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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.

Maintain social distance: COVID 'close contact' adds up to exposure

■ CDC's new definition impacts workplaces

An investigation into how an employee contracted COVID-19 in the workplace caused the CDC to change its definition of "close contact." This impacts contact tracing and renews emphasis on workplace controls.

Previously, the CDC defined "close contact" as someone who spent at least 15 consecutive minutes within six feet of a confirmed coronavirus case.

The new definition is, "Someone who was within six feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period."

In other words, exposures should now be added together over a 24-hour

period. For example, three five-minute exposures for a total of 15 minutes.

No contact was over 1 minute

An Oct. 21 CDC case study tells how a Vermont correctional officer is believed to have contracted the virus.

The officer had brief contact with six incarcerated or detained people (IDP) who later all tested positive for the coronavirus. Days later, the officer tested positive.

The Vermont Department of Health and his employer conducted a contact tracing investigation using video surveillance footage.

(Please see Social distance ... on Page 2)

WORKERS' COMPENSATION

COVID's impact on comp not as big as initially thought

Six months into the pandemic, and workers' comp hasn't taken near the hit predicted by experts, according to global insurance broker, Marsh.

This is partially due to COVID claims being outpaced by a decline in other types of occupational injuries and a competitive insurance market.

The initial forecast was that comp premium volumes would drop up to 20% in 2020 and wouldn't grow at all in 2021, according to a Marsh report.

Despite the negative premium growth and changes to state regulations regarding compensability of COVID claims, Marsh anticipates the impact to be less drastic.

This is because the predicted large influx of claims haven't appeared, other than a few in healthcare, and the average severity is lower than expected.

COVID claims so far haven't

been horribly expensive, with some employers reporting about 96% of their claims costing less than \$3,500 each.

Still some obstacles ahead

However, the remaining 4% of those claims cost substantially more – hundreds of thousands of dollars more – as some patients with pre-existing medical conditions require extended hospitalizations.

And more claims could still be coming, including those involving COVID-related post-traumatic stress and mental health problems.

So the future isn't exactly bright, but because of "declining claim frequency for the year, a strong industry reserve position and favorable metrics in the residual market" comp systems should be "positioned to weather the challenges ahead."

INSURANCE FRAUD

Contractors admit to \$2M comp scheme

Two California construction contractors pleaded guilty to a \$2 million insurance premium fraud scheme after two employees and a safety supervisor reported to authorities they were told to lie about injuries.

The contractors admitted to conspiracy to commit insurance premium fraud and related felonies, with an aggravated white collar crime enhancement for a loss exceeding \$500,000 through a pattern of criminal activity.

Selina Singh, 57, and Kabir Singh, 30, pleaded guilty Sept. 2 with a maximum sentence of up to 11 years and eight months in prison.

Sentencing is scheduled for Nov. 19.

Workers, safety supervisor told to lie

The investigation began after an employee severed his thumb while working on a Bara Infoware construction site.

He and his site safety supervisor reported to Monterey County District

Attorney investigators that Selina Singh told them to lie about the injury and report it occurred while working for the Singh family's other company, Federal Solutions Group.

Later, a second injured employee reported to investigators that Kabir Singh asked him not to report his injury and offered to pay medical expenses instead.

Social distance ...

(continued from Page 1)

The video showed the officer didn't meet the old definition of close contact. He never spent 15 consecutive minutes within six feet of the IDPs.

He did have 22 brief (about one minute each) encounters that added up to about 17 minutes.

During most of the encounters, the IDPs wore cloth masks.

However, during several encounters in a cell doorway or in a recreation room, the IDPs didn't wear masks.

The officer wore a microfiber cloth mask, gown and goggles during all encounters. He also wore gloves during most of the interactions.

The investigation notes there may have been additional interactions that weren't found.

The officer had no other close contact exposures to anyone with COVID-19.

Another worker whose contact met the old definition also tested positive.

Impacts on businesses, schools

Caitlin Rivers, an epidemiologist at the Johns Hopkins Center for Health Security, told *The Washington Post* the updated CDC guidance is an important change.

