

October 1, 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.

Cutting corners triggers vapor explosion: CEO headed for jail

■ Exec's safety shortcuts land him in hot water

Environmental health and safety should never take a back seat to making a profit!

The former president of an oil waste reclamation plant learned that lesson the hard way.

Peter Margiotta, 64 years old, just started an 18-month sentence in a federal prison after being found guilty of multiple criminal violations of the Clean Air Act (CAA).

Profits trumped process safety

Rushing to get up and running before all the T's were crossed and I's dotted landed three of his former

employees in the hospital and blew up a sizable chunk of his plant.

Custom Carbon Processing was wrapping up construction of a disposal well and oil reclamation facility in Wibaux, WY.

But there was still a lot more work to do before the plant could accept and treat shipments of highly volatile and flammable drip gas from fracking operations in the surrounding Bakken Formation.

Each day the plant sat idle meant a loss of profits to Margiotta. So he decided to open the facility before all necessary wiring and ventilation could

(Please see Cutting corners... on Page 2)

PANDEMIC

OSHA to require employees get COVID vaccinations

OSHA has been directed by President Biden to develop a new rule requiring all employers with 100 or more employees to ensure their workers are either fully vaccinated against COVID-19 or getting tested weekly before coming to work.

The directive is part of a new plan to combat the coronavirus.

OSHA would issue a new emergency temporary standard (ETS) to implement the requirement, which would impact more than 80 million workers in private sector businesses, according to the White House's "Path out of the pandemic" action plan.

In a speech Sept. 9, President Biden pointed out that the "unvaccinated minority 'can cause a lot of damage, and they are,'" the *Associated Press* states.

Critics point to the certainty that

there will be legal challenges ahead for this ETS.

But some experts feel the president already had the legal authority to impose vaccine requirements on private employers through OSHA, according to *The New York Times*.

Mandate for federal workers

Another part of the president's plan involves a vaccine mandate for all federal workers and contractors.

The contractor mandate applies to any new contracts, solicitations, extensions, renewals and exercises of an option for an existing agreement.

Another workplace element of the plan includes vaccine mandates for about 17 million healthcare workers in hospitals, clinics and other facilities that accept Medicare and Medicaid payments.

COURT DECISION

Judge upholds \$145K fine for contractor

A \$145,000 OSHA fine issued to a Colorado roofing contractor was upheld Aug. 26 by a federal administrative law judge (ALJ).

The contractor was accused by OSHA of repeatedly ignoring requirements to protect its employees and subcontractors from workplace falls.

An April 2019 inspection found Premier Roofing LLC failed to conduct site safety inspections and repeatedly exposed its employees and workers from subcontractor M&M General Construction LLC to fall hazards at a large Aurora roofing project, according to a Department of Labor news release.

History of violations

Premier Roofing was fined \$90,860 for similar violations in 2016, along with its subcontractor at the time, Walter Construction LTD, which was fined \$16,800.

Both Premier Roofing and M&M received repeat citations following the

recent inspection.

M&M settled its penalties in 2019, and Premier Roofing contested its citations to the Occupational Safety and Health Review Commission.

The ALJ affirmed the citations and ordered the company to pay a \$145,858 OSHA fine.

Cutting corners ...

(continued from Page 1)

be installed.

The project manager balked at the decision in an email to Margiotta:

"The control panels must be moved ASAP with the explosion-proof wiring. We also run the risk of killing someone, not only our operators but also customers."

Prophetic warning went unheeded

The foreman repeatedly warned the natural gas condensate they were using to thin slop wasn't effective, and that flammable vapors could ignite.

In addition, hydrocarbon vapors, extremely hazardous substances and air toxics would be released.

Margiotta disregarded the warnings, and during a delivery of natural gas condensate, flammable vapors from the material filled the plant and spread out through the open bay doors where the truck making the delivery was located.

An ignition source sparked and triggered an explosion. Three employees suffered injuries. Parts of the building as well as the loading dock and truck were nearly torn apart. Luckily no one died.

