

January 4, 2021

WHAT'S INSIDE

- 2 Sharpen Your Judgment**
Were trench dimensions measured correctly?
- 3 What's Coming**
Study: COVID more severe in construction
- 4 Who Got Fined – And Why**
Worker caught, killed in conveyor belt: \$10K fine
- 5 What's Worked for Other Companies**
Metrics need balance to be effective
- 6 Safety Regs Update**
Cal/OSHA COVID-19 rule approved by standards board
- 8 What Would You Do?**
No injury report; worker afraid he'll get COVID at doctor's office

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 led by veteran Editor-in-Chief Fred Hosier.

Which workers more likely to be injured? 2019 stats have answer

■ *New injury, illness data provides industry insight*

Recent injury and illness statistics provided by the Bureau of Labor Statistics (BLS) shows which workers may be more likely to be injured.

A total of 888,220 nonfatal injuries and illnesses causing workers to miss at least one day of work were reported in 2019, "essentially unchanged from 2018," according to a BLS news release.

Despite the lack of change in the overall numbers, there are a few significant changes for certain industries and occupations.

The manufacturing industry, for example, was the only private industry

sector where the total recordable case rate changed, with a decrease from 3.4 in 2018 to 3.3 cases per 100 FTE workers in 2019.

Fluctuations in manufacturing

Several manufacturing groups saw decreases in total recordable case rates, such as motor vehicle body and trailer manufacturing at 6.3 cases per 100 FTE workers in 2019, down from 7.2 cases in 2018.

Spring and wire product manufacturing was the only manufacturing group with an increase in its rate, going from 3.9 cases

(Please see 2019 stats ... on Page 2)

CONTROLLED SUBSTANCES

Oregon decriminalizes hard drugs: Workplace impact

Oregon voters have made their state the first to decriminalize personal possession of small amounts of illegal drugs, including cocaine, heroin, oxycodone and methamphetamine.

Measure 110 reclassifies possession of small amounts of a list of hard drugs as a violation similar to a traffic offense.

Violators are subject to a \$100 fine, which can be avoided by agreeing to participate in a health assessment, according to law firm Seyfarth Shaw.

Possession of larger quantities of the same drugs will be mostly classified as misdemeanors, while selling and manufacturing drugs remains a criminal offense.

However, the federal Controlled Substances Act applies in Oregon, meaning the drugs decriminalized by the state are still criminally enforceable by federal authorities.

The state decriminalization goes into effect Feb. 1, 2021.

Marijuana decriminalization

While Oregon is the first state to decriminalize hard drugs, 26 states and the District of Columbia have decriminalized the possession of small amounts of marijuana, according to the Drug Policy Alliance.

Other jurisdictions are experimenting with decriminalization through Law Enforcement Assisted Diversion (LEAD) programs, which direct people to support services instead of arresting them for certain drug law violations.

Employers can still prohibit possession of, and impairment by, these drugs in the workplace, and managers should be trained on reasonable suspicion.

INSPECTOR GENERAL

Watchdog says MSHA's silica regs lacking

The Mine Safety and Health Administration's (MSHA) outdated regulations on respirable crystalline silica are not protecting miners from exposure to the hazard, according to the Department of Labor's Office of Inspector General (OIG).

MSHA has done very little to address the hazard of respirable crystalline silica, which a growing body of evidence shows is a major factor in coal miner deaths and illnesses.

A Nov. 12 report by the OIG points to current regulations being insufficient with an out-of-date silica exposure limit, sampling that's carried out too infrequently to be protective and the inability to fine mine operators solely for excess silica exposure.

Recommendations

The OIG report recommends MSHA:

- adopt a lower legal exposure limit for silica in coal mines based on recent scientific evidence
- establish a separate silica standard

allowing the agency to issue citations and fines based on the silica exposure limit alone, and

- enhance its sampling program to increase the frequency of inspector samples where needed by implementing more of a risk-based approach.

MSHA didn't agree, but said it will still take appropriate corrective action.

2019 stats ...

(continued from Page 1)

in 2018 to 5.4 cases per 100 FTE workers in 2019.