Noting employees may interact with co-workers for "a few minutes at the water cooler, a few minutes in the elevator, and so on," Rivers said, "I expect this will result in many more people being identified as close contacts" during contact tracing.

Rivers also said, "This change underscores the importance of vigilant social distancing."

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.

■ IS AN INSPECTION ENOUGH IF IT MISSES A SAFETY ISSUE?

Safety Manager Pete Travers was feeling slightly depressed.

"Why the hangdog expression, Pete?" Attorney John Jenkins asked.

"The pandemic has been tough to deal with," Pete explained, "but not being able to celebrate Halloween really hurt.

"No costume parties or trick-or-treating – it was just sad," he said.

"I understand, Pete," John said. "I'd give you a hug if I could."

A hazard found, another missed

"Enough of my pouting. What can I do for you?" Pete asked.

"OSHA is citing us," John said. "An incident involving a worker who fell through a hole in a platform?"

"Ron Cooper was removing small pieces of plywood from the deck of a tower that was being constructed," Pete said. "No one knew at the time that those small pieces of plywood – installed by a subcontractor – were covering holes in the deck."

"Didn't anyone do an inspection before the work started?" John asked.

"Yes. The supervisor's inspection led to the plywood being removed," Pete said. "He saw them and felt they were a trip hazard, so he wanted them removed and replaced with bigger pieces. He didn't bother to look at them from below to see if they were covering holes."

"We inspected the worksite, and attempted to correct a hazard based on what was found, so 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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Safety Compliance Alert (ISSN 1077-9787), November 16, 2020, Vol. 27 No. 607, is published semi-monthly except once in December (23 times a year).

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LAW ENFORCEMENT

Inspector involved in extortion attempt

■ OSHA OFFICIAL AND HIS BROTHER ALLEGEDLY THREATEN CONTRACTOR

An OSHA inspector and his brother were charged with conspiracy to extort \$6,000 in cash from a New Jersey-based general contractor.

The inspector and his brother allegedly attempted to convince the contractor he needed to obtain training certificates with a specific vendor or face exorbitant fines and possible arrest.

Alvaro Idrovo, 44, Bloomfield, NJ, and Paul Idrovo, also known as Jose Diaz, 46, of Nutley, NJ, were charged for allegedly “knowingly and intentionally conspiring to ... commit an act of extortion under Alvaro Idrovo’s office or employment with OSHA,” according to a Department of Justice news release.

The conspiracy charge carries a maximum potential penalty of five years in prison and a \$250,000 fine.

Inspector Idrovo was assigned to investigate an anonymous complaint concerning the misuse of an extension ladder at the general contractor’s worksite in New Jersey.

He allegedly told the owner of the company he was in violation of OSHA regulations for not having the necessary safety training certificates for his workers to be on ladders at the worksite.

Alvaro Idrovo then falsely advised the owner he needed to get the certificates with a specific vendor, Jose Diaz, or he’d be slapped with a big fine and possibly arrested.

Negotiating with ‘Jose Diaz’

The owner called Jose Diaz – actually Paul Idrovo – who told him the certificates would cost \$13,000 in cash which the owner managed to negotiate down to \$6,000 in cash.

OSHA later found out about the alleged extortion attempt and referred the matter to federal law enforcement.

At a meeting under surveillance by law enforcement, the owner paid Paul Idrovo the \$6,000 in exchange for the required training certificates and a safety and health plan.

Later, Alvaro Idrovo attached copies of the certificates and the plan to his reports despite knowing the documents were false.

SETTLEMENT AGREEMENT

Target agrees to pay \$464K fine, enhance safety

OSHA has entered a region-wide corporate settlement agreement with Target Corp. regarding exit access and storage hazard violations at about 200 stores in Connecticut, Massachusetts, New Jersey and New York.

The retailer will pay \$464,750 in penalties and enhance worker safety by addressing the egress and storage issues at all Target stores in the four states over the next two years.

OSHA cited eight Target stores in Connecticut, Massachusetts and New York between May and December 2019 for violations involving blocked emergency exits and unsafe storage practices, according to a Department of Labor news release.

