

August 16, 2021

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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 lead by veteran Editor-in-Chief Fred Hosier.

Report: Extreme heat leads to higher risk of workplace injuries

■ *Increased temps factor into other job hazards*

New research reveals work-related injuries connected to extreme heat are greatly undercounted.

High temperatures cause a great deal more workplace injuries than data from workers' compensation claims and other official records show, according to the research.

Researchers found that on days when temperatures were 85-90 degrees Fahrenheit, the overall risk of workplace injuries, no matter the official cause, was 5% to 7% higher than days when temperatures were in the 60s, a *New York Times*

story on the research states.

Temperatures of 100 degrees or higher led to a 10% to 15% greater risk of injury.

19 times higher than official data

That means extreme heat "is likely to have caused about 20,000 extra injuries a year, or 360,000 extra injuries over the 18-year period" the researchers said.

Official data reflected an average of 850 injuries per year classified as related to extreme heat.

This comes to about 19 times the annual number of heat-related

(Please see Extreme heat ... on Page 2)

CRIMINAL CHARGES

Owners guilty of hiding info during investigation

The owners of a Nebraska railcar cleaning company pleaded guilty July 12 to hiding information from OSHA during the agency's investigation into a fatal explosion and for violating worker safety standards and environmental regulations.

Steven Braithwaite, president and owner of Nebraska Railcar Cleaning Services LLC (NRCS), and Adam Braithwaite, the company's vice president and co-owner, also pleaded guilty to conspiracy and submitting false documents to OSHA.

Steven Braithwaite is facing a maximum penalty of 15 years in prison and a \$750,000 fine.

Adam Braithwaite is looking at a maximum penalty of 20 years in prison and a \$1.25 million fine.

NRCS is facing a maximum penalty of five years' probation and a

\$9.5 million fine.

Sentencing is scheduled for Oct. 25.

Covered up lack of safety

NRCS offered rail tanker car cleaning services which involved sending employees inside the tanks to scrape and remove residual gasoline, ethanol and petroleum by-products.

On April 14, 2015, two NRCS workers were sent into a tanker car and were killed when the contents of the car ignited and exploded while they were inside cleaning.

OSHA accused the company of failing to implement worker safety standards and covering that fact up during the inspection.

Further, NRCS was accused of mishandling the hazardous waste it removed from tanker cars during the cleaning process.

COURT ORDER

\$95K paid to driver fired for concerns

An Illinois waste management company was ordered July 6 to pay \$95,000 in lost wages to a truck driver fired for reporting an injury and raising safety concerns.

The court order follows an OSHA investigation that found after the driver voiced their concerns about an unsafe vehicle, the company assigned the vehicle to a different employee, assigned the driver to an unfamiliar truck then fired them after they reported an injury while driving that vehicle.

Assigned to unfamiliar vehicle

In addition to paying the lost wages, Advanced Disposal Services Solid Waste Midwest must also add a copy of the court order to the driver's personnel record and post a notice of whistleblower rights in a common area of its Northbrook, IL, facility.

OSHA investigators found the driver went to a company manager regarding safety concerns they had about a specific truck.

The manager then assigned the unsafe vehicle to a different driver and assigned the driver who reported the safety issues to a vehicle they were unfamiliar with where they later injured a finger and had to go onto light duty.

The company investigated the incident and said it was the driver's fault.

Jump Headxxxx ...

(continued from Page 1)

workplace injuries recorded in workers' compensation data, the report states.

Regs help, but just a little

The researchers also found regulations to protect workers from extreme heat hazards do help bring the injury rate down, but not drastically.

Data showed the link between extreme heat and workplace injuries in California weakened after 2005, which is the same year the state began requiring employers to protect workers from heat hazards.

However, this link didn't disappear following the state mandate; it decreased by about one-third.

The working paper with these findings was made public July 19.

Research methods

In making the connection between extreme heat and work-related injuries, researchers analyzed California workers' compensation injury reports from 2001 to 2018 to build a database of more than 11 million injuries that included the date and location of each injury.

