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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.

OSHA steps up inspections to protect workers from high heat

■ *National Emphasis Program will guide enforcement*

OSHA has announced measures, including enhanced enforcement, to protect workers from the hazards of extreme heat – outdoors and indoors.

OSHA is:

- implementing an enforcement initiative on heat-related hazards
- developing a National Emphasis Program on heat inspections
- launching a process to develop a new workplace heat standard, and
- forming a National Advisory Committee on Occupational Safety and Health Heat Injury and Illness Prevention Work Group to share

best practices to protect workers. The enforcement initiative applies to outdoor and indoor workers in general industry, construction, agriculture and maritime on days when a recognized heat temperature can result in increased risks of heat-related illnesses.

What inspectors will do

On those days, OSHA will increase enforcement by:

- prioritizing inspections of heat-related complaints, referrals and employee-reported illnesses
- instructing OSHA inspectors to

(Please see Inspections ... on Page 2)

EMERGENCY TEMPORARY STANDARD

Some details on OSHA COVID-19 vaccine requirement

OSHA has released a bit more information on its upcoming emergency temporary standard (ETS) requiring employers with 100+ employees to mandate vaccinations or get weekly testing.

First, the ETS will be issued in the “coming weeks,” but they don't know how many weeks.

Second, keep in mind 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 employees do come into the office on occasion or work with others in the remote location then the requirements will apply.

- **Are reasonable accommodations required for medical and religious needs?** Yes. The normal interactive process to determine exemptions will still need to be conducted.
- **Can an employer fire an employee for refusing to get vaccinated or tested?** It's up to the employer to determine how to enforce the requirement as employee disciplinary action is something OSHA won't get involved with.
- **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, but the agency claims they will all be consistent with each other.

ENFORCEMENT

Contractor pleads guilty in fatal incident

A Pennsylvania contractor pleaded guilty in federal court Sept. 24 to willfully violating an OSHA regulation resulting in the death of a worker.

Insight Pipe Contracting LLC, a Butler County contracting company, pleaded guilty to violating a federal regulation requiring vehicles or mechanical equipment with elevating structures to maintain 10 feet of clearance around energized power lines.

Probation and \$20K fine

The company must pay a fine of \$20,000 and serve a probationary term of three years under the terms of its plea agreement, according to a Department of Justice news release.

An Insight crew was installing pipe-liner at a worksite April 12, 2018, when a piece of equipment with the features of both a forklift and a crane – called a telehandler – struck overhead lines as its operator was

removing a large roll of liner from a truck.

As the telehandler made contact with the energized power lines, an employee had his hand on the vehicle's door, attempting to get the driver's attention, and was electrocuted.

Earlier this year, Insight paid a \$180,000 OSHA fine for violations stemming from this incident.

Inspections ...

(continued from Page 1)

intervene by providing guidance or opening an inspection when they observe workers performing strenuous work in hot conditions, and

- expanding the scope of other inspections to address heat-related hazards.

In October 2021, OSHA will issue an Advance Notice of Proposed Rulemaking on heat and injury and illness prevention in outdoor and indoor settings.

Heat index definitions

The National Weather Service (NWS) uses heat index to classify environmental heat in four categories:

- Caution (80-90° F)
- Extreme Caution (91-103° F)
- Danger (103-124° F), and
- Extreme Danger (125° or higher).

OSHA's advanced inspections could kick in on days when the heat index reaches 80 or above.

What employers should do

Employers should also familiarize themselves with OSHA's Water, Rest, Shade recommendations to combat heat illnesses.

In 2019, 43 workers died from heat illness and at least 2,400 other suffered serious injuries and illnesses.

The Atlantic Council's Adrienne Arsht-Rockefeller Foundation Resilience Center estimates the economic loss from heat for employers to be at least \$100 billion a year.

For more information on this topic, go to our website and search for "extreme heat."

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.

ANALYSIS ENOUGH TO KEEP WORKERS SAFE ON JOBSITE?

