

December 6, 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 led by veteran Editor-in-Chief Fred Hosier.

COVID-19 vaccination ETS is here: What it means for you

■ *Standard applies to employers with 100+ employees*

Employers with 100 or more employees are now required under OSHA's new emergency temporary standard (ETS) to have a mandatory COVID-19 vaccination policy, unless they require employees to either get vaccinated or undergo regular testing and wear a face covering at work.

However, employers aren't required to pay for the testing of unvaccinated employees or for their face coverings.

The ETS "covers employers with 100 or more employees – firm or company-wide – and ... requires employers to provide paid time to workers to get vaccinated and to allow

for paid leave to recover from any side effects," according to OSHA.

Employers will also have to:

- determine the vaccination status of each employee, obtain acceptable proof of vaccination, and maintain records and a roster of each employee's vaccination status
- require employees to give "prompt notice" if they test positive for COVID-19
- remove COVID-19 positive employees from the workplace, regardless of vaccination status, and not allow them to return until they meet required criteria

(Please see Vaccine ETS ... on Page 2)

TEMPORARY WORKERS

Insight into temp agencies as controlling employers

A Washington State Supreme Court consolidated decision covering safety violations with two temporary agencies provides some insight into how courts determine who is a controlling employer.

Tradesmen International contracted with Dochnahl Construction.

The agency was responsible for wages and benefits, while Dochnahl was in charge of supervision.

Before an assignment, Tradesmen inspected the site for safety hazards, but none were found.

Dochnahl reassigned an employee to another jobsite and failed to notify the agency.

Washington State Department of Labor & Industries (L&I) inspected the site, found hazards and cited the agency for exposure to scaffold hazards and a lack of fall protection.

Laborworks Industrial Staffing provided workers for Strategic Materials to sort recycling and waste, including glass and needles.

L&I inspected the plant and found employees were exposed to bloodborne pathogen hazards but hadn't received the training from Laborworks.

Both agencies fought the citations, and appeals courts vacated both saying the agencies lacked control.

L&I appeals

The state Supreme Court upheld the Tradesmen decision vacating the violation since that agency did not control the worksite. But the Laborworks citations stuck since that agency maintained control over specific aspects of its employees training and records.

RETALIATION

Terminated worker gets \$2.2M jury award

An ultrasound technician will receive \$2.2 million thanks to an Oct. 19 jury verdict that found her former employer fired her because she filed a workers' compensation claim.

The technician, Susan Boutwell, was informed a week before getting surgery for a work-related injury that she was going to be permanently replaced and wouldn't be able to return to work with restrictions.

Boutwell also claimed in her wrongful termination lawsuit against Siouxland Women's Health Care that she was told she should file for unemployment benefits once she was cleared to work since she would no longer have a job, according to the *Bellevue Herald-Leader*.

She'd been employed at the facility for 28 years before her firing.

Comp claim led to firing

The jury found that Boutwell's workers' compensation claim was the determining factor in her firing.

Boutwell will receive:

- \$1 million in punitive damages
- \$500,000 for past emotional pain and suffering
- \$250,000 for future emotional pain and suffering
- more than \$160,000 in lost wages, and
- more than \$347,000 in future lost wages.

Vaccine ETS ...

(continued from Page 1)

- ensure unvaccinated workers – including those who aren't fully vaccinated – are tested at least weekly (if the worker is in the workplace at least once a week) or within seven days before returning to work (if the worker is away for a week or more), and
- ensure “that, in most circumstances, each employee who has not been fully vaccinated wears a face covering when indoors or when occupying a vehicle with another person for work purposes.”

What employers don't have to pay

Under the ETS, employers do not have to pay for testing unless it's required under “other laws, regulations, collective bargaining agreements or other collectively negotiated agreements.”

Employers aren't required to pay for face coverings.

OSHA is offering compliance assistance to help employers implement the ETS, including a webinar, frequently asked questions page and other materials.

Date effective

The ETS is effective immediately upon its publication in the *Federal Register* which was on Nov. 5, 2021.

Employers must comply with most of the requirements outlined in the ETS within 30 days of publication and with testing requirements within 60 days of publication (January 4, 2022).

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 MANAGEMENT MISUNDERSTAND THE REGS?