R. Jisung Park, a professor of public policy at the University of California, Los Angeles, and the co-authors of the report, Nora Pankratz and A. Patrick Behrer, combined the workers' comp data with temperature highs for each date and location.

This allowed them to see if the number of injuries increased on days with higher temperatures along with how much it increased.

SHARPEN YOUR JUDGMENT

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

■ DID SUPERVISOR REALIZE HE WAS BREAKING SAFETY RULE?

Safety Manager Pete Travers was making some changes to his extreme heat safety training program.

"I can't wait for summer to be over," Pete said.

"Yeah, it's been way too hot this year," company attorney John Jenkins asked as he walked into the office.

"Did you just agree with me?" Pete asked.

John looked at Pete for a long moment.

"Let's never speak of this again," John said.

'Didn't think roof was that high'

"OSHA is citing us, Pete, and I need some information," John said.

"I'm assuming this is about the shed incident," Pete replied.

John nodded his head yes.

"A supervisor, Juan Carillo, and an employee, Sean Corden, were supposed to make some repairs to the roof of this tool shed," Pete began.

"The shed stands about 9 feet tall, which means it's high enough they should have used fall protection," Pete explained. "But neither of them thought the roof was all that high, so they really didn't give a thought to safety precautions.

"Long story short, an OSHA inspector drove by and saw Sean on the roof without fall PPE, which resulted in the citation," Pete said.

"If they knew the rules, but chose not to follow them, then 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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PANDEMIC

COVID enforcement guidance updated

■ INTERIM RESPONSE PLAN, NATIONAL EMPHASIS PROGRAM CHANGES

OSHA recently revised its National Emphasis Program (NEP) for COVID-19 and updated its Interim Response Plan for enforcement of COVID-related violations while simultaneously extending the comment period for the coronavirus emergency temporary standard (ETS).

Some discretionary enforcement protocols have been revoked as states begin to reopen and the agency has brought its enforcement guidance to be more in line with the ETS.

Revised NEP and enforcement

OSHA launched its COVID-19 NEP March 12 to “focus on companies that put the largest number of workers at serious risk” as well as to address employers retaliating against employees complaining about unsafe conditions.

The agency evaluated inspection and illness data leading to a revised NEP, issued July 8, that targets the most at-risk industries, but still includes healthcare and meat and

poultry processing facilities, according to an OSHA news release.

An appendix that included a list of secondary target industries was removed from the NEP following analysis of the inspection and illness data.

The NEP now points OSHA inspectors to the Inspection Procedures for the COVID-19 ETS, which was released June 28, and updated July 8.

Updates to the procedures include:

- enforcing protections for workers in non-healthcare industries who are unvaccinated
- revoking enforcement discretion for temporary noncompliance with the Respiratory Protection Standard where respirator supplies and services are readily available, and
- ensuring workers are protected from retaliation.

Extended comment period

OSHA announced July 8 that it will publish a notice in the *Federal Register* extending the comment period on the COVID-19 healthcare ETS to Aug. 20, 2021.

This was to allow stakeholders more time for review.

COURT DECISION

Court: Evidence shows trench violation is valid

A citation against a construction company for an alleged trench violation still stands following a July 7 decision by the U.S. Court of Appeals for the Fifth Circuit.

The court found there was substantial evidence supporting OSHA’s allegations that the company had employees working in a trench that wasn’t properly benched and sloped.

DeNucci Constructors LLC received a citation from OSHA after a compliance specialist on her way to a conference noticed construction workers in an unsafe trench.

The specialist called the local OSHA office that had jurisdiction, and an inspector was sent to investigate

the alleged violation later that day.

During the investigation, the inspector took measurements of the trench and determined there was a violation.

Changes made to trench?

DeNucci fought the citation, saying further excavation of the trench, and additional benching measures, caused it to fall into compliance between the time the specialist saw it and when the inspector arrived to take measurements.

On appeal, the court agreed with a prior decision that there was evidence two of the trench walls weren’t properly benched at any time during the day of the inspection.