The Department of Justice said Margiotta "ignored warnings and knowingly put his employees and the public at risk," highlighting "the importance of a risk management program that protects public health and the safety of our communities,"

Margiotta faced up to 15 years in prison for three CAA charges, but the judge sentenced him to 18 months.

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.

■ WAS COMPANY NEGLIGENT IN WORKER'S FALL INJURY?

Wow, I'm in a really good mood, Safety Manager Pete Travers mused while sitting in his office.

It's almost fall, he continued. That means pumpkin spice coffee, apple cider and Halloween, my favorite holiday.

Company attorney John Jenkins stepped into the room.

"I'm going to guess you don't like pumpkin spice coffee," Pete said.

John smiled without mirth. "No," he replied. "I do not."

Stood on a bucket

"An employee is suing us," John said. "He says he was injured in a fall that wasn't his fault."

"He's claiming it was our negligence that led to the fall," John continued.

"Ah, yes, Michael Schaefer," Pete said. "He couldn't find a stepladder to do his work, so he stood on a 5-gallon bucket instead."

"Are you kidding me?" John asked.

"No, not at all," Pete replied.

"We have rules in place about ladders, and none of them recommend standing on a bucket if you can't find one."

"He did claim he saw his supervisor do the same thing before, so I had a talk with the whole crew about ladder safety and the fact that buckets are not an adequate alternative to a ladder," Pete said.

"Then we should be able to fight this since it was obviously his fault," John said.

Pete's company tried to get the case dismissed. Did it succeed?

■ 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),
October 1, 2021, Vol. 28 No. 627, is published semi-
monthly except once in December (23 times a year).

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ENFORCEMENT

Company to pay whistleblowers \$667K

■ EMPLOYER MUST PAY WORKERS FIRED FOR REPORTING SAFETY CONCERN

Two employees were allegedly fired after reporting an unsafe condition at work, and OSHA has ordered the company to pay a big financial price.

OSHA ordered CSX Transportation Inc. to pay more than \$667,000 to two employees the agency claims were fired after reporting a blue flag that signaled their train couldn't move safely.

Blue signals show workers are on, under or between railroad rolling equipment. When they're displayed, the equipment may not be moved, according to federal Department of Transportation rules.

The two workers were at a rail yard in Waycross, GA, in November 2017 when they reported the unsafe condition.

Penalties add up

An OSHA investigation found CSX retaliated against the workers in violation of whistleblower regulations.

OSHA says CSX pulled the workers off their jobs and later fired them.

CSX is ordered by OSHA to:

- pay the employees \$667,740 plus attorney fees to cover back pay from the time of their removal to September 2019
- pay costs incurred by the workers, including interest on back wages, penalties on withdrawals from their 401(k)s, and compensatory and punitive damages
- restore both workers' seniority and benefits they would have received, and
- provide retirement credit, vacation time and personal days they would have earned.

This is the third OSHA whistleblower finding in 10 months related to CSX retaliating against workers who reported safety concerns.

In July 2021, OSHA ordered CSX to pay \$221,976 in back wages, interest and damages to a worker fired in New Orleans for reporting safety concerns.

In October 2020, OSHA ordered CSX to reinstate an employee and pay more than \$95,000 in back wages and \$75,000 in punitive damages after a worker in Rebecca, GA, reported an unsafe gate and an injury.

who got the shot, the organization found through a recent survey.

More info on the way

The guidance follows the Food and Drug Administration's recent formal approval of the Pfizer-BioNTech COVID-19 vaccine, which replaces the emergency use authorization granted by the agency last December.

Full approval could make it easier for employers to require vaccinations and may reassure some people who are hesitant about getting the vaccine, the NSC states.

More information on encouraging vaccines, addressing vaccine hesitancy and testing in the workplace will be released later in 2021.

TRENDS TO WATCH

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

■ COURT FINDS COMP AGE RESTRICTION CONSTITUTIONAL

The Kentucky Supreme Court affirmed an appeals court decision upholding the constitutionality of a 2018 amendment terminating workers' comp income benefits once a recipient reaches 70 years of age or four years from the injury date.