Target initially contested the citations, but decided to agree to the settlement terms Oct. 16.

Terms of agreement

Target agreed to build on existing safety programs by:

- authorizing store management to delay incoming deliveries to ensure exit routes won’t become blocked
- authorizing store management to requisition additional storage space if needed
- conducting surveillance camera monitoring of exit route conditions at certain “high-risk” stores, and
- having outside managers visit each store twice per year to monitor and address exit route safety.

TRENDS TO WATCH

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

■ NEW EMERGENCY RULES ADDRESS COVID-19 HAZARD

On Oct. 14, Michigan OSHA enacted emergency rules addressing the hazard of COVID-19 in the workplace.

Businesses must now have a written COVID-19 preparedness and response plan and provide thorough training regarding the coronavirus to their employees, according to NBC 25 News.

Training must cover workplace infection-control practices, the proper use of PPE, steps workers must take to notify the employer of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19, and how to report unsafe working conditions.

Virginia OSHA also adopted coronavirus-related emergency rules in June.

■ RISING COVID CASE COUNTS PROMPT MORE RESTRICTIONS

Record-breaking daily COVID-19 case counts resulted in more requirements and restrictions for New Mexico businesses.

Restaurants, breweries, retail stores, gyms and other businesses are now required to close for two weeks if more than four separate incidents of the coronavirus occur among employees within a 14-day period.

Businesses with at least two outbreaks will be listed on a state watch list, according to the *Tulsa World*.

Under the state’s rapid response program, officials responded to more than 830 businesses in one week, marking a sixfold increase over a one-month period.

The watch list already includes businesses ranging from hospitals and medical marijuana operations to law firms, car dealerships, grocery stores and gas stations.

Roundup of most recent OSHA citations

Worker dies while cleaning inside exhaust stack

Indiana OSHA cited an industrial cleaning services contractor after a worker died during the routine cleaning of an exhaust stack at the Gary Works steel mill in Gary, IN.

Frank Freer, 46, was fatally injured while cleaning the interior of the exhaust stack.

Inspectors found he was exposed to fall hazards, sharp protruding objects and leaks while working inside the stack, according to *The Times of Northwest Indiana*.

Fine: \$7,000

Company: KM Plant Services, Highland, IN

Business: Industrial cleaning services

Reasons for fine:

One serious violation for failure to:

- ensure walking-working surfaces were maintained free of sharp or protruding objects, loose boards, corrosion, leaks, spills, snow and ice

Lack of respirators at nursing facility: \$28K fine

A New Jersey nursing care facility was cited by OSHA after failing to provide respirators to resident-care employees during a period of time at the beginning of the coronavirus pandemic.

Employees caring for residents exhibiting symptoms of the coronavirus weren't issued respirators in March, exposing them to COVID-19.

OSHA's coronavirus-related inspection also resulted in respirator fit-testing and record-keeping violations.

Fine: \$28,070

Company: Hackensack Meridian Health Residential Care Inc., North Bergen, NJ

Business: Nursing care facility

Reasons for fine:

Two serious violations for failure to:

- provide respirators to resident-care employees
- conduct respirator fit testing

One other-than serious violation

for failure to:

- establish fit-test record for qualitative fit tests

Employees exposed to machine, electrical hazards

OSHA cited an Ohio rubber products manufacturer after an inspection revealed it exposed employees to machine and electrical hazards.

The inspection was conducted under the agency's Site-Specific Targeting Program for employers with higher than average injury and illness rates.

Inspectors found the company failed to develop and implement lockout/tagout procedures, provide adequate PPE to prevent electric shock and train workers in safety procedures.