TRENDS TO WATCH

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

■ MODEL HERO ACT INFECTIOUS DISEASE PLANS AVAILABLE

New York State’s Airborne Infectious Disease Exposure Prevention Plan was published July 6, providing a general model for employers along with several that are industry-specific.

These models were published under the Health and Essential Rights (HERO) Act, which was signed into law May 5 by Governor Andrew Cuomo.

HERO covers most private sector businesses with worksites in New York State, with employees covered by federal OSHA temporary or permanent COVID-19 standards being the exception, according to law firm Cozen O’Connor.

A plan must be adopted by Aug. 5, 2021, but it doesn’t need to be in effect until the state’s Commissioner of Health designates an infectious disease as a highly contagious and communicable infectious disease that presents a serious risk of harm to public health.

■ EMERGENCY WILDFIRE SMOKE RULES ADOPTED

Washington State adopted emergency rules July 16 protecting workers from wildfire smoke.

The new wildfire smoke rules are meant to help employers identify exposure risks and determine when to notify their workers of the hazard.

They also require employers to:

- train employees and supervisors about wildfire smoke
- ensure employees showing symptoms of exposure are monitored and receive medical care when necessary, and
- take action to eliminate or reduce exposure where feasible when levels of particulate matter are high, including providing N95 respirators at no cost to workers.

Roundup of most recent OSHA citations

Go to www.SafetyComplianceAlert.com/fines for more OSHA fines and injury settlements.

Fatal injuries in trench lead to \$90K OSHA fine

A Texas contractor was cited by OSHA after one of its workers died after suffering abdominal puncture injuries at a jobsite.

While installing a sewer pipeline for a new commercial construction project, the employee and a co-worker were attempting to connect PVC pipe to the steel connector of a horizontal drill system.

The co-worker was operating the drilling equipment when the PVC pipe began to rotate violently. The employee got caught between the pipe and the trench box and was fatally injured.

Fine: \$90,000

Company: Cracon Inc., Missouri City, TX

Business: Water and sewer line construction

Reasons for fine:

One willful violation for failure to:

- provide workplace free of recognized fall hazards by allowing employees to ride in bucket of link-belt excavator

Two serious violations for failure to:

- guard moving parts of equipment exposed to contact by employees
- follow manufacturer's specifications for design of protective systems

Steel truss falls on, kills employee: \$75K fine

Although a Connecticut construction company managed to get a \$141,686 fine reduced, it's still in hot water with OSHA over five violations found after an employee fatality.

While a worker was using a chop saw to cut steel support pieces, an overhead steel truss collapsed. The employee was killed by severe head trauma.

Fine: \$75,000

Company: Alva Interiors Inc., Rocky Hill, CT

Business: Framing contractor

Reasons for fine:

One willful violation for failure to:

- maintain structural stability at all times during the steel erection assembly process

Four serious violations for failure to:

- train employees to recognize unsafe conditions
- train employees doing connecting work about hazards specific to connecting
- ensure loads were rigged by qualified employees
- pre-plan overhead hoisting operations during steel erection

Worker dies while trapped inside machine: \$448K fine

A Texas farm supplies wholesaler is facing a \$448,303 fine following an OSHA investigation into a fatality involving a worker who died after becoming trapped in a machine.

The worker was pronounced dead at the scene.

Several other employees were present when the worker – who had been with the company for about five years – became trapped in the machine, according to Fox 7 News.

Fine: \$448,303

Company: Bentoli Inc., Elgin, TX

Business: Farm supplies merchant wholesalers

Reasons for fine:

Three willful violations for failure to:

- ensure employees on working surfaces with unprotected edges 4 feet or more above lower level are protected from falling
- conduct periodic inspections of energy control procedures to ensure procedures are being followed
- ensure lockout/tagout devices were affixed to each energy isolating device by authorized employees

Three serious violations, including failure to:

- ensure lockout/tagout devices indicate identity of employee applying device
- ensure powered industrial truck operators were competent to operate powered industrial trucks safely

WORKERS' COMP DECISIONS

Can he get benefits for falling on a public bus?