Safety Manager Pete Travers was beyond excited.

It's Halloween night – time for a scary movie marathon with the family, he thought.

Pete's phone rang. It was the company attorney, John Jenkins.

"I guess a call from someone scary is appropriate for tonight," Pete said when he answered.

'No one was working there'

John ignored Pete's teasing.

"OSHA is citing us over an issue they found with our cranes. Can you explain?" John asked.

"We did a thorough job safety analysis on that site to find the safest way to set up those cranes," Pete said.

"The inspector was concerned about struck-by hazards from swing points on the counter balances," Pete explained. "One crane was being dismantled, so its boom was locked in place and couldn't swing.

"The smaller crane was being used to dismantle the other one, and we had it set up so the counter balances were only ever on the side opposite where everyone was working," Pete added. "Our employees weren't in that area – which was protected by an embankment – and had no reason to be there, so we didn't use warning tape or signs in that area."

"If there was no one working there, and the area was shielded by the embankment, then 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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COVID-19 PREVENTION

6 feet may not be enough social distancing

■ NEW RESEARCH PUTS MORE EMPHASIS ON BUILDING VENTILATION SYSTEMS

New research shows physical distancing alone may not be enough to stop the spread of COVID indoors.

Two meters (about six and a half feet) of distance between unmasked people isn't enough to avoid infectious aerosols, according to researchers at the Penn State Department of Architectural Engineering.

Displacement vs. mixed-mode

The researchers looked into how building ventilation and physical distancing affect airborne transport of virus particles released in buildings.

The study looked into three factors:

- the amount and rate of air ventilated through a space
- the indoor airflow pattern associated with different ventilation types, and
- the aerosol emission mode of breathing versus talking.

The aerosol sizes studied are in the range that can carry COVID-19.

Results show virus particles from

an infected person speaking without a mask can travel to another person's breathing zone within one minute, even at a distance of two meters and in rooms with sufficient ventilation.

"The results suggest that physical distance alone is not enough to prevent human exposure to exhaled aerosols and should be implemented with other control strategies such as masking and adequate ventilation," said Donghyun Rim, associate professor of architectural engineering.

Commercial building advantage?

In their tests, aerosols traveled farther and more quickly in rooms with displacement ventilation, where fresh air continuously flows from the floor and pushes old air to exhaust vents near the ceiling. This type of ventilation system is installed in most homes.

Many commercial buildings use mixed-mode systems, which incorporate outside air to dilute the indoor air and result in better air integration and lower aerosol concentrations, according to the researchers.

The study was published in *Sustainable Cities and Society*.

LEGISLATION

New law targets warehouse production quotas

In what is believed to be a first, California's governor has signed into law a measure that takes aim at production quotas in warehouses that may lead to worker injuries.

Governor Gavin Newsom's office says AB 701 "establishes new, nation-leading transparency measures for companies to disclose production quota descriptions to their workers and prohibits the use of algorithms that disrupt basic worker rights" such as rest periods, bathroom breaks, or compliance with safety and health laws.

The new law makes it illegal to fire or retaliate against workers who don't meet an unsafe quota.

AB 701 allows the California Labor Commissioner to access workers' comp

data to identify facilities where there are high rates of injury due to use of unsafe quotas. The law also includes potential citations.

It takes effect Jan. 1, 2022.

Is Amazon the bull's eye?

While not named specifically in the bill, it's believed to target Amazon.

"Amazon's business model relies on enforcing inhumane work speeds that are injuring and churning through workers at a faster rate than we've ever seen," said the bill's sponsor, Assemblywoman Lorena Gonzalez. "We're not going to allow a corporation that puts profits over workers' bodies to set labor standards back decades just for 'same-day delivery.'"

TRENDS TO WATCH

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

■ OWNERS CHARGED WITH WORKERS' COMP FRAUD

The owners of painting and construction companies in California are charged with \$5 million in workers' comp fraud.

Former owners of Signature Painting and Construction Inc., Eric Oller and Brian Mitchell, were each charged with two counts of workers' comp fraud and other crimes. Another owner was charged with one count of comp fraud.