Days away from work

The 2019 data show the same 10 occupations accounting for 33.2% of days away from work cases of all private industry as in 2018:

- nursing assistants
- heavy and tractor-trailer truck drivers
- laborers and freight, stock and material movers, hand
- light truck drivers
- construction laborers
- maintenance and repair workers, general
- stockers and order fillers
- janitors and cleaners, except maids and housekeeping cleaners
- registered nurses, and
- retail salespersons.

Incidence rates involving days away from work for all 10 occupations increased in 2019, with laborers and freight, stock, and material movers, having the highest number of cases with 64,160, followed by heavy and tractor-trailer truck drivers with 47,990.

There were also changes in the median number of days away from work, with heavy and tractor-trailer truck drivers having a median number of 19 days, down from 23 days in 2018.

Light truck drivers saw an increase from 16 days in 2018 to 20 in 2019, and the median days for maintenance and repair workers (general) and laborers and freight, stock and material movers (hand) increased to 12 days in 2019 from 10 days in 2018.

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.

■ WERE TRENCH DIMENSIONS MEASURED CORRECTLY?

Safety Manager Pete Travers was eating his lunch in the cafeteria instead of his office for a change.

A few other people came in and sat down a socially acceptable distance away, including John Jenkins, the company attorney.

John waved a "hello" at Pete and Pete responded in kind as John sat down across the room.

The cafeteria was quiet until –
CRUNCH! CRUNCH! CRUNCH!

John was eating hard pretzels!

"Hey, John," Pete said in a last-ditch effort to stop the assault on his ears. "Didn't you say we had an OSHA citation to discuss?"

Altered to fit worksite

"OSHA says two of our employees were observed working in an unsafe trench," John said, once they got to his office. "The trench wasn't benched or sloped properly, according to the citation."

"We have a trench plan in place, but the supervisor said it wouldn't work at this particular site," Pete said. "He told me he measured the trench and sloped it accordingly to make sure it conformed to OSHA requirements."

"The trench plan is always our best bet, but sometimes a worksite's layout doesn't allow for it, and a supervisor has to make changes," Pete continued.

"If he took proper measurements and was in the process of making the changes, we should be able to 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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PANDEMIC

Study: COVID more severe in construction

■ WORKERS IN THE INDUSTRY 5 TIMES MORE LIKELY TO BE HOSPITALIZED

Construction workers are almost five times more likely to be hospitalized for the coronavirus compared to non-construction workers, according to a study from researchers with The University of Texas at Austin.

Researchers at the COVID-19 Modeling Consortium at UT made the discovery from hospitalization data in Austin from March to August.

The findings mirror an earlier report from the CDC that the construction sector was ranked No. 2 in frequency of workplace outbreaks in Utah.

The researchers say the higher vulnerability among construction workers is due to:

- continuation of construction work throughout the pandemic, even during stay-home orders – on March 31, Texas declared construction work to be “essential”
- the nature of the work which includes close contact with others, and
- the demographics of construction

workers (more likely to be Hispanic). Lauren Ancel Meyers, a professor with the consortium, says Hispanic workers are more likely to face more overlapping risks.

In the Austin area, construction workers are:

- disproportionately Hispanic
- more likely to be underinsured
- have more underlying health conditions linked to severe COVID-19 cases
- more likely to live with more people (increasing the chance of virus spread), and
- are more likely to feel pressured to work due to factors such as lack of paid sick days.

No need to stop working

Meyers says the study’s results don’t mean we need to stop construction work. “It means we need to go to great lengths to ensure the health and safety of workers when they do go to work,” she said.

The study’s results are published in the JAMA Network Open, a subsidiary of the Journal of the American Medical Association.

RETALIATION LAW

Are you at risk of COVID whistleblower complaint?

The U.S. Department of Labor says about 30% more whistleblower complaints have been filed with federal OSHA in 2020 compared to the same time last year – many related to the coronavirus pandemic.

The No. 1 way to avoid these claims is to follow recommendations by OSHA and the CDC.

Law firms also recommend you:

- Explain to supervisors that safety complaints about coronavirus are protected activity.
- If an employee refuses to work, listen to what they have to say and discuss the situation with them.
- Document your conversations with the employee.
- Look into the employee’s complaint.