The Aug. 26, 2021, decision was in response to two consolidated workers' comp appeals from Cheryl Cates and Ronnie Bean, injured workers who questioned the constitutionality of the amendment.

Cates and Bean claimed the amendment was unconstitutional because it discriminates based on the recipient's age, and was unconstitutional special legislation because it applied only to older recipients.

The Supreme Court agreed with the appeals court ruling that there was a legitimate state interest in preventing workers' comp recipients from receiving duplicate payments in the form of retirement benefits.

Like the appeals court, the Supreme Court also rejected the special-legislation challenges finding the statute treated all older recipients alike.

■ DEPT. OF HEALTH ACTIVATES HERO ACT FOR COVID-19

New York's Health and Essential Rights (HERO) Act was activated Sept. 6 by the state's Department of Health when the agency declared COVID-19 highly contagious and a danger to public health.

Employers must now review their worksite exposure prevention plans; activate the protective measures in the plan, including mandatory screening, social distancing and masking; and provide employees with verbal and written notice of their exposure prevention plans, according to law firm Morgan Lewis.

PANDEMIC

NSC calls for employer COVID-19 vaccine mandates

The National Safety Council (NSC) is calling on all U.S. employers to mandate COVID-19 vaccinations, which the organization says are the "only recourse to combat the Delta variant and adapt to an evolving pandemic landscape."

All employers are urged to implement COVID-19 vaccination requirements for their workers, and the NSC has introduced guidance outlining four levels of requirements for various workplace risk profiles.

Vaccines are the "clearest route to ensuring worker safety and wellbeing" in the workplace, according to an NSC news release.

When employers required vaccines, there was a 35% increase in workers

Roundup of most recent OSHA citations

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

Air compressor explosion kills 1, injures another

Cal/OSHA cited a company after an employee was killed when a pipeline on an air compressor exploded.

One employee was setting up the compressor when one of its pipelines exploded, causing debris to hit two nearby employees, killing one and injuring the other.

Fine: \$108,300

Company: Sierra Pacific Industries, Lincoln, CA

Business: Manufacturer of wood preservation products

Reasons for fine:

Three serious accident-related violations for failure to:

- test discharge piping prior to operating compressor and ensuring proper connection
- ensure pressure relieving safety device was installed in line between compressor and block valve
- ensure all pressure piping for compressors was designed in accordance with good engineering practices

Three serious violations for failure to:

- ensure energy within pipeline system was controlled to prevent release during repair
- ensure group lockout/tagout procedures were used
- ensure employees worked under supervision of qualified individual

Company slapped with willful COVID violation

Many companies OSHA has hit with coronavirus-related fines have been mostly in the healthcare industry. This fine shows other types of companies aren't immune from stiff fines for COVID violations.

OSHA opened its investigation following a referral from the Division of Labor Standards of the Commonwealth of Massachusetts Executive Office of Labor and

Workforce Development.

Fine: \$136,532

Company: Ariana Murrell-Rosario, dba Liberty Tax Service, Lynn, MA

Business: Tax preparation services

Reasons for fine:

One willful violation of the General Duty Clause, including:

- prohibiting employees and customers from wearing face coverings in the workplace despite a statewide mask order
- requiring employees to work within six feet of each other and customers while not wearing face coverings
- failing to provide adequate means of ventilation
- failing to implement controls such as physical barriers, pre-shift screening of employees, enhanced cleaning and other methods to reduce the potential of person-to-person transmission of the coronavirus

Mixing machines not locked out for cleaning

An Alabama spice importer was cited by OSHA after inspectors found several lockout/tagout and machine guarding violations.

A complaint led to the inspection, which revealed workers were allowed to clean mixing machines without using lockout/tagout devices and failed to use proper machine guarding on the mixers.

Fine: \$121,511

Company: iSpice LLC, Jackson, AL

Business: Spice and extract manufacturing

Reasons for fine:

Three repeat violations for failure to:

- develop and use procedures for control of potentially hazardous energy
- provide training to ensure employees understood energy control program
- protect conductors entering cutout boxes from abrasion

Seven serious violations, including failure to:

- take defective or unsafe powered industrial trucks out of service
- ensure outlet boxes had covers or faceplates

WORKERS' COMP DECISIONS

Injured getting car keys after end of shift: Benefits?