“Hello,” Safety Manager Pete Travers said, picking up his phone.

“Your vehicle's warranty is about to expire,” an automated voice said.

Pete hung up. His phone rang again immediately.

“Look, voice,” he said firmly as he picked up, “I know you're trying to scam me!”

“Hey, Pete,” a voice that was not automated said. “It's Connie DiMaio, we used to work together.”

Not consistent with OSHA

“Hello Connie,” Pete said. “What can I do for you?”

“I'm the plant manager at a manufacturing facility, and we're in trouble with OSHA,” said Connie. “I wanted to talk to you about it.”

“Sure, go ahead,” Pete said.

“This facility has a lot of machines, and we have a lockout/tagout program, but OSHA still says we're not compliant,” Connie explained.

“We were cited before, and after that I talked to the inspector about lockout/tagout and we implemented the program based on what he told me,” she added.

“He basically said we only have to lock out for major repairs, not for things like jam ups, which we have kill switches for,” she said. “But now they're citing us, and I just don't get why.”

“If that's what he told you, it's not exactly consistent with OSHA LOTO regs,” Pete said.

Connie's company fought the citation anyway. Did it win?

■ *Make your decision, then please turn to Page 6 for the ruling.*

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PANDEMIC

Fed's handling of pandemic questioned

■ REPORT: OSHA'S COVID RESPONSE HAMPERED BY LACK OF GUIDANCE

OSHA inspectors investigating possible COVID-19 violations faced communication and guidance challenges that frequently made their jobs more difficult, according to a new Government Accountability Office (GAO) report.

The office was tasked under the Coronavirus Aid, Relief and Economic Security (CARES) Act to report regularly on the federal response to the COVID-19 pandemic, leading to seven oversight reports to date, covering multiple federal agencies.

No assessment of lessons learned

The report released Oct. 27 reveals OSHA inspectors faced challenges in applying OSHA requirements to COVID-19 cases because for the first 15 months of the pandemic, the agency relied on existing standards and voluntary employer guidance for enforcement.

OSHA later took steps to protect employees in industries where there was a high-risk of exposure through

its one-year COVID-19 National Emphasis Program and healthcare-focused emergency temporary standard.

The agency also acknowledged the potential for high-risk COVID-19 exposure in other industries and has indicated it will be developing an infectious disease standard.

However, OSHA hasn't assessed the lessons learned or practices developed during the pandemic to help area offices overcome those challenges they initially faced, such as the lack of guidance from OSHA headquarters and dealing with the high volume of reports while working remotely.

Recommendation and response

GAO recommends OSHA assess these various challenges in its ongoing response to the pandemic as soon as possible and take appropriate action.

In response, OSHA agreed it's important to assess the lessons learned as well as the best practices for its operational response to the pandemic, but indicated that while the pandemic is ongoing its resources are best used to help in mitigating COVID-19 exposure in the workplace.

CRIMINAL CHARGES

Company to pay \$305K to dead worker's estate

A general contracting company has been sentenced to probation and to pay restitution to a dead worker's estate in connection with the fatality. Workers weren't using fall protection when the death occurred.

Trustworthy LLC, dba Trustworthy Roofing and Siding, was sentenced to five years' probation for violating OSHA standards leading to the death of an employee. The company will also pay restitution of \$305,275 to the estate of the employee who died.

Via its owner, Derico Ferreira, Trustworthy had previously pleaded guilty to one count of willfully violating OSHA standards by failing to provide fall protection to employees installing a roof on a two-

story residential home in Fair Lawn, NJ, which caused the death of an employee.

Fall protection on site, not used

On Oct. 15, 2016, Ferreira and four employees were installing the roof, but the company didn't provide its employees any personal fall protection equipment, such as harnesses, lanyards, tie-off ropes, guard rails, nets or other fall protection.

Ferreira had the equipment in his truck and could have installed a guard rail system around the perimeter of the roof from a ladder, but didn't.

Trustworthy was previously cited by OSHA in 2014 for failing to provide fall protection to its employees.

TRENDS TO WATCH

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

■ DECISION IN COMP CASE CLARIFIES REGULATION

An Oct. 14 Ohio Appeals Court decision in a workers' comp case offers insight into the definition of a combination woodworking machine under state regulations.