- Fix the problem. If the concern is valid, follow up with necessary corrective measures.
- Get back to the employee. Let them know about any investigation and remediation to prevent a potentially unfounded report to OSHA.

Respect anonymity

Sometimes an employee will go right to OSHA without raising the issue with their employer.

If that’s the case and your company is contacted by OSHA, don’t try to determine who made the complaint.

If the employer knows or has a hunch about who filed a complaint, it should take extra caution to avoid even the appearance of retaliating.

TRENDS TO WATCH

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

■ NEW PROGRAM ADDRESSES OFFICE WORKERS AND COVID

Michigan OSHA introduced a new state emphasis program Nov. 10 to help ensure the safety of office workers during the pandemic.

The program is meant to increase the agency’s presence in office environments and evaluate whether employers are following state mandates to protect workers from COVID-19, according to law firm Littler Mendelson.

MIOSHA inspectors will conduct unannounced inspections to:

- assess remote work policies for compliance with rules requiring implementation of policies “prohibiting in-person work for employees to the extent that their work activities can feasibly be completed remotely”
- interview employees and management to determine if there have been any illnesses due to workplace exposure to COVID-19, and
- evaluate compliance with COVID-19 recording and reporting rules.

■ COMMERCIAL DRIVER BREAK RULES PREEMPTED BY FEDS

The U.S. Federal Motor Carrier Safety Administration (FMCSA) issued an order Nov. 17 preempting Washington State’s meal and rest break rules for property-carrying commercial motor vehicle drivers.

Washington’s rules are more burdensome than federal hours of service rules, which allow the federal agency to preempt, according to law firm Ogletree Deakins.

The FMCSA can preempt state law with federal law when the state regulation “has the same effect as the federal safety rules, is less stringent than the federal safety regulation, or is more stringent than the federal safety regulation.”

Roundup of most recent OSHA citations

Go to www.safetycompliancealert.com/category/whogotfinedandwhy for more OSHA fines and injury settlements.

Worker caught, killed in conveyor belt: \$10K fine

An automotive maintenance shop was cited by Indiana OSHA after an employee was killed by a piece of equipment.

The worker suffered severe injuries while trapped in a conveyor belt lifting device and was later pronounced dead by medics at the scene of the incident, according to Fox 55 News.

Fine: \$10,000

Company: Custom Maintenance Solutions, Fort Wayne, IN

Business: Other automotive mechanical and electrical repair and maintenance

Reasons for fine:

One serious violation for failure to:

- guard ingoing nip point created between moving conveyor belt and stationary safety bumper bar

One non-serious violation for failure to:

- report work-related death

No cave-in protection for workers in 24-foot trench

Indiana OSHA cited a construction contractor for failing to provide protection for employees working in a 24-foot-deep trench.

Inspectors also found several serious trench-related violations involving insufficient supports, failure to keep materials and equipment at least 2 feet away from the excavation's edge and allowing an employee to work in a trench that was accumulating water.

Fine: \$191,398

Company: Land Construction Corp., Laotto, IN

Business: Water and sewer line and construction

Reasons for fine:

One willful violation for failure to:

- protect employees working in excavations from cave-ins by using

adequate protective system
Ten serious violations for failure to:

- ensure employees were wearing hard hats in area where hazards of flying and falling objects existed
- protect or support 6-inch water main in excavation
- provide ladders, ramps or other safe means of egress in 24-foot-deep trench
- prevent employees from working in trench that was accumulating water
- keep materials and equipment at least 2 feet from trench's edge
- ensure competent person would remove employee exposed to trenching hazard from hazardous area
- prevent use of trench shield system missing spreader bar
- ensure all locking pins were in place on trench shield system
- install trench shield in manner to restrict hazardous movement in event of sudden lateral load
- protect employees working in trench from cave-in when entering or exiting area protected by shields

Store owner fails to protect workers from COVID-19

Cal/OSHA cited five grocery stores owned by Cincinnati-based Kroger Company for failing to protect workers from COVID-19 because they didn't update their workplace safety plans to address the virus.