The California Department of insurance says SPC allegedly paid its employees using the bank account of a shell company to reduce workers' comp insurance premiums.

The employer is also accused of misclassifying employees to reduce comp premiums by claiming workers performed less risky tasks.

Employees were also allegedly paid under the table, once again to reduce comp premiums.

■ LANDSCAPING, TREE TRIMMING TARGETED

OSHA's New England offices have investigated 31 worker deaths in the tree trimming and landscaping since 2016, leading to the creation of a new Regional Emphasis Program.

This program will combine enforcement and outreach to address common hazards associated with these industries.

The first phase includes outreach before enforcement begins in November 2021.

Inspections have identified the following common hazards:

- falling from trees and aerial lifts
- struck-by injuries from tree limbs
- electrocution from contact with live electrical wires
- cuts caused by equipment, and
- struck-by injuries from vehicle collisions.

Roundup of most recent OSHA citations

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

Fined \$154K for ammonia leak; prior release fatal

A plant that had a fatal liquid nitrogen release in January 2021 was cited by OSHA after the plant experienced another chemical release.

Less than two months after the nitrogen leak killed six workers, leading to \$1 million in fines for four companies, the plant experienced an ammonia leak.

Fine: \$154,674

Company: Foundation Food Group, Gainesville, GA

Business: Poultry processing

Reason for fine:

23 violations, including failure to:

- protect workers from exposure to dermal and respiratory hazards from anhydrous ammonia
- install systems to protect employees from unexpected anhydrous ammonia releases
- guard horizontal conveyor shafts
- provide adequate lockout/tagout training
- ensure workers used locks to isolate hazardous energy during equipment maintenance

Repeat fall hazard citations add up for company

A masonry company exposed its workers to unsecured scaffolding repeatedly, according to OSHA.

A March 2021 inspection under a Regional Emphasis Program for falls in construction found similar violations to ones OSHA cited the company for in 2018 and 2019.

Fine: \$216,265

Company: RM Masonry and Stucco Inc., Fort Worth, TX

Business: Masonry

Reasons for fine:

9 repeat violations, including failure to:

- fully plank or deck each platform on all working levels of scaffolds between front uprights and guardrail supports
- ensure employees working on 5 tier

scaffold systems had a safe means of access/egress

- require a competent person inspect scaffolds for visible defects before each work shift and after any occurrence which could affect a scaffold's structural integrity
 - require scaffolds are erected, moved, dismantled or altered only by experienced and trained employees selected by a competent person
 - protect employees from scaffolds more than 10 feet above a lower level from falling
- 6 serious violations, including failure to:
- keep debris clear from work areas, scaffold egress and passageways
 - provide each employee on a scaffold with additional protection from falling tools, debris through the installation of toe-boards, screens, guardrails or nets
 - lock end frames of tubular welded frame scaffolding by the use of pins in areas where uplift could occur

Contractor cited 6th time in 5 years for fall hazards

OSHA says a roofing contractor has defied federal requirements to use fall protection six times in five years.

During the latest inspection in April, inspectors observed owner Neal Weaver and an employee working without fall protection on a roof nearly 20 feet off the ground.

Weaver hasn't cooperated with federal safety inspectors under a previous company name, Dutch Heritage LLC.

Fine: \$253,556

Company: Grand Valley Carpentry LLC, Streetsboro, OH

Business: Roofing contractor

Reasons for fine:

2 willful violations:

- employees engaged in residential construction 6 feet or more above lower levels weren't protected by guardrail systems, a safety net system or a personal fall arrest system
- employees weren't provided with eye and face protection when machines or operations presented potential eye or face injury

WORKERS' COMP DECISIONS

Worked while collecting: Can benefits continue?

Can an injured worker continue to collect benefits after failing to disclose his snow plowing job?

What happened: A worker injured his shoulders on the job and received workers' compensation benefits. However, he continued to operate a snow plow for a company he had worked for in the past.