Fine: \$330,269

Company: Boomerang Rubber Inc., Botkins, OH

Business: Other rubber product manufacturing

Reasons for fine:

Four willful violations for failure to:

- develop and use lockout/tagout procedures
- ensure energy control procedures are performed in sequence
- ensure employees use safe work practices when working near energized electrical equipment
- ensure employees use proper PPE when working on electrical equipment

Six serious violations for failure to:

- train authorized employees on control of hazardous energy
- provide adequate machine guarding
- guard machinery points of operation
- enclose exposed parts of horizontal shafts 7 feet or less from working platforms
- label each container of hazardous chemicals in workplace
- provide employees with effective training on hazardous chemicals in workplace

WORKERS' COMP DECISIONS

Can he collect additional benefits for brain injury?

A worker already compensated for injuries from a fall wants benefits for a brain injury and psychological problems. Can he collect?

What happened: A construction worker was injured after falling 6 feet from scaffolding. He was compensated for his injuries, but later claimed he also suffered a traumatic brain injury and post-traumatic stress disorder because of the fall.

Company's reaction: An independent specialist says you show no signs of traumatic brain injury or PTSD.

Decision: He couldn't collect. While other doctors offered differing opinions, the specialist's held more weight. Further, the worker's psychologist made no mention of PTSD in her reports.

Cite: *Matter of Niera-Bernal v. SIG Contracting Corp.*, NY Court of Appeals, No. 530319, 5/14/20.

Injured in crash on the way to lunch: Benefits?

A worker was injured in a car crash while on his way to lunch in his supervisor's vehicle. Can he get benefits?

What happened: The worker was a passenger in his supervisor's car as they traveled to a restaurant for lunch, which was something of a daily routine. Along the way, they were involved in a crash and the employee was injured.

Company's reaction: The lunch was not work-related, so we don't have to pay.

Decision: No, he couldn't collect. While the job was sometimes discussed, the lunch was not a planned event for work purposes.

Cite: *Matter of Scriven v. Davis Ulmer Sprinkler Co.*, NY Court of Appeals, No. 530163, 5/14/20.

REAL PROBLEMS, REAL SOLUTIONS

Addressing addiction, suicides on the job

Health problems such as opioid addiction and suicides have become common issues on construction sites.

Data from NIOSH and other organizations point to this fact.

National estimates suggest about 10 times as many fatal occupational illnesses – which these health problems fall under – occur compared with fatal occupational injuries.

Apply knowledge to health issues

The costs, both direct and indirect, also tend to be overlooked.

And they can have a significant impact, so we certainly need to raise awareness about them.

As safety professionals, we're comfortable with the concepts of how to evaluate and measure all sorts of hazards as well as what's needed to reduce exposures to them.

But what we need to get better at is being a little creative in how we apply what we know to these health issues that are much less familiar to us and less comfortable for us to deal with.

Getting accurate reporting on these illnesses is also a challenge.

Recognize, prevent, get involved

So why do health efforts lag behind? Well, for one, it's easier to see an unguarded roof ledge than it is to visualize addictions or mental illnesses in the workforce.

But also the cause-and-effect link is much less obvious with these issues, and it's not like OSHA health compliance inspections address addiction and suicide, at least not in the same way as safety problems.

Further, national reports are published each year about injury rates and their effect on safety, which gives employers a place to focus in that area.

But with the absence of that for health problems, there's an inadvertent message that gets sent, which is: Help is not a priority.

Obviously we need to shift that kind of thinking.

We need to steer away from

thinking about the common approach to these problems in the construction industry.

One way to do so is to recognize and better comprehend these risk factors.

We also need to identify and use some of the helpful resources that are out there, such as those available through the U.S. Centers for Disease Control and Prevention and the Construction Industry Alliance for Suicide Prevention.

Then we need to develop, facilitate and incorporate them into our workplace health and safety cultures, prevention strategies, policies and practices to help reduce the devastating exposure risks.

When it comes to opioid addiction, our primary goal should be to prevent those common injuries and illnesses we're used to dealing with so that

Can't focus only on symptoms.

fewer workers need medical care involving pain treatment.

But we won't solve the problem by focusing only on tackling the symptom, which is opioid addiction.

Mental health plays into this as well for both opioid addiction and suicide.

Many people experience mental illnesses, but how many seek help?

It's important for site supervisors and safety pros to be aware of the signs and risk factors because early treatment has been found to be very effective.