A worker was injured when he tripped and fell exiting a public shuttle bus on his way to work. Can he collect benefits?

What happened: The worker tripped over his own feet as he was exiting the public bus in front of the employer's office. He injured his left foot and ankle in the fall.

Company's reaction: You weren't on the clock or on company property when you were injured.

Decision: He could collect. Because the bus had stopped and he fell onto the curb in front of his employer's office, he was no longer commuting and was technically on the premises, according to the court.

Cite: *Stewart v. Bravo Group Services*, Commonwealth Court of PA, No. 812 CD 2020, 7/2/21.

Worker develops neck, back pain over time: Benefits?

A worker sustained neck and back injuries over time while operating heavy construction equipment. Can he collect benefits?

What happened: A heavy equipment operator developed pain in his neck and back after operating an excavator to move rocks on construction sites over a long period of time. When the pain became too much to bear, he filed a claim.

Company's reaction: Your work triggered a pre-existing condition, but wasn't the cause of it.

Decision: He could collect. There was sufficient medical evidence to prove his work duties caused soft tissue injuries that worsened his preexisting condition.

Cite: *State ex rel. WSI v. Sandberg*, ND Supreme Court, No. 20200174, 3/3/21.

REAL PROBLEMS, REAL SOLUTIONS

Training changes during COVID will stay

COVID-19 forced a lot of business practices into the virtual world, including safety training.

Here's an example: We had new equipment, and our workers needed to be trained on how to use it safely.

Instructor couldn't come to us

The instructor who would normally conduct training in person couldn't come to our worksite because of the pandemic.

So we turned to virtual reality training. This was our first experience with it.

It went well, in fact so well that we'll continue to use it after the pandemic is over.

More training methods

Overall in Safety, some of the things we deployed because of the coronavirus actually work very well, and we'll continue to do them after COVID-19.

By changing some training methods during the pandemic, we learned there's no one way to deliver safety training.

As a result of making these changes, we now have our safety training in a number of formats, and it can be presented in a number of different ways.

(Based on a presentation by Noreen Cleary, Chief HR Officer, USG, Chicago, at the National Safety Council's Virtual Congress 2020One)

Bolstering employee emergency preparedness

A great way to increase employee engagement in safety is to involve them in teams that develop, evaluate and provide training on emergency drills.

The U.S. Department of Defense has a really good program along these lines, called Drop Cards.

Drop Cards

An employee takes a card that has an emergency scenario on it and gives it to another employee.

In that moment, the other employee reads the card and, based on the scenario, will react appropriately, understanding that this is a drill.

The employee who brought the Drop Card will observe what the other worker does and provide a critique.

This not only involves employees in safety, it also really bolsters their emergency preparedness.

(Adapted from a presentation by Brad Baptiste, OSHA Regional VPP Manager, Denver, at VPPPA's Next Level Safety conference)

How to ask the questions no one else wants to ask

Have you ever been in a meeting where you had a question, but you didn't ask it?

Many people experience this, so much so that there's a name for it: "pluralistic ignorance."

That's when you have an opinion and everyone else in the room has a different opinion than yours.

But the truth is if you've got a question, there's a sizable percentage of people in the room that probably have the same question as you and are also reluctant to ask.

But some questions are extremely important, such as, "Do they realize somebody could get hurt if we follow that new procedure?"

Failing to ask an important question could lead to disaster.

Write it down

What's being left unsaid at your workplace that could cause injury or disaster? Write it down. Think about whether there's someone you can say it to because it will make a difference and it will give you some power over the situation.

And it could save a life.

(Adapted from a presentation by John Austin, CEO, Reaching Results, Kalamazoo, MI, at VPPPA's Next Level Safety conference)

TRAINING TIPS

Even light duty can claim a life in extreme heat

Timothy Barber, a 35-year-old worker assigned to the Genesee River Bridge Project in western New York, collapsed from heat exhaustion at the end of his shift July 7, 2020.