Company's reaction: You forfeited your benefits by working for another company.

Decision: He could collect. The court found the worker wasn't being paid to run the snow plow, and was instead doing it as a favor to a friend, so it didn't count as employment.

Cite: *Matter of Ranieri*, NY Court of Appeals, No. 530208, 3/11/21.

Injured worker can't do his old job: Can he collect?

An injured ironworker wanted permanent disability benefits, but light duty wasn't out of the question. Can he collect?

What happened: An ironworker injured his back and shoulders at work. He could no longer do the job he performed for decades, so applied for permanent total disability benefits.

Company's reaction: You may not be able to work as an ironworker, but you could get light duty in retail.

Decision: He couldn't collect. The appeals court upheld a previous decision finding that just because the worker could no longer be employed in the iron industry didn't mean he was incapable of working light duty in a retail job.

Cite: *Catalano's Case*, MA Court of Appeals, No. 20-P-957, 4/12/21.

REAL PROBLEMS, REAL SOLUTIONS

Selling Safety to different personalities

Are you in Sales? You probably thought, *no, I'm in Safety.*

However, 90% of all communication in long-term partnerships, including business, is sales.

Example: You need more budget for Safety. You have to convince someone of that, so you're in Sales.

And to know the best way to sell someone on something, you have to know something about their personality type.

4 types

Personalities can be divided into four groups represented by geometric shapes: squares, triangles, circles and squiggly lines.

Squares are structured, left-brained and detailed. They like things to be in order. They hate clutter. They are dedicated people and are pretty honest. They are some of the hardest working people ... according to themselves. They work hard, but they don't like to work with other people. "If you give it to me, I'll get it done right, but leave me alone."

Triangles can have a bit of a temper that comes out of nowhere. They are the perfectionists. They want things to be done right. Whose way is right? Their way. In school, you argued that your grade on your test wasn't high enough. You're a little OCD. You'll do things over and over just to make sure it's right. You're great at multitasking.

Circles tell long stories that go on and on and on. You're the party people, the most social. COVID-19 lockdown was the hardest for you. You're the motivators of the world, and also the one who says, "It's going to be OK, we'll get through this." You want everyone to get along. The problem with Circles is that you get dumped on. The word you don't know is "no." "I'll do it" is your motto.

Squiggly lines think outside of the box. They like to do things differently, have fun and get along. It's been a tough year for Squiggles. They like to make people laugh. They're dedicated, but people don't take them seriously

because they're funny or because they take a squiggle's humor personally.

Closing the deal

Why do we need to know about personalities? Because knowing someone else's personality type will help you close a deal with them.

You have a great idea but can't sell it to the person who needs to buy in.

The problem: Squares and Triangles don't know how to sell to Circles and Squiggles (and vice versa).

Squares: Circles and Squiggles don't get you and you don't get them. Most Squares would like to meet in their office. Go to a Square's office to close a deal. Squares aren't interested in small talk. Be early. Give them their personal space.

Triangles also want to meet in their own offices. It's about control. Similar to squares they don't want small talk, are early and like social distancing.

Circles like to be close to other people. They hug (when there isn't a pandemic). Don't meet with them in anyone's office. Meet someplace where they can eat and drink. Act like you have a little extra time to deal with a Circle. If someone is late, a Circle is OK with that. They are willing to pay more for something from a person they like. They need to like you to buy from you. Circles like small talk because they're interviewing you to see if you're the type of person they want to do business with.

Squiggles are the hardest people to close a deal with. They prefer to be with people who are funny. To close a deal with a Squiggle, you better be funny. Generally, Squares aren't funny. Triangles think they're funny, but their "funny" is mostly sarcasm. Circles are funny at the end of their long stories.

Usually, when we sell to people, we sell *how we want* to be sold to. No one wants that. People want to be sold *the way they want*.

(From a session by Connie Podesta, Psychologist, Comedian and Squiggle, at ASSP's Safety21 Conference)

TRAINING TIPS

Cold weather: Keeping workers safe in winter

OSHA has placed a new emphasis on the hazards of heat stress (see page 1).