Supervisors and safety pros need to be trained on how to integrate addiction and suicide prevention into their company's culture and safety, health and wellness programs.

(Based on a presentation by Barbara Epstein, Industrial Hygienist, AGC Oregon-Columbia Chapter, Wilsonville, OR, at the Virtual AIHce EXP 2020)

TRAINING TIPS

Repetition and variety

When giving safety training, it's best to reinforce and repeat new information.

Adults need to hear things more than once, along with time to master any new knowledge, skills or attitudes, according to OSHA.

It's also a good idea to present information in a variety of different ways since adults learn better that way.

More information: tinyurl.com/OSHAtraining607

Social distancing in a truck?

While social distancing may be one of the most effective ways to avoid COVID-19 exposure, some jobs can make maintaining 6 feet of space between individuals a challenge.

For example, truck drivers can't work from home, and even though many spend a lot of time alone on the road, they still have to make stops at public places.

It's even harder for team drivers since there's no way to stay 6 feet apart inside a truck cab.

With those challenges in mind, the Washington State Department of Labor & Industries recommends:

- equipping truck cabs with removable, non-fogging, clear plastic barriers that separate the driver and passenger, but do not interfere with driving or the sleeper berth
- avoiding the recirculated air option for cab ventilation, and using the truck's fresh air vents or lowered windows instead, and
- cleaning and disinfecting commonly touched cab surfaces before switching drivers and anytime a driver is assigned to a different truck.

More information: tinyurl.com/truckers607

STATE RULES

New law protects domestic service workers: Is it enough?

On Sept. 29, California Governor Gavin Newsom signed a bill into law extending certain protections to domestic workers who previously shared none of the protections offered to other workers in the state.

However, Newsom recently vetoed another bill that would have offered even more protection to domestic workers.

According to the National Law Review, the new law explicitly prohibits employers from:

- retaliating against those who complain to a health and safety agency; participate in investigations relating to health and safety; report a work-related fatality, injury or illness; or request access to injury or illness records
- laying off or terminating workers who refuse to work in violation of a health and safety law that creates a “real and apparent” hazard, and
- willfully and knowingly directing a domestic worker to remain in, or enter, an area that poses a public health or safety concern.

This means staffing agencies and other businesses that employ nannies, housekeepers, cooks and other household workers can “face significant liability for a violation ...

including civil liability for damages from lost wages, and criminal penalties.”

The other bill

WorkSafe, a California-based worker advocacy organization, said Governor Newsom’s veto of the other bill, SB-1257 “denied these Californians the right to health and safety protections at work -- protections that are more crucial than ever because the COVID-19 crisis and recurring wildfires have magnified the dangers of domestic work.”

The bill would have “ended the historic, discriminatory exclusion of ‘household domestic service’ from Cal/OSHA protections, and it would have required domestic work employers to provide their employees with a safe working environment — as is required in all other industries,” according to a WorkSafe news release.

Most businesses comply with mask mandate

The Washington state Department of Labor & Industries (L&I) says since mid-July, it’s looked into complaints concerning more than 4,200 retailers,

restaurants and other businesses.

L&I says “thousands” of businesses that were the subject of complaints are following the governor’s mask order following contact by state inspectors.

In some cases, the businesses complied after L&I staff explained the requirements. In other cases, the complaints weren’t substantiated.

OSHA: N95 respirators are effective against virus

OSHA’s new FAQ, “Respirators and particle size,” says N95 respirators are effective in protecting workers from the coronavirus.

This comes as a response to “incorrect claims stating that N95 respirators’ filter does not capture particles as small as the virus that causes the coronavirus,” which is about 0.1 microns in size, according to a news release from the Department of Labor.

The FAQ explains N95s are effective because, among other reasons, the virus is part of larger particles made up of water and mucus, which are easily trapped and filtered out because they’re too big to pass through the filter.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, Pete’s company lost. The court found the supervisor’s inspection failed to detect a recognizable hazard, which violated OSHA standard 29 CFR 1926.20(b)(2).