Fine: \$104,380 (ranging from \$13,500 to \$25,560 at each of the five stores)

Company: Kroger Company, Cincinnati (doing business as Ralph's or Food 4 Less in Southern California)

Business: Supermarkets and other grocery stores

Reasons for fine:

Multiple serious violations, including failure to:

- install physical barriers between employees and customers at cash registers
- provide effective training on the coronavirus for employees
- immediately report COVID-19 fatality at two locations

WORKERS' COMP DECISIONS

Worker claims chemicals caused cancer: Benefits?

Can a worker who claimed he got cancer from chemicals he handled in the workplace get benefits?

What happened: An oil rig worker regularly handled dry chemicals as part of his job duties for about two years. Toward the end of that time, he suffered severe abdominal pain and was diagnosed with smoldering multiple myeloma.

Company's reaction: You can't prove the cancer was caused by the chemicals you handled at work.

Decision: He couldn't collect. The court found evidence provided regarding the chemicals was based on a study lacking proper scientific collection and controls.

Cite: *McMillan v. State ex rel. Dept. of Workforce Services*, Wyoming Supreme Court, No. S-19-0218, 6/5/20.

Can pre-existing condition bar benefits for injury?

A seamstress sought benefits for a work-related knee injury, but can she collect with a pre-existing condition?

What happened: The seamstress, who was diagnosed with osteoarthritis, pressed down on the foot pedal of a sewing machine, causing her foot to slip off and twist her right knee. The injury eventually required surgery.

Company's reaction: Your pre-existing osteoarthritis contributed to the severity of the injury, making it noncompensable.

Decision: She could collect. The court stated an increased risk of harm from employment outweighs the contribution of the pre-existing condition.

Cite: *Oceguera v. Labor Commission*, Utah Court of Appeals, No. 20190367-CA, 5/29/20.

REAL PROBLEMS, REAL SOLUTIONS

Metrics need balance to be effective

When it comes to metrics in safety, there's a lot of confusion over what exactly to focus on.

What are the particular metrics that add value to your organization?

Just because you measure something, however, doesn't mean it's the best metric, or that it has any value at all.

Leading metrics are misleading

For example, let's say I live in Annapolis, MD, and I want to go to New York City.

Does it make any difference where I've been? Maybe. Am I familiar with how to get there? Have I traveled there before? That makes a difference.

You think it through and say, "I know where I am, so where do I want to be?"

I want to be in New York City, so I can set up one leading metric: I want to be in New York City by 10 p.m. tonight.

But just because I put that number out there doesn't mean there's nothing else that's going to predict, influence or indicate whether I can achieve that metric.

That is unless I measure a bunch of other things, such as weather, traffic, fuel efficiency.

When you're working off of a single leading metric, everything may look good – I'm going to arrive in New York City at 10 p.m. – then suddenly the lagging metric slaps you and you find you didn't arrive on time.

You had no clue in between because you weren't measuring a balanced sampling of metrics.

That's what happens when you measure just lagging metrics or just one leading metric.

But how does this apply to on-the-job safety?

More than just one number

Let's look at the term "safety performance." What is that?

A lot of people say it's measured by looking at accident rates.

To me, that's one measurement of

safety performance, but not the only one.

One number, one metric, doesn't tell the whole story.

Some say the absence of injury and illness is the same as safety performance. Maybe, but maybe not.

I may not have a disease, but that doesn't mean I have a healthy lifestyle. I can even have a healthy lifestyle, but that doesn't mean I won't get a disease.

So what else can you measure?

I've heard safety performance equates to the presence of controls.

One control that's highly regulated is PPE, but we know from the

Run your program like it's a business

hierarchy of control that it's low on the totem pole for effectiveness.

If your focus is all about PPE, do you really have safety? Should you expect to have zero accidents?

The answer is no. You'll still have risks and hazards.

Thinking any one metric – whether leading or lagging – can measure your safety success is a myth.

The key is to run your safety program as if it's a business because businesses use multiple metrics to determine their success.

I've been in corporate meetings when management says, "Tell me what one number we need to measure safety."

And you think you have to answer them, but you can tell them it takes more than one metric.

Meanwhile, they're running a business, and they're not running it based on a single number. They're running the business based on multiple metrics.