Here are some tips on how workers can protect themselves from cold temperature hazards:

- **Wear the right clothes.** Many layers of loose-fitting clothing will help insulate your body, but tight layers can restrict circulation, which is bad for your extremities
- **Protect your extremities,** especially your ears, face, hands and feet. Wear insulated, waterproof boots and a hat to protect your feet and head
- **Limit time outside.** Also take breaks often in a warm area. Don't forget to drink warm beverages
- **Keep extra gear for cold weather with you** like socks, gloves, hats, a jacket, blankets and a thermos full of a hot beverage
- **Add a thermometer** and chemical hot packs to your first-aid kit
- **Don't touch cold metal surfaces** with your bare skin
- **Keep a close eye on your condition,** as well as your co-workers. Speak up right away if you notice a problem, and
- **Practice careful lifting techniques** when shoveling snow to prevent back injuries.

Ergonomic redesign that automatically gets buy-in

Focusing on making your facility more ergonomic?

Challenge employees to suggest workstation redesigns that:

- limit reaching or straining, and
- allow work to be comfortable.

The goal: Employees should feel decreased pain and discomfort.

PANDEMIC

Federal contractor COVID-19 vaccination deadline: Dec. 8, 2021

The Biden administration has released details on its requirement for federal contractors to have their employees vaccinated for COVID-19, including a compliance date.

The Biden administration has released details on its requirement for federal contractors to have their employees vaccinated for COVID-19, including a compliance date.

Contractors must ensure all covered employees are fully vaccinated for COVID-19 no later than Dec. 8, 2021, unless the employee is legally entitled to an accommodation.

After that, all covered contractor employees must be fully vaccinated by the first day of the period of performance on a newly awarded covered contract.

Limits on exemptions

If a federal agency has an urgent need for a covered contractor to have its employees begin work before becoming fully vaccinated, the agency head may approve an exemption. If an exemption is granted, employees must be fully vaccinated within 60 days of beginning of work on a contract.

Guidance for federal contractors released on Sept. 24, 2021, by the

Safer Federal Workforce Task Force includes requirements for masking and physical distancing, and designating a person to coordinate COVID-19 workplace safety efforts.

The guidance contains answers to frequently asked questions about the contractor requirements.

Part of President Biden's COVID vaccination still to come from: OSHA regulations for employers with 100 or more employees to have their workers vaccinated against COVID-19.

Info: saferfederalworkforce.gov

Unsecured loads: Deadly, covered by federal regs

Unsecured or inadequately secured loads in the transportation industry are more than just a nuisance that cause damaged freight – unsecured loads can kill. That's why there are state and federal regulations on securing freight.

An incident in Washington State perfectly illustrates this point.

A truck driver was struck by a 1,500-pound bale of recycled cardboard when it fell on him after he opened the doors to his loaded trailer.

When the driver arrived near the loading dock at the delivery location, he opened the doors and a stack of bales became unstable, falling out and killing him from blunt force trauma.

Straps to secure the load were provided but weren't used.

Washington State requires loads be properly secured (WAC 296-865-30020-1) and federal regs 49 CFR 392.9 (Subpart A) and 49 CFR 393 Subpart I also requires loads to be both secure and properly distributed.

Ignoring regs leads to double fatality

Washington State's Department of Labor & Industries released a report on a painting and carpentry contractor and his son who were both electrocuted when their aluminum extension ladder contacted an overhead power line as they were moving it on a windy day.

The state has two regulations on ladders used near power lines: WAC 296-155-428(17), which discusses deenergizing lines or using other protective measures, and WAC 296-876-40035, which covers ladders with nonconductive side rails.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

Yes, the company won when an administrative law judge vacated the citation finding OSHA failed to prove employees had access to the zone of danger.

The company claimed its job safety analysis (JSA) showed the active crane could be set up in a way that its counter balance swing points were kept well away from workers.