The company claimed the presence of a specific hazard does not, by itself, establish a failure to inspect.

OSHA argued inspections performed in compliance with the standard would have detected the floor holes under the circumstances involved in this incident.

Based on the arrangement of the floor deck at the time of inspection, the court found the supervisor’s inspection violated the standard because it failed to detect a recognizable hazard.

The supervisor, as a competent person, should have further investigated the reason for the placement of the

plywood before allowing work to begin, according to the court.

■ ANALYSIS: INSPECTIONS SHOULD BE THOROUGH

Safety pros know inspections need to be as thorough as possible, but it’s something that can be easy for your competent person to forget.

Routine worksite inspections can become just that – routine – making it easy to do them just to get them done.

Likewise, it’s not difficult to get the “blinders effect,” zeroing in on one hazard while completely missing another.

Occasionally reminding the competent person performing inspections of these things is not a bad idea.

Cite: *Secretary of Labor v. KHS&S Contractors*, Occupational Safety and Health Review Commission, No. 18-1091, 9/21/20. 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.

COVID FINES

Fines issued by federal OSHA for coronavirus-related violations from the start of the pandemic through Oct. 8 now exceed \$1 million.

The agency has cited a total of 85 establishments – many of them in the healthcare industry – for COVID-19 violations since the start of the pandemic, bringing the total amount of proposed penalties to \$1,222,156.

Inspections at these establishments resulted in citations for violations, including failure to:

- implement a written respiratory protection program
- provide medical evaluations, respirator fit tests and training on the proper use of respirators and PPE
- report an injury, illness or fatality
- record an injury or illness on OSHA recordkeeping forms, and
- comply with the General Duty Clause.

OSHA cited 23 more establishments in addition to the 62 announced in previous news releases.

Out of the new batch of violations, the largest fine amount was for \$23,133 which was imposed on Christian Health Care Center of Wyckoff, NJ; Highland Care Center Inc. of Jamaica, NY; and Rogosin Institute Inc. of Brooklyn, NY.

WHISTLEBLOWER

A Florida-based transportation company was ordered by OSHA to reinstate and pay more than \$95,000 in back pay to an employee allegedly fired for reporting safety concerns and an injury.

CSX Transportation was also ordered to pay \$75,000 in punitive damages and \$27,000 in compensatory damages and attorney's fees.

An OSHA investigation found the company violated the whistleblower

provision of the Federal Railroad Safety Act by issuing the employee a charge letter and subjecting them to an investigative hearing after they reported an unsafe customer gate and an on-the-job injury.

The investigative hearing led to the employee's termination, according to a Department of Labor news release.

Along with the reinstatement and monetary penalties, the company was ordered to train its managers and employees on FRSA worker protections.

DRUG ADDICTION

Recent statistics show a program to reduce injured workers' dependency on opioids is working.

In 2017, the U.S. Department of Labor's Office of Workers' Compensation Programs (OWCP), which administers comp for federal workers, implemented a four-point strategy to reduce opioid use which often leads to misuse and addiction.

The OWCP:

- instituted more effective controls at the pharmacy
- tailored treatment more appropriately to individual needs
- issued more meaningful information about opioids, and
- aggressively detected and eliminated fraud.

The results:

- a 49% reduction in overall opioid use
- a 30% reduction in new opioid prescriptions for injured federal workers, and
- a 91% reduction in injured workers using at least 60 days of opioids within their first 90 days after being injured.

The OWCP took additional steps, including:

- requiring prior authorization for opioids at the 60-day mark, and
- instituting a policy where injured workers who are newly prescribed opioids will be limited to an initial 7-day supply.

WHERE TO GET HELP

■ OPEN ACCESS TO ISSUE OF SAFETY RESEARCH JOURNAL

The National Institute for Occupational Safety and Health announced a special issue of the *Journal of Safety Research* is now available for free.

This issue features select papers from the 2018 National Occupational Injury Research Symposium (NOIRS).

Topics include the leading causes of occupational injury, cross-cutting issues such as organizational-based prevention, and emerging issues associated with advancements in technology, along with other occupational safety and health topics.