(Based on a presentation by Paul Esposito, President, STAR Consultants, Annapolis, MD, at the Virtual AIHce EXP 2020)

TRAINING TIPS

Breaking down the language barrier for safety's sake

Some workplaces are rich with employees who come from diverse cultural backgrounds and who speak a variety of different languages.

So it's extremely important to ensure all employees can understand the safety and health rules by having access to them in the language they are most comfortable with.

OSHA offers a variety of its training materials, including brochures and fact sheets, in Spanish and has offered most of its coronavirus-related materials in a variety of languages, including Arabic, French Creole, Korean and Russian.

If the training isn't available in the language needed, a translator could be hired, or Google Translate could be used, although that is a slow process and it doesn't always offer the most accurate translation.

Report illustrates dangers of unbalanced loads

Safety pros know an unbalanced forklift or crane can spell trouble, and a recent National Transportation Safety Board (NTSB) investigation into a maritime crane incident serves as an apt example.

Investigators found the Sept. 8, 2019 overturning of a liftboat in the Gulf of Mexico, which led to the injury of one crew member, occurred because of a failure to account for its crane's movements and weights.

Once the 22,500-pound port crane boom was moved from its cradle into a vertical position, its center of gravity shifted about 17 feet, causing the vessel to overturn.

The company's manual didn't include guidance for changes in the position of the boom once the vessel was elevated, revealing inadequate procedures which didn't account for the crane's weight or movements.

PANDEMIC RESPONSE

Cal/OSHA COVID-19 rule approved by standards board

California is likely to be the next state to adopt an emergency standard addressing the spread of COVID-19 in the workplace after the state's Occupational Safety and Health Standards Board approved Cal/OSHA's proposed rule.

The board approved the standard Nov. 19, but official adoption is pending a 10-day review period.

While healthcare workers are protected from the coronavirus and other diseases under California's 2009 state law governing infectious airborne illnesses, the emergency standard will apply to all other employers.

Requirements

The new rules require employers to create written COVID-19 policies addressing hazards specific to the workplace, according to the LA Times.

Face coverings and other PPE must also be provided by employers for their workers at no cost to the employee.

Employers are required to provide free COVID-19 testing in the event of an outbreak, which the standard defines as three or more cases in the workplace within a two-week period.

Existing state mandates regarding the coronavirus were adapted to reinforce those guidelines, including

the requirement to timely notify health officials, Cal/OSHA and effected workers should an employee get a positive test result.

Court: OSHA misused GDC in fatal crane citation

A marine construction company involved in a fatal crane incident had an OSHA citation dismissed by the Occupational Safety and Health Review Commission (OSHRC) because of the agency's inappropriate use of the General Duty Clause (GDC).

Healy Tibbitts Builders is a Hawaii-based marine construction company performing work for the U.S. Navy in Pearl Harbor.

The work involved hoisting 12,000-pound buoys out of the water for maintenance purposes.

One such buoy broke free from its hoist, fell and killed two workers.

OSHA cited the company for a struck-by hazard under the GDC, and an administrative law judge upheld the citation.

Healy appealed, arguing the judge incorrectly rejected its argument that the GDC is preempted by a provision

of the crane standard under these circumstances.

The crane mounted on the barge "plainly falls within the scope of the crane standard," according to the OSHRC, so OSHA should have made the citation under that standard.

New respirator was made to curb spread of COVID

The first elastomeric half mask respirator (EHMR) without an exhalation valve – a feature meant to reduce the transmission of COVID-19 – has been approved by the National Institute for Occupational Safety and Health (NIOSH).

This EHMR can be used as PPE and source control to prevent spreading COVID-19, with exhalation accomplished through NIOSH-approved particulate filters.

Approval for the new EHMR was the result of concerns raised about respirators with exhalation valves allowing unfiltered exhaled air to escape into the environment, contributing to the spread of COVID-19 if the respirator's user was sick with the virus.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, Pete's company lost when the court found that the trench hadn't been measured properly.

OSHA claimed there wasn't adequate benching or sloping for a trench of that size, and that the trench's dimensions weren't correctly measured.

The company argued it measured the trench properly when it included the outside area of the trench opening, up to the cuts in the pavement, making the trench 16-feet wide rather than the 13 feet OSHA claimed.