OSHA argued both cranes – even the partially dismantled one with its boom locked in place – posed swing point hazards, so a citation for failing to post signs and barriers was appropriate.

The judge found OSHA didn't provide sufficient evidence that any workers were in danger of either crane at any time since one was inactive with its boom locked

down and OSHA's photos from the jobsite showed both the embankment and the fact there were no employees in the hazard area at the time of the inspection.

ANALYSIS: REASONS FOR HAVING A GOOD JSA

Safety pros serve two masters: the workers they aim to protect and the employer who hired them.

Ideally, a safety pro protects their workers while still allowing a job to proceed as efficiently as possible for the employer.

A high-quality JSA will help with this, and if there is a hazard, it can be used to demonstrate to the employer that alternative methods are justified.

Cite: *Secretary of Labor v. North American Crane & Rigging LLC*, Occupational Safety and Health Review Commission, No. 20-1089, 8/9/21. 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.safety.com/alert.com/category/federal-activities).

PANDEMIC

[Booster shots for the Pfizer-BioNTech COVID-19 vaccine are now available](#), but who is eligible for them?

People ages 18 to 64 years old who are at increased risk of COVID-19 exposure and transmission due to working or residing in certain settings can get the booster shots.

Although the vaccination for older adults remains effective in preventing severe disease, new studies point to the vaccination being less effective at preventing infection with milder illness symptoms, according to the U.S. Centers for Disease Control and Prevention (CDC).

The new evidence shows that among healthcare and other frontline workers, the vaccine's effectiveness is beginning to decrease with time, likely due to waning immunity and the greater infectiousness of the Delta variant.

A recent clinical trial shows the Pfizer-BioNTech booster shot increases the immune response in participants who finished the first set of vaccinations six months earlier.

That increased immune response should provide improved protection against COVID-19, including the Delta variant of the virus.

The CDC recommends the following people should get booster shots of the Pfizer-BioNTech COVID vaccine at least six months after completion of their two-dose series:

- People 65 years old and older
- Adults 18 and older who live in long-term care settings
- People 50 to 64 years old with underlying medical conditions
- Those 18 to 49 years old with an underlying medical condition, and
- People 18 to 64 at increased risk for exposure and transmission due

to working or residing in certain settings.

POST-INJURY TESTING

A federal judge has ruled that a trucking company illegally used a strength test for women returning to work from an injury or applying to be a truck driver.

The judge ruled the test issued by Stan Koch & Sons Trucking of Minneapolis and developed by Cost Reduction Technologies (CRT) discriminated against women drivers.

The U.S. Equal Employment Opportunity Commission alleged the CRT test disproportionately screened out women who are qualified for truck driver positions at Koch.

The test was given to people who were received conditional offers of hire by Koch to work as truck drivers or who were already employed by Koch and required to take the test to return to work after an injury.

"Employers are allowed to use hiring screens and they are allowed to use physical abilities testing, when appropriate," said Julianne Bowman, the EEOC's district director in Chicago. "However, when a hiring screen has disparate impact on female applicants and employees, like the CRT test did at Koch, employers need to take a hard look at whether they can prove those tests are job-related."

TRACTOR TRAILER RECALL

Daimler Trucks North America (DNTA) is recalling certain 2019 Freightliner Classic Cascadia and 2019-2021 Freightliner Cascadia Trucks.

The drag link taper joint may not have been tightened sufficiently, and could separate from the steering arm.

DNTA will inspect the drag link taper joint and repair it for free, if necessary.

Notification letters are being sent to owners on Oct. 31, 2021.

There are 105,183 potential trucks that are affected.

Info: [nhtsa.gov/recalls?nhtsaId=21V689](https://www.nhtsa.gov/recalls?nhtsaId=21V689)

WHERE TO GET HELP

HELP EMPLOYEES FIND COVID-19 VACCINATIONS

President Biden's call for OSHA to develop an emergency temporary standard that mandates COVID-19 vaccination (or regular testing) for workers at companies with more than 100 employees creates a new reason why people will be looking up where to get vaccinated.

