for over three months.

Being flexible, and removing stress so employees can get their jobs done has shifted our culture overnight.

(Based on a session by Jennifer McNelly, CEO, Park Ridge, IL, at ASSP's Safety 2020)

COURT DECISION

On-the-job training is adequate communication of rules

A lack of fully documented safety training does not prove inadequate communication of safety rules, according to a July 28 Occupational Safety and Health Review Commission decision.

On Dec. 8, 2015, Angel Brothers Enterprises began work on the installation of a concrete drainage pipe next to a road in LaPorte, TX.

The company's safety manager determined a trench box would be needed because a nearby intersection would interfere with benching.

But the foreman in charge didn't use it because he didn't want to block the entrance to a nearby neighborhood while maneuvering the box into place with an excavator.

When OSHA inspected the site, the foreman admitted he let an employee work in the excavation for a short time.

OSHA issued a willful violation, but Angel contested it, arguing the incident was a result of the foreman's unforeseeable employee misconduct.

Toolbox talks count

An administrative law judge found Angel didn't effectively enforce its safety rules so upheld the citation.

She also found Angel couldn't prove adequate communication of the

rule because its training was on-the-job, verbal and not fully documented.

On review, the commission agreed Angel failed to prove unforeseeable employee misconduct but found there was more than enough evidence the company communicated its safety rules using toolbox talks and other on-the-job methods.

Company must reinstate whistleblower, pay \$137K

U.S. Corrections LLC of Melbourne, FL, a motor carrier who fired a driver for reporting safety concerns, must reinstate the driver and pay \$137,341 in back salary and damages.

OSHA investigators found the company violated whistleblower provisions when it fired the driver, who reported a co-driver violated several Department of Transportation regulations, including driving in excess of posted speed limits, hours-of-service violations and keeping inaccurate driving logs, according to a Department of Labor news release.

Additionally, the driver told management the co-worker threatened

their personal safety.

The company must also train its managers and employees on workers' rights under the Surface Transportation Assistance Act.

The company can appeal the order to the Department of Labor's Office of Administrative Law Judges.

DOL issues final rule requiring fair guidance

The Department of Labor issued a final rule creating procedures for regulatory guidance that are more fair.

This rule requires the DOL to use guidance appropriately, transparently and in a manner which is publicly accessible.

"Promoting Regulatory Openness through Good Guidance Rule," or PRO Good Guidance Rule, allows the DOL to continue to use guidance while ensuring guidance documents can't be used in an unfair or unlawful manner.

The DOL also reviewed past guidance it has issued and rescinded "nearly 3,200 documents," with the remaining guidance still available in a guidance database at dol.gov/guidance.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

Yes, Pete's company won. The court found there was no way the company's supervisors would be able to see the scaffold's missing guard rails from ground level.

The company claimed the tops of the scaffolds – which were 30-feet tall – couldn't be seen by supervisors, so they relied on the inspection tags of the subcontractor in charge of scaffolding, who they'd worked with for years. The tags on the scaffold in question indicated it had been inspected and was safe to use.

OSHA argued the missing guard rails were an "open and obvious" violation the company should've been aware of.

However, the court found the inspector only noticed the missing rails when he stood at one specific point outside

the worksite, well away from where the supervisors could see them during their walkthroughs. OSHA also couldn't provide reliable evidence on when the rails were removed or how long they were missing.

■ ANALYSIS: CHECK SYSTEMS ON WORKSITES

Check systems, such as the inspection tags involved in this case, can be very valuable on a multi-employer worksite.

In this situation, the scaffold subcontractor did an inspection, the general contractor followed up and the other subcontractors were required to do their own inspections before each use.

If executed properly, this system could improve safety.

Cite: *Secretary of Labor v. Tutor Perini Building Corp.*, Occupational Safety and Health Review Commission, No. 18-1546, 6/23/20. 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.

U.S. CHEMICAL SAFETY BOARD

The catastrophic ammonium nitrate explosion that occurred Aug. 4 in Beirut is very similar to a 2013 incident in Texas, both highlighting regulatory deficiencies in the handling of the chemical, according to the U.S. Chemical Safety and Hazard Investigation Board.

"Smoke emerges over the city as yellow flames reach towards the sky. A few seconds later an explosion and its resulting pressure wave leave death and destruction in its wake," CSB Chairman Katherine Lemos says in a statement on the incident. "This was West, Texas in 2013. This is Beirut, Lebanon in 2020."

The West incident killed 15 people, injured more than 260 others and caused widespread damage to the community.

CSB investigators determined the fire and explosion at West was caused by inadequate storage and handling of ammonium nitrate, the same hazardous chemical involved in the recent Beirut explosion.

The 2016 CSB final report on West found ammonium nitrate storage falls under "a patchwork of federal safety standards and guidance – a patchwork with many gaps that is still in existence today."

OSHA and the EPA have increased inspections and issued guidance on emergency planning, but there are still several open safety recommendations from the CSB that have yet to be addressed.

Final implementation of regulatory improvements to storage and handling of ammonium nitrate has yet to occur.

This type of incident is preventable, according to the CSB, and it's "time to make changes to prevent catastrophic explosions like the ones that have caused so much devastation in West, Texas, and most recently in Beirut."

EMERGENCY RESPONSE

The 2020 edition of the U.S. Department of Transportation's Emergency Response Guidebook is now available in both print and as a mobile app.

The Emergency Response Guidebook is a go-to manual for first responders, offering "guidance on what to do during the critical first 30 minutes of a hazardous material transportation accident," according to a news release from the DOT's Pipeline and Hazardous Materials Safety Administration.