Can an employee injured when he walked back into the jobsite for his keys collect benefits?

What happened: A construction worker finished his shift, but realized he left his car keys on the second floor of the unfinished building. He used an aerial lift to go up and get them, but was injured when the machine malfunctioned.

Company's reaction: Getting your keys was not work-related.

Decision: He couldn't collect.

The court found he was not engaged in a work activity when the injury occurred.

Cite: *McKnight v. Metro-North Railroad*, NY Court of Appeals, No. 2019-05021, 3/3/21.

Worker retires after series of injuries: Can he collect?

A retired worker suffered a series of back injuries at the end of his career. Can he collect benefits?

What happened: The worker spent his entire career performing physical labor until multiple back injuries took their toll. He took what amounted to a light-duty position, but even that eventually caused him pain.

Company's reaction: You refused light-duty work we offered to you, so you can't collect.

Decision: He could collect. The court found the worker initiated the request for a light-duty job, and only quit when the pain became unbearable, which meant it was no longer a suitable accommodation. The employer didn't offer evidence it had a less physically intensive job available.

Cite: *City of Guntersville v. Looney*, AL Court of Appeals, No. 2190773, 3/12/21.

REAL PROBLEMS, REAL SOLUTIONS

OSHA officer: Why VPP is important to me

When I was in my fifth year as a supervisor in an OSHA enforcement office, we had what was unfortunately a relatively routine case involving a contractor.

An employee was on the third level of a scaffold doing plaster work on a residential construction site when he fell, broke his neck and was killed.

This was the company's first ever involvement with OSHA.

We gave them an abatement process to follow so this wouldn't happen again.

Nine months later, two of the company's workers were ejected from an aerial lift. Neither of them were wearing fall protection and they fell to their deaths.

Months later, the company's safety manager came into the office for an informal conference. They had three fatalities in less than a year.

'Not our fault'

He looked me right in the eyes and said, "You can't hold us responsible for hiring stupid people."

It was at that point in my career that I reached a crossroads.

I knew enforcement was important, but it was no longer right for me. I didn't feel like I was making a difference anymore.

That's when I got an email that the former area Voluntary Protection Program (VPP) manager was leaving.

As an area manager in the VPP program, I get to put away the standards books – those are minimums.

I get to work with people who put employee safety and health at a very high level of importance.

Program members have a commitment to excellence in safety, which asks them to go above and beyond what the law requires.

Commitment from leaders

The agency expects commitment from an organization's leaders.

You've got to actively lead by example. It's not enough just to say, "Go be safe."

You can't point to the "safety first" banner and say, "That's our mantra."

You have to live it. You have to be the one out there demonstrating it.

The best leaders are the ones who walk the talk, live the culture and are willing to write the check for the resources required to be excellent.

And you make the proper decision when you're faced with an opportunity, and I use the word "opportunity" very carefully.

For example, let's say you've come from a culture where it's been production first and you're fortunate enough to have an employee who stops work for a safety concern. That's an opportunity for you to set the example and default to a safety decision.

What about employees?

The vast majority of employees in this country go to work, punch in, do their job, punch out, and if they go home safe, it is strictly the result of statistical noise.

They really had nothing to do with it and weren't actively involved.

If you're fortunate enough to be an employee in a workplace that's committed to the VPP, you get the opportunity to have an active, meaningful, constructive opportunity to participate in safety and health every day.

Their voices are heard in the program, but only if they'll use them.

Employees have to stand up and be involved. One reason EHS people love VPP is because it takes them out of that role as safety cop and puts them into the role of safety resource.

Now every employee is the safety cop. They become their brother's keeper. They're deputized to keep themselves and their co-workers safe on the job.

It's not every workplace that gives their employees that opportunity.