At [vaccines.gov](https://www.vaccines.gov), employees can click on "find COVID-19 vaccines" for locations close to them.

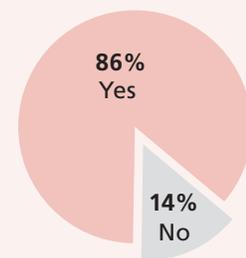
Powered by VaccineFinder, employees fill in their five-digit zip code, a search radius in miles, the type (Moderna, Pfizer, Johnson & Johnson) they want to get, and whether results should be limited to locations that have appointments available.

They can also call for assistance.

Info: [vaccines.gov/search](https://www.vaccines.gov/search) or 800-232-0233

What safety pros say

Are you bringing a face mask to wear at work?



Source: Bradley Corp. Healthy Handwashing Survey

As fall starts and many places in the U.S. still have high or substantial transmission rates of COVID-19, most employees are opting to bring masks to work.

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

Dotting the i's and crossing the t's of mandatory vaccination programs

Q: What should employers thinking about starting a mandatory COVID-19 vaccination requirement consider?

A: There are several things an employer should consider before requiring employee vaccination, according to Christine Gantt-Sorenson with Haynsworth Sinkler Boyd:

- exceptions under the ADA and Title VII for medical and religious accommodations
- ADA confidentiality requirements
- if the employer will have a third-party administer vaccinations or if they will be offered in-house
- implicating HIPAA and other privacy protections, and
- wage and hour issues associated with the time it takes an employee to get vaccinated.

COVID-19 vaccinations: Carrot or stick approach?

Q: Should we offer cheaper health plan coverage for vaccinated employees?

A: Many companies are considering this option, according to Beth Alcalde of Akerman LLP.

If your company is looking into this as open enrollment season comes around, here is one thing to think about according to Alcalde:

Would this be positioned as a penalty for the unvaccinated or a benefit for the vaccinated? There's an argument to be made that positioning this as a

benefit to vaccinated employees is the better approach.

Regulators might look more kindly on this method also.

Reg seems for outdoors only: Does it apply indoors, too?

Q: Do Cal/OSHA's wildfire safety requirements apply to more than outdoor worksites?

A: Yes, the standard also applies to indoor locations in certain circumstances, according to Sierra Vierra, an attorney with Jackson Lewis.

If the air isn't filtered or if doors and windows are kept open, in places like warehousing, manufacturing and distribution facilities, the standard applies.

With some exception, the standard applies to workplaces where the air quality is 151 (unhealthy) or higher and where it's reasonably anticipated employees may be exposed to wildfire smoke.

To protect employees from wildfire smoke in California, employers must:

- monitor local air quality index
- communicate about air quality with employees
- train employees on Cal/OSHA's requirements
- modify the workplace, if possible, to reduce exposure to wildfire smoke, and
- provide proper respiratory protection, like N95 respirators.

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

OUTSIDE THE LINES

WHY IT'S GOOD TO BE THE SAFETY MANAGER

Now here's a headline that'll catch any worker's interest: "Say Goodbye to Your Manager: The pandemic has exposed a fundamental weakness in the system."

The article in *The Atlantic* by Ed Zitron, CEO of EZPR, says since the pandemic, "managers will be assessed not on their ability to intimidate other people into doing things, but on their ability to provide their workers with the tools they need to measurably succeed at their job."

Isn't that a job description tailor-made for a Safety Manager?

You can't be everywhere at once. Therefore, it's always been up to you to make sure employees follow good safety practices, even when you're not around.

Sounds like a manager dealing with remote workers. Your skills are ready-made for the post-pandemic world.

Did you know ...

Use self-inspections to identify hazards



An effective way to **identify workplace hazards** is for experienced workers to **conduct routine safety self-inspections**.

Source: OSHA

After employees identify hazards, employers should decide how to control them, and then monitor and evaluate to verify that the controls are effective.

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