Open access to the issue will continue through March 2021. The next NOIRS is scheduled for Oct. 19-21, 2021.

More info: tinyurl.com/journal607

What safety pros say

What work areas are safety pros investing in over the next 12-18 months?



Source: Safety News Alert 2020 Annual Reader's Survey

As companies set their budgets for 2021, now is a good time to prepare yourself to justify necessary Safety purchases such as PPE and employee training and engagement.

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?

Maintenance worker refuses to make OSHA-compliant equipment safer

The Scenario

Manager Mike Kelly was in the mood for junk food.

"Time for a snack," he said as he approached the vending machine.

In his single-minded focus on unhealthy salty treats, he didn't notice Mark Gaetz, a line worker, sitting at a nearby table.

"Hi Mike," Mark said.

"Hello," Mike replied, startled.

"Actually, this is perfect timing," Mark said. "I was going to look for you once I was done eating."

"Oh yeah? What can I do for you?" Mike asked.

'Show me the regs' attitude

"You know how I've been working with maintenance on those equipment controls?" Mark asked.

Mike nodded in the affirmative.

"Well, I've brought up several ideas that would make things safer, but Jessie from maintenance said the controls already comply with OSHA regs," Mark explained.

"Yeah, she's a bit infamous for her 'show me the regs' attitude," Mike said.

"But my ideas would make things even safer than what OSHA requires," said Mark.

"I know, I remember when you came to me about your proposal," Mike said. "The problem is Jessie feels compliance is enough."

"Right, but if you can make something safer, why wouldn't you?" Mark asked.

"Exactly. Compliance doesn't mean 'as safe as possible,'" Mike said.

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

concern being brought up.

We'll look to improve safety even if it goes beyond OSHA requirements.

Reason: We as safety professionals always want good ideas from employees. They come up with good ones if you take time to listen.

3 Dave Daly, Facilities, American Future Systems, Malvern, PA

What Dave would do: I would have a meeting with both employees at the same time. I would let Mark fill me in on his ideas. Then I would listen to Jessie and her concerns. I would then ask Mark if it's possible to show both of us his ideas on the controls.

Reason: If Mark's ideas made the controls safer then I would use them. Safety is a top concern at work. I would let Jessie know we are not just looking out for her, but all employees involved. I would thank them both for their concerns.

Reader Responses

1 Ed Poisker, Operations, Worldwide Glass Resources, Vineland, NJ

What Ed would do: Our safety committee handles these kinds of situations. The committee would take a closer look at what the worker's suggesting and see if it can be done.

Reason: If there's a better way of doing something that improves safety, you do it. OSHA-compliant doesn't always mean a machine or a process is as safe as it can be.

2 Dave Epstein, Safety Manager in PA manufacturing sector (company withheld by request)

What Dave would do: I'd find out who said what before jumping to conclusions. It's always worth having a conversation if there's a valid safety

OUTSIDE THE LINES

■ 'TUFF AS NAILZ' COP WORKS AS PINUP MODEL ON THE SLY

Did you know being a pinup model while collecting workers' comp counts as "working?"

Brenda Cavoretto was the police chief of a small town in Washington when the corpse of a 285-pound man who'd hung himself fell on her.

She suffered serious injuries, and claimed severe psychological trauma that prevented her from working, according to the Washington Department of Labor and Industries.

An investigation found Cavoretto was working as a pinup model known as Tuff As Nailz, The Black Widow Bettie and Annabella Derringer.

She posted about her new career on social media, claiming she modeled in 52 publications and appeared on three magazine covers.

Now Cavoretto has been accused of workers' comp fraud.

Did you know ...

Limit number of passengers riding in shared vehicles at a single time



In work-related travel, **limiting** the **number** of **passengers** drivers can **transport** at a single time can help **prevent COVID-19** from spreading.

Source: OSHA and the U.S. Centers for Disease Control and Prevention

If limiting the amount of passengers isn't possible, OSHA suggests installing plexiglass partitions between the driver and passenger compartments.

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