(Based on a presentation by Brad Baptiste, OSHA Regional VPP Manager, Parker, CO, at the 2021 VPPPA Safety+ National Symposium)

TRAINING TIPS

Generators: Helpful tools with the potential to kill

Generators can be real life savers in the wake of a natural disaster such as a hurricane or blizzard.

However, they also come with quite a few serious hazards, including:

- electrocution from improper use of power or accidental energizing of other electrical systems
- carbon monoxide from the exhaust
- fires from improper refueling, and
- noise and vibration.

Make sure a generator is properly grounded before use.

Always keep generators dry. Protect them from rain with a canopy if their use is required in wet conditions.

Never use generators indoors to keep workers safe from carbon monoxide exposure.

And always shut down a generator and let it cool off before refueling to avoid potential ignition hazards.

Warehouse worker killed in fall: Failed to use PPE

No matter what industry you're in, if you're working at heights you need fall protection. But many workers fail to realize this if they're working outside of construction.

One warehouse worker will never get a second chance to learn this lesson, as he fell 15 feet to his death after struggling to move some cabinets stored on elevated racks onto his forklift's pallet.

After he fell, the cabinets fell on top of him, according to OSHA, who fined the company for the lack of fall protection.

Co-workers found him under the cabinets and he was taken to the hospital, but died later the next day.

SETTLEMENT

Company pleads guilty in arsenic incident, agrees to OSHA fine

A Montana company accused of exposing employees at its Anaconda plant to high levels of arsenic admitted that it had violated the Clean Air Act and has agreed to settle a civil case with OSHA regarding related safety and health violations.

U.S. Minerals Inc. pleaded guilty Aug. 23 to one misdemeanor count of negligent endangerment under the Clean Air Act and faces a maximum penalty of five years of probation and a fine that has yet to be determined.

Plea agreement

Under the terms of a plea agreement, the federal government and U.S. Minerals will jointly recommend the company be placed on probation for five years and pay a \$393,200 fine.

The government accused the company of negligently releasing inorganic arsenic into the air from July 2015 until February 2019 and exposing its employees to the hazardous air pollutant, which is known to cause serious health problems, including lung and skin cancer.

The agreement recommends U.S. Minerals, as part of its probationary conditions, implements a:

- national environmental health and safety plan for all of its facilities, and

- medical monitoring program for current and former employees exposed to elevated levels of arsenic during their work at the Anaconda plant.

OSHA settlement

U.S. Minerals also agreed to resolve a related civil case with OSHA regarding 19 serious health and safety violations at the Anaconda plant and a \$106,800 fine.

Under the agreement, the company will accept all citations as issued and pay the fine.

Final rule clarifies whistleblower provision

OSHA published a final interpretive rule Sept. 3 changing a prior rule interpreting its whistleblower provision.

This rule went into effect Sept. 3 and clarifies the causal connection between the protected activity and the adverse action described in 29 CFR 1977.6.

What changed exactly? The rule's Federal Register entry says it was meant "to clarify that the test for showing a nexus between protected activity and adverse action

is 'but-for' causation."

The change brings the interpretation in line with prior Supreme Court decisions in *Gross v. FBL Financial Services, Inc.*, *Univ. of Tex. Sw. Med. Ctr. v. Nassar*, and *Bostock v. Clay County, Georgia*.

Respirators for use against COVID exposure

When it comes to respirators for protection against COVID-19 exposure, the N95 is the most widely available that has approval from the National Institute for Occupational Safety and Health (NIOSH).

However, there are other types – N99, N100, P95, P99, P100, R95, R99 and R100 – that offer the same or better protection as an N95.

When supplies are available, an N95 or one of the other respirators listed can be used instead of a mask, in some situations. CDC recommends that special N95 respirators labeled as "surgical" or "medical" should be prioritized for healthcare providers.

An OSHA video on how to put on and seal test a respirator can be found at [youtube.com/watch?v=Tzpz5fko-fg](https://www.youtube.com/watch?v=Tzpz5fko-fg)

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, the company failed to get the case dismissed in this New York labor law claim.

The worker presented triable issues over whether it was solely his own conduct that caused his fall and injury.