While the court found the company did incorrectly measure the trench by including the outside of the opening, it said those dimensions still didn't conform to OSHA's standard (29 CFR 1926.652).

Some sloping was evident, but it wasn't at the proper ratio for the size of the trench, and one wall wasn't sloped or benched at all, so the citation and fine were upheld.

■ ANALYSIS: READ AND UNDERSTAND REGULATIONS

This case illustrates what can happen when a regulation isn't thoroughly read or fully understood.

The supervisor thought he measured properly, but that particular standard references appendices which contain more details on sloping ratios and configurations.

Reading a standard and being sure to fully understand it before work begins is important for supervisors and safety pros alike.

Cite: *Secretary of Labor v. DeNucci Constructors LLC*, Occupational Safety and Health Review Commission, No. 18-1847, 5/15/20. 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.

PPE & COVID-19

The U.S. Centers for Disease Control and Prevention (CDC) released a brief Nov. 10 stating cloth face masks provide a level of personal protection to the wearer against the coronavirus by helping to reduce inhalation of respiratory droplets.

Based on its research, the CDC determined cloth face masks reduce the wearer's exposure to infectious droplets through filtration, including filtration of fine droplets less than 10 microns in size, according to law firm Littler Mendelson.

However, the fabric and construction of an individual mask factors into its performance, as the more layers it has and the higher its thread count the better its level of protection.

Some of the cloth face coverings the CDC studied showed the ability to filter almost 50% of fine particles under one micron in size.

But all of these masks can effectively block most large respiratory droplets (particles larger than 20 microns), and multi-layered masks can capture 50% to 70% of smaller respiratory aerosols (particles under 10 microns) while limiting the forward spread of those they haven't captured.

The CDC should be releasing more information in the near future as it noted "further research is still needed to determine the most effective cloth face mask materials and design" and mentioned that "adopting universal masking policies can help avert future lockdowns."

CRIMINAL CHARGES

A former plant manager has pleaded guilty to federal charges and could face up to three years in prison in connection to giving a falsified document to an OSHA inspector.

Rean Brooks, former manager at Texas Packing Company, a meat packing plant in San Angelo, Texas, pleaded guilty to concealing knowledge of a felony.

The case involved the plant's refrigeration unit, which contained anhydrous ammonia.

In 2018, Texas Packing was operating its facility with 16,500 pounds of anhydrous ammonia – more than 6,000 pounds over the level at which a Process Safety Management (PSM) program is required by OSHA.

The issue was reported to OSHA, and an inspector met with Brooks and others at the plant to let them know about the complaint.

The plant's safety manager said the implementation of a PSM program would cost about \$20,000.

To avoid the costs, an individual at Texas Packing falsified a document to make OSHA believe the plant was in compliance.

According to the U.S. Attorney's Office for the Northern District of Texas, Brooks then gave the falsified document to an OSHA inspector with the intent to deceive the inspector.

Besides the potential prison term, Brooks also faces fines up to \$250,000.

OIG AUDITS

The Department of Labor's Office of Inspector General (OIG) plans on taking an in-depth look at OSHA's response to the pandemic in 2021.

Out of seven planned audits for next year, four will focus on the agency's response to the coronavirus.

The 2021 audits will focus on OSHA's COVID-related guidance on the safety of its inspectors, employee safety, its collaboration efforts with other agencies and its use of complainant interviews in complaint inspections.

In addition to the COVID-related audits, the OIG will be taking a look at the respirable silica standard, enforcement against severe violators and methods used to determine the effectiveness of standards.

WHERE TO GET HELP

REGISTRATION NOW OPEN FOR SAFETYFOCUS 2021

The American Society of Safety Professionals opened registration for its SafetyFOCUS 2021 virtual event.

SafetyFOCUS 2021 offers occupational safety and health courses in a full-day format on topics including business and leadership skills, personal development, construction, ergonomics, risk assessment and management, and safety management systems.

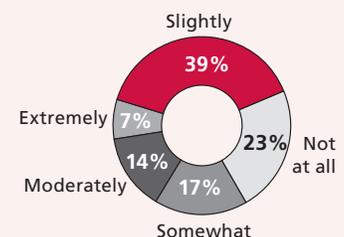
Attendees can earn up to 7 continuing education units to maintain a range of professional certifications, according to an ASSP news release.