Print copies of the guidebook are available for sale to the general public through the U.S. Government Printing Office Bookstore website.

The DOT partnered with the National Library of Medicine to provide the guidebook as a free mobile app.

OPPOSITION TO FINAL RULE

Maryland Attorney General Brian Frosh leads a coalition of 15 state attorneys general, who seek to keep the Pipeline and Hazardous Materials Safety Administration from implementing a July final rule that would allow liquefied natural gas to be carried in tank rail cars.

The petition asks the U.S. Court of Appeals for the D.C. Circuit to review the regulation which "will introduce unit trains comprised of 80-100 tank cars, with each tank car carrying over 30,000 gallons of LNG, to our nationwide rail network," according to a news release issued by Frosh.

LNG is a hazardous substance that will return to its explosive gaseous state when exposed to the atmosphere.

Frosh says the PHMSA rule "imposes only minimal operational controls on trains carrying LNG," and "explicitly rejects any use of mandatory speed limits or the imposition of measures to protect rail crews from their hazardous cargo."

WHERE TO GET HELP

NEW APP CAN HELP SELECT RIGHT MASK FOR WORKERS

Washington State's Department of Labor & Industries introduced a new app for mobile devices and computers that'll help employers choose the right type of mask to protect workers from the coronavirus.

The app is designed to help most businesses make informed choices based on the level of risk and whether users are working alone, indoors, outdoors or in a vehicle.

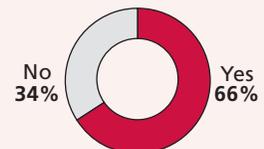
However, the app isn't intended for use by hospitals, clinics or other treatment facilities.

Links to instructional videos on how to correctly put on and remove masks, along with answers to frequently asked questions about masks, are included with the app.

More info: tinyurl.com/maskapp603

What safety pros say

When a vaccine becomes available, will Americans vaccinate themselves against COVID-19?



Source: "COVID-19 Consortium for Understanding the Public's Policy Preferences Across States," a survey by several universities of 19,058 adults in 50 states

Of those wanting to be vaccinated, 62% want to protect themselves and family, 45% want to protect the community and 59% want to listen to a medical professional's advice.

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?

Some employees were involved in a near-miss, but no one is reporting it

The Scenario

Manager Mike Kelly was preparing to head home for the day after a particularly long shift.

He worked later than normal so he could check in with the second shift crew, which now had a later start time thanks to COVID-19.

As he made his way to the door, he heard someone approaching from behind.

"Mike, can we talk?" Jonah Willard, a forklift operator, asked.

"Sure, Jonah," Mike said.

"What's up?"

"I'd rather not talk out here," Jonah said. "Can we go to your office?"

'I don't want to rat anybody out'

"We have a problem on second shift, Mike," Jonah said after walking into Mike's office.

"Someone almost got run over by a forklift, but nobody will come forward about it."

"Why not?" Mike asked.

"Because no one wants to get in trouble," Jonah explained. "The pedestrian and forklift operator both feel they'll get either reprimanded or fired if they report it."

"What were they doing that they'd think that?" asked Mike.

"I don't know," Jonah said. "I didn't see it happen, but I've heard some things from other guys."

"Can you tell me who was involved?" Mike asked.

Jonah hesitated.

"I really don't want to rat anybody out, if I can help it," he said.

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

Reader Responses

1 Gregg Buda, Director of Safety, Bracken Box, Markham, IL

What Gregg would do: Because we don't know what they were doing, which could have been a violation of company policy and the reason why they are afraid of coming forward, I would ask that the near miss be reported without any names being mentioned.

Reason: Names aren't important in these situations, getting to the bottom of why it happened and how we can prevent it from happening again is the goal here.

2 Haven Snow, Safety Manager, Reyco Systems Inc., Caldwell, ID

What Haven would do: I am having this exact problem right now. I have made it very clear that near misses are

learning opportunities for everyone and nobody will ever get in trouble for it.

Reason: However, I am close to revising policy to write up people that don't report them.

3 Jennifer Schildgen, Transportation Planner, Idaho Department of Transportation

What Jennifer would do: I would immediately schedule refresher training for forklifts and pedestrian traffic.

I would also explain that safety is a top priority within our business and culture.

Reason: It should be stressed that no one should ever fear reprisal for reporting a near miss.

A near-miss is a great learning opportunity for the whole team and if it doesn't get reported then the rest of the team will not learn from it.

OUTSIDE THE LINES

■ CLOUDY WITH A CHANCE OF COCOA POWDER?

When is a ventilation system malfunction a good thing?

OK, probably never, but what if it caused it to snow cocoa powder?

Some residents of Olten, a Swiss town, could weigh in on this, as a minor defect in a chocolate factory's ventilation system blew cocoa powder into the air.

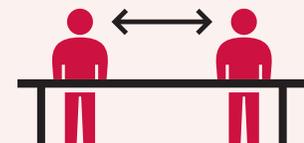
Strong winds spread the powder around the immediate vicinity of the factory, leaving a fine cocoa dusting behind.

The Lindt & Spruengli company confirmed it caused the cocoa snow, according to the Associated Press.

While the cocoa powder was completely harmless to people and the environment, the company still offered to pay for any cleaning that may be needed, but no one has taken them up on the offer.

Did you know ...

Increase distances between workspaces to help prevent coronavirus



Separating workers, through physically **increasing distance** between them or **adjusting work hours**, can help **prevent** the **spread** of COVID-19.

Source: OSHA

OSHA recommends social distancing to protect workers from COVID-19, whether by allowing telecommuting, regulating hours or making more space between workers.

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