Barber was treated for heat stress, but later died from hyperthermia.

It was his second day on the job.

OSHA investigators found Barber was doing light duty work that day, sorting bolts in 90-plus degree temperatures.

He worked alone, without shade or water, and wasn't acclimated to the heat.

His employer didn't provide training on extreme heat hazards, according to the Department of Labor.

Employers with workers exposed to high temperatures should have a heat illness prevention program that's clearly communicated to supervisors and workers.

OSHA says three simple things – water, rest and shade – can save workers' lives in extreme heat.

Staying safe while working with power tools

About 200 power tool-related incidents occur every year in the maritime industry alone, according to OSHA.

To prevent injuries from power tools, workers should be trained to:

- Keep all tools in good condition with regular maintenance
- Use the right tool for the job
- Examine each tool for damage before use and do not use damaged tools
- Operate tools according to the manufacturers' instructions, including proper tool orientation and use of accessories or attachments, and
- Use the right PPE for the task.

EXTREME TEMPERATURES

Oregon adopts heat emergency standard after worker's death

Emergency rules to protect Oregon workers from extreme heat have been adopted by the state's Occupational Safety and Health Division following the heat-related death of a farmworker June 26.

On July 8, the state agency adopted an emergency temporary standard (ETS) as Oregon continues to face extreme temperatures that have already killed more than 100 people.

The state is working on a permanent heat standard, but the recent heatwave across the western U.S. that has seen temperatures reach 104 degrees or higher led to the push for an ETS following the death of Sebastian Perez.

OSHA investigation

Perez was found unresponsive in the field at the end of his shift, and Oregon OSHA attributed his death to the extreme heat, leading to an ongoing investigation of Ernst Nursery and the company that provides its workers, Brother Farm Labor Contractor.

What's required

The requirements in Oregon's emergency rule depend upon the heat index, a combined measurement of

heat and relative humidity.

When the heat index is 80 degrees or higher, employers must provide:

- access to sufficient shade, and
- an adequate supply of drinking water.

When the index rises above 90, the rules for 80 degrees apply and employers must also:

- ensure effective communication between employees and supervisors
- ensure employees are observed for symptoms of heat illness
- provide cool-down rest periods in the shade of 10 minutes for every two hours of work, and
- develop and implement a plan and practices to gradually adapt employees to working in the heat.

OSHA issues enforcement guidance for tree care

OSHA compliance safety and health officers (CSHOs) received new enforcement guidance July 13 for the tree care industry.

The guidance applies to inspections of tree care and tree removal operations.

This document highlights hazards faced by workers in these operations

and provides CSHOs with guidance on the standards typically applied to address hazards in the industry.

Some of the issues addressed include falls, struck-by hazards in the form of falling objects, use of PPE, electrical safety, noise exposure, hand and portable power tools, machine guarding and first-aid kits.

Owner gets jail time after worker is killed in trench

Bryan Johnson, owner of Colorado-based ContractOne Inc., was sentenced July 15 to 10 months in jail for two counts of reckless endangerment and one count of third-degree assault related to the workplace death of Rosario Martinez.

He also must pay \$25,000 in restitution to the Martinez family.

Johnson pleaded guilty to the charges on June 16, 2021.

An OSHA investigation into the June 14, 2018, trench collapse found that Johnson hired Martinez to install drywall and do carpentry work, but didn't train him or other workers on trenching and excavation hazards.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, Pete's company lost.

The actual details of the case involve the owner of a car lot who was monitoring his in-house handyman while repairs were performed on the shed with the 9-foot-high roof.

While the owner didn't seem to be all that aware of OSHA's standards on fall safety, he did claim he made himself available to act as a spotter for the handyman as he worked on the low roof.

However, as OSHA pointed out, the owner wasn't around every moment the handyman was on the roof, so with no spotter and no fall PPE, the worker was exposed to a fall hazard of 9 feet.

Further, the court pointed out that a spotter or monitor

must be on the same level as the worker, but the owner had been on the ground the entire time.