The 10-day event will take place Feb. 8-12 and 15-19 from 8 a.m. to 4:30 p.m. CT each day.

More information about the virtual event can be found at SafetyFOCUS.assp.org.

What safety officers told us

How concerned are employers about lawsuits alleging labor violations related to COVID-19



Source: Littler Nov. 20, 2020 "Employer pulse survey report"

A small portion of safety pros were extremely concerned about COVID lawsuits, but many were concerned more about things like COVID's impact on mental health.

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?

Worker didn't report injury; he's afraid he'll get COVID at doctor's office

The Scenario

Manager Mike Kelly was performing a safety walk-through of the warehouse area.

Things are looking good today, Mike thought. I haven't seen a single safety violation, and the few potential hazards I saw were easily corrected.

He was walking toward the warehouse office when he saw a forklift pull up.

The operator carefully – and safely – dismounted from the forklift then winced as though he was in pain once he stepped onto the floor.

His curiosity piqued, Mike approached the forklift operator.

'I'm scared to death'

"Hey Henry, how are you doing?" Mike asked as he approached.

"I'm alright, Mike," Henry replied. "Just stocking the pick locations, like usual."

"You sure you're not hurt?" Mike asked again. "You're limping."

"OK, OK, you got me," Henry said. "I twisted my ankle when I got off my lift."

"When?" Mike asked.

"About four or five days ago, I guess," Henry replied.

"And you didn't report it? You know better than that," Mike said.

"I'm sorry, it's just, well, I'm afraid to go near a doctor's office or hospital right now," Henry said.

"I'm afraid I'll get COVID if I go."

"Honestly, I'm scared to death of COVID, Mike," Henry continued.

"And people go to the doctor's when they're sick, right?"

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

Reader Responses

1 Sharon Collins, Safety Manager, Wilmad Lab Glass, Vineland, NJ

What Sharon would do: I actually had an employee who reported a minor injury, and who wished not to be sent to a medical facility at the very beginning of the pandemic.

I provided first aid and had her write up an incident report.

The injury ended up being very minor, but initially there was a concern that she might have a splinter of glass still in the wound.

She was very adamant about not going into any medical facility or emergency room at the time.

We made a plan that she would keep an eye on the injury overnight and if there were any signs of complications or glass remaining she would then go to our Urgent Care Provider.

Reason: The injury was reported, documented signed, and dated leaving both the facility and the employee with the flexibility to manage the injury as needed.

2 Joseph Wickenhauser, Safety and Security Systems Leader, Wieland Group, Godfrey, IL

What Joseph would do: I would emphasize with Henry that his ankle could be more seriously damaged than he thinks and that without further evaluation, this could turn into a life-long problem.

Reason: COVID tests are readily available today, so I would suggest he go to a clinic, follow all of the CDC guidelines, then get tested. In the end, you can't force an employee to seek treatment, but you can take him off the job until a medical evaluation has been conducted if you feel it's not safe for him to work.

OUTSIDE THE LINES

■ WHEN IT'S OK YOUR FATHER 'SMELT OF ELDERBERRIES'

It's a classic scene from "Monty Python and the Holy Grail." King Arthur stands below a castle's ramparts as a French warrior taunts him, saying, "Your mother was a hamster and your father smelt of elderberries!"

In 2020, however, that is no longer an insult as the humble elderberry – a fruit rumored to boost the immune system – is in high demand to fight COVID-19 and influenza.

Trials have shown syrup made from the berry could help treat influenza, and "some doctors say elderberries could also aid recovery during respiratory virus infections, including the coronavirus, although more studies need to be done," according to Reuters.

And while the elderberry is useful in fighting infections, doctors say it can't kill the coronavirus.

Did you know ...

Train workers how to properly use protective equipment and clothing



Workers should be **trained** how to **put on, wear, remove and dispose of or clean** PPE they're expected to use on the job.

Source: OSHA

While some workers may come to the job with some familiarity with PPE, most do not. And even those familiar with the equipment may not know best practices at your facility.

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