While the company argued the incident was the worker's fault for standing on the bucket, the fact of the matter was that the company had no rules specifically against it.

Further, there was the issue regarding the supervisor who the worker observed doing the same thing, which turned out to be on more than one occasion.

Between the lack of evidence of a company "don't-stand-on-a-bucket" rule and the worker's testimony

regarding what he witnessed his supervisor do, the court found enough reason to allow the case to proceed to trial.

■ ANALYSIS: SUPERVISOR BUY-IN IS IMPORTANT

Supervisor buy-in is extremely important to safety.

When a worker sees a supervisor repeatedly performing unsafe acts, the worker is very likely to do the same thing because either they see they can get away with a shortcut, or maybe they think the supervisor expects them to follow suit to save time or resources.

And while we're on the subject of resources, it's also important to make sure employees have what they need to do their job safely. If this worker would've had a ladder, he probably wouldn't have gotten injured.

Cite: *Portillo v. DRMBRE-85 Fee LLC*, NY Court of Appeals, No. 152890/17, 2/25/21. 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 SafetyCompliance.Alert.com/category/federal-activities.

MINE SAFETY

A new rule proposed by MSHA would require mine operators employing six or more miners to implement a written safety program for mobile and powered haulage equipment, including actions to identify hazards and risks, to reduce accidents, injuries and fatalities related to this type of equipment.

Operators would be allowed the flexibility to devise a safety program for their specific mining conditions and operations, according to a Department of Labor news release.

The proposed rule states that the written safety program would:

- list actions that mine operators would take to identify hazards and reduce risks, develop equipment maintenance and repair schedules, evaluate technologies and train miners
- require operators to evaluate and update the written safety program whenever necessary to manage safety risks associated with their surface mobile equipment, and
- not cover belt conveyors.

Accidents at mines are on the decline, but those involving mobile and powered haulage equipment – such as bulldozers, front-end loaders, skid steers and haul trucks – are still a leading cause of fatalities in the industry, according to MSHA.

Of the 739 fatalities that occurred at U.S. mines between 2003 and 2018, 109 were caused by hazards related to working near or operating mobile and powered haulage equipment at mines with six or more miners.

TEEN WORKERS

An Alabama shoe store has to pay more than \$37,000 in fines for child labor law violations,

including allowing minors to load active trash compactors.

Journeys Shoe Store is accused of allowing teen workers to place trash in an active compactor and requiring those employees to drive at night as part of their job duties.

Both of these activities are violations of federal child labor restrictions, according to a Department of Labor news release.

The violations led to a \$37,280 fine.

VACCINE ETS

Shortly after President Joe Biden's announcement regarding an upcoming emergency temporary standard (ETS) requiring employers with 100+ employees to mandate vaccinations or weekly COVID-19 testing, OSHA has released more information on the standard.

In a brief press conference, the agency provided a few extra details about the ETS, but there are still a number of missing details.

First, the ETS will be issued in the "coming weeks," but they don't know how many weeks, according to law firm Shawe Rosenthal.

Second, keep in mind that this ETS isn't written yet, so all of this is subject to change.

These are the questions OSHA answered during the press conference:

- **How are the 100 employees counted?** Company-wide, not by location.
- **Will the ETS apply to fully remote employees?** No, but if those remote workers do come into the office on occasion or work with others in the remote location, then the requirements will apply.
- **Can an employer require vaccination without the testing option?** Yes.
- **What if an employer is covered by another ETS or other rules?** Employers must comply with all applicable rules, orders and standards, but the agency claims they will all be consistent with each other.

WHERE TO GET HELP

WEBSITE HAS COLLECTION OF LINKS TO SAFETY VIDEOS

The Texas Department of Insurance has collected a large list of links to safety videos from a variety of different government, educational and safety organizations.

The videos cover everything from agricultural safety to young worker safety and hundreds of other topics in between.