■ ANALYSIS: 'BASIC TASKS' AND SAFETY

The owner and employee in this case didn't seem to give the hazards of the work being done any thought.

Since the roof was "only" 9 feet in height, and this was nothing more than a simple patch job, neither person could envision any kind of risk.

Unfortunately, supervisors, managers and workers can easily get in this mindset when doing what seem like basic, no-risk tasks. The problem is, those tasks do have very real risks, so reminding them to remember safety is warranted.

Cite: *Secretary of Labor v. Far From Broken Auto Sales*, Occupational Safety and Health Review Commission, No. 20-0415, 5/25/21. 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. For the FR listings and other related links, go to [SafetyComplianceAlert.com/category/federal-activities](https://www.safetynewsalert.com/alert.com/category/federal-activities).

MINE SAFETY

The Mine Safety and Health Administration (MSHA) issued two safety alerts July 12 regarding incidents – some fatal – involving vehicle rollovers and powered haulage.

MSHA says miners continue to die in rollover crashes and that powered haulage incidents are occurring at a disproportionately high rate.

The recent fatalities occurred when vehicles flipped over backward or rolled over onto their sides, according to MSHA's alert on rollover incidents.

In addition to the fatal incidents, multiple similar incidents occurred resulting in serious injuries.

Some factors that contributed to these incidents include:

- non-use or unbuckling of seat belts
- brake failure, and
- distracted driving.

Fatalities and injuries involving vehicles such as shuttle cars, scoops, locomotives, haulage equipment and pickup trucks also continue to occur at a high rate, according to MSHA's alert on powered haulage.

MSHA recommendations to prevent these incidents include:

- knowing where in the workplace others are and communicating with them to stay clear of blind spots
- setting parking brakes and chocking the wheels of unattended vehicles
- ensuring seat belts are maintained in good condition and worn at all times, and
- ensuring conveyors are de-energized, locked, tagged and blocked against motion before removing guards or beginning work.

COURT DECISION

The federal court for the District of Colorado rejected a lawsuit July 9

from a FedEx Ground employee who wanted to sue the company over its mandatory mask policy.

FedEx Ground argued that it was following a mandate issued by the state of Colorado and couldn't be held liable since it was obligated to follow the state's rules. The judge agreed and dismissed the case.

The worker claimed he had health problems and refused to wear a mask, but he wouldn't disclose what the health problem was, claiming it was protected information under the Americans with Disabilities Act (ADA).

His lawsuit was filed solely against FedEx Ground and didn't involve an ADA claim, so the judge found for the company since it was simply following a directive issued by the state during a public health emergency.

TEEN WORKERS

The operator of two specialty grocery stores in two states had to pay \$27,274 in civil penalties to the Department of Labor after an investigation revealed workers under the age of 18 were cleaning powered meat mixers and grinders.

Investigators from the Wage and Hour Division found that a 15-year-old and three 16- and 17-year-old employees were allowed to clean the hazardous meat processing equipment, which is a violation of the Fair Labor Standard Act (FLSA).

The employees involved in cleaning the hazardous equipment worked at the On The Vine Marketplace located in Scarborough, ME.

Investigators also found child labor law violations at another store location in Exeter, NH, according to a Department of Labor news release.

Teens working at the Exeter store were working longer hours than what the FLSA allows, which factored into the overall fine amount.

The fine amount reflects the finding of similar violations in a previous investigation at the Exeter location.

WHERE TO GET HELP

PREVENT ENVIRO HAZARDS DURING STORM SEASON

Tropical storms can pose environmental health and safety hazards such as:

- carbon monoxide fumes from using generators in poorly ventilated areas, and
- lead, asbestos and mold growth exposure after water damage.

Inhaling mold can cause adverse health effects, including allergic reactions.

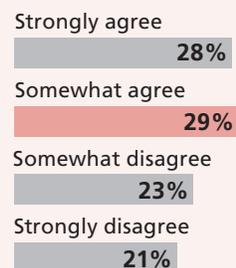
Mold also can damage materials in your home.

In addition, flood water may contain microorganisms, such as bacteria, as well as toxic chemicals and other hazards.

Info: [epa.gov/indoor-air-quality-iaq/resources-flood-cleanup-and-indoor-air-quality](https://www.epa.gov/indoor-air-quality-iaq/resources-flood-cleanup-and-indoor-air-quality)

What safety pros say

Most workers feel masks should still be worn on the job to protect them from COVID-19. Agree or disagree?



Source: The Harris Poll 2021 Workforce Monitor on masking anxiety

The poll revealed that many U.S. workers with children under the age of 18, Hispanic and Black adults, and people living in the western U.S. felt masks should continue to be worn.

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

ANSWERS TO TOUGH SAFETY QUESTIONS

Safety pros like you face questions every day on how to keep your employees safe. On this page, you'll get answers to real-life questions and situations you could encounter in either a "Management Scenario" or "Experts' Solutions."

EXPERTS' SOLUTIONS

OSHA can use General Duty Clause in heat stress cases under certain circumstances

Q: Can OSHA cite a company under the General Duty Clause (GDC) for exposing employees to extreme heat?

A: Yes, but a court recently set a high bar for OSHA to use the GDC for this hazard, according to Courtney Malveaux, attorney with Jackson Lewis PC.

Historically, OSHA has protected workers against extreme heat by using the GDC which requires employers to provide employment free of recognized hazards.

However, in a 2019 case, the Occupational Safety and Health Review Commission set a high bar for use of the GDC in cases involving heat exposure.

OSHA recommends employers set thermostats between 68 and 78 degrees Fahrenheit.

OSHA guidance also suggests employers should:

- provide workers with water and rest
- allow new or returning workers to gradually increase workloads
- train workers on prevention, and
- monitor workers for signs of illness.

Not in healthcare? You can still be cited for COVID issues

Q: Can OSHA still issue citations for COVID-19 violations if an employer doesn't fall under the COVID emergency temporary standard (ETS)?

A: Yes, OSHA will use the General Duty Clause along with specific

standards it feels apply to a given situation, according to law firm McCarter & English.

And don't forget that along with the ETS, OSHA issued guidance for general industry to assist employers and workers who don't fall under the ETS.

This guidance is meant to help employers implement COVID-19 prevention programs and identify risks that could lead to employees being exposed to the virus.

Combining training and general safety standards

Q: How does ANSI/ASSP Z490.1 combine with an organization's existing safety management system?

A: The Z490.1 standard should be an integrated, aligned part of an organization's safety management system, according to Jeff Dalto, Senior Learning & Customer Advocacy Manager at Vector Systems.

Safety training shouldn't be a siloed, isolated effort that's unconnected to real safety hazards, according to Dalto.

The same principles that apply to safety management apply to safety training, including working with other departments and getting workers engaged in risk identification.

A Z490.1 update is expected late in 2020 or early in 2021.

If you have a safety-related question, email it to Merriell Moyer at: mmoyer@bbp.com

OUTSIDE THE LINES

■ WE BUILT THIS CITY ON ... BOWLING BALLS?

We've all heard the horror stories about companies burying toxic waste, tearing down the plant at some point in time and then eventually a housing development gets built on top of the site.

Well, one Michigan man discovered July 11 that his house was built on the site of an industrial dumping ground.

But instead of toxic waste, David Olson found 160 bowling balls under his house, according to the *Associated Press*.

Olson contacted the maker of the balls, Brunswick Bowling Products, which had a plant in the area back in the 1950s.

Some former employees contacted him and told him workers used to take scrapped bowling balls to use as filler instead of gravel or sand.

Did you know ...

When operating a lawn tractor, wear proper attire and PPE



Close-fitting clothing, safety shoes and hearing protection should be worn while operating a lawn tractor.

Source: Canadian Centre for Occupational Health and Safety

In the U.S., 6,394 people sustain serious injuries each year in lawn mower accidents, a new research study from Johns Hopkins states, according to *The Washington Post*.

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