The first page of results alone covers:

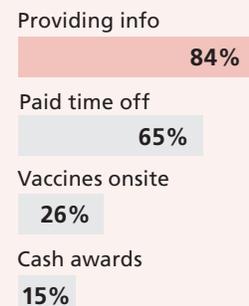
- batteries
- chemicals
- ergonomics
- pallet jacks, and
- propane.

Most of these videos are hosted on YouTube.

More information: tinyurl.com/SafetyVideos626

What safety pros say

How are most employers encouraging their workers to get COVID-19 vaccinations?



Source: Little.com

Providing info about the benefits of a vaccine – and the dangers of not receiving one – is more useful than cash incentives, which tended to only work on people on the fence.

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."

Supervisor claims worker is abusing company's 'safety stop' policy

The Scenario

Manager Mike Kelly was deeply immersed in his monthly reports when there was a sudden knock at his office door.

He jumped, nearly knocking over a nearby glass of water.

Shouldn't have watched that new horror flick last night, Mike thought, amused with himself.

"Come in," Mike called out.

Supervisor Jack Hall opened the door. He didn't take a seat.

"I have a problem, Mike," Jack said. "Bob Harsch is abusing the 'safety stop' policy."

'He's nitpicking'

"What do you mean Bob's abusing the policy?" Mike asked.

"Well, he's constantly calling for stops over what he calls 'safety

concerns,' but I think he's doing his best to keep himself and his buddies from having to work," Jack said.

"What makes you think that?" asked Mike. "Bob's a pretty good employee."

"Because he's nitpicking, Mike," Jack said, his irritation rising to the surface.

"He questions everything," Jack added. "Just before I came to you, I asked him to use his forklift to drop down a pallet of product, and he comes back and says, 'I'm calling a safety stop because it's not safe.' It's his job, for Pete's sake, and I've got product to move!"

"Did he explain why it wasn't safe?" Mike asked.

"No, he didn't," Jack replied.

If you were in Mike's shoes, what would you do?

isn't safe. If it isn't a good reason, the supervisor needs to be able to explain why it isn't a good reason.

Reason: "Slowing down productivity" is not a valid argument for being a good reason. Conversely, if the safety stop isn't valid or backed up by the SOP, then a deeper dive into why they aren't wanting to work is needed.

3 Douglas Stinson, EHS Coordinator, Von Roll USA, Schenectady, NY

What Douglas would do: I would request a review on when each safety stop is done. In the long term, you should have a policy on that anyway.

Reason: Anytime a safety stop is performed, you should have an investigation to find out what it was for and if it fits the parameters of the written program. If it doesn't, re-educate the employee on what constitutes a safety stop.

Reader Responses

1 Donald Hossli, Safety Manager, Red Monkey Foods, Springfield, MO

What Donald would do: I'd check the management system first. The SOP should have a stepped response clearly calling out what's required.

Reason: We use the term "imminent risk" that death or serious injury will take place immediately. If the situation doesn't meet the definition, there's a methodology for looking over the safety concern in short order.

2 Harley Riddle, HR and Safety Manager, Schmuhl Brothers Inc., Kansas City, KS

What Harley would do: If the employee calls a safety stop, then they have to have a realistic reason why it

OUTSIDE THE LINES

TIKTOK BANS DANGEROUS MILK CRATE CHALLENGE

As a safety pro, I'm sure you've wondered what an injured worker was thinking at the time of injury.

Doctors were thinking the same thing about patients injured while performing the recent "milk crate challenge" on TikTok.

"The challenge involved people stacking up walls of milk crates and walking over them, sometimes resulting in physical injuries," according to *USA Today*.

TikTok has since banned videos of the challenge following warnings from doctors and concerned users.

The platform encourages "everyone to exercise caution in their behavior whether online or off," it said in a statement.

So if you want to be the next Steve-O (remember *Jackass* on MTV?), maybe try Twitter.

Did you know ...

Use portable ladders only for their intended purpose



Stepladders and extension ladders shouldn't be used for **anything other than** what they were **designed for**.

Source: OSHA

Portable ladders shouldn't be used, for example, as support for improvised scaffolding. They also shouldn't be fastened together into longer sections, unless designed to do so.

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