A worker was injured when the belt on a blower broke and caused a partial amputation of his thumb.

The machine was an industrial chipper that deposited wood chips onto a conveyor belt that moved the chips to the blower.

A shut-off switch was 41 feet away from where the injury occurred.

The worker claimed the machine required individual shutoffs since it was a combination woodworking device, but the court found this was not a combination of different tools into one machine. Rather each piece of equipment was separate to itself.

■ BORED WORKER ON BENEFITS MUST PAY BACK \$41K

An injured Washington worker has to pay back more than \$41,000 to the state for theft of workers' compensation benefits.

Gary Miller pleaded guilty to third-degree theft for stealing cash benefits from the state's Department of Labor & Industries (L&I).

Investigators found Miller held five jobs while signing official forms declaring he wasn't working because of an injury he suffered on the job, according to an L&I news release.

Miller, a delivery driver, was in a crash that left him with severe chest injuries, but he later took on several other jobs because he was "tired of sitting around."

Now he has to pay back \$41,139 he received as benefits, and serve 240 hours of community service and two years on probation.

Roundup of most recent OSHA citations

Unexpected collapse on demolition site kills 2

OSHA cited two Michigan companies after a building unexpectedly collapsed and killed two workers.

A laborer cutting steel and a truck driver preparing to move scrap metal off the site of the Killen Power Generation Station demolition site were both killed when the building collapsed on Dec. 9, 2020.

Fine: \$181,724 (Adamo); \$12,288 (SCM)

Company: Adamo Demolition, Detroit; SCM Engineering Demolition, St. Clair, MI

Business: Site preparation contractor (Adamo); Specialty contractor (SCM)

Reasons for fine: Adamo:

One willful violation for failure to:

- ensure employees were restricted from accessing hazardous areas until hazards were corrected

One repeat violation for failure to:

- ensure licensed explosive demolition contractor instructed employees in recognition and avoidance of unsafe conditions while preparing explosives to collapse columns

One serious violation for failure to:

- provide employment free of recognized struck-by hazards likely to cause death or serious bodily harm

SCM Engineering Demolition:

Three serious violations for failure to:

- provide employment free of recognized struck-by hazards likely to cause death or serious bodily harm
- ensure employees were trained in recognition and avoidance of unsafe conditions while preparing explosives to collapse columns
- ensure employees were restricted from accessing hazardous areas

Contractor fined \$183K for 8th fall citation in 5 years

A Florida roofing contractor recently received its eighth OSHA citation in five years for failing to protect its workers from fall hazards and other worksite dangers.

OSHA initiated an inspection at a Gainesville, FL, worksite in December 2020 and found three workers installing roofing materials on a two-story home without fall protection.

The company has been cited eight times since January 13, 2016, for similar violations.

Fine: \$183,225

Company: DWC Contracting LLC, High Springs, FL

Business: Roofing contractor

Reasons for fine:

One willful violation for failure to:

- protect employees engaged in residential construction activities 6 feet or more above lower levels with fall prevention systems

One repeat violation for failure to:

- ensure ladder side rails extended 3 feet above upper landing surface

One serious violation for failure to:

- ensure employees wore eye or face protection when needed

Poultry plant failed to report COVID-19 fatality

Cal/OSHA cited a Foster Poultry Farms facility and its distribution center for various COVID-19-related violations, including failure to report a fatality related to the virus.

The inspection began after Cal/OSHA was notified about the employee death from COVID complications.

Fine: \$103,100 (facility); \$78,400 (distribution center)

Company: Foster Poultry Farms, Livingston, CA

Business: Poultry processing

Reasons for fine:

Eight serious violations, including failure to:

- prevent harmful exposures of employees to infectious airborne particles by ensuring use of engineering controls to prevent spread of COVID-19
- establish injury and illness prevention programs
- provide emergency eyewash facilities at accessible locations

WORKERS' COMP DECISIONS

Injured worker fell in restricted area: Benefits?

A car salesman fell while walking through an area he was told to stay out of. Can he collect?

What happened: The salesman fell and injured his knee and back while crossing a culvert between parking lots. He'd been told in the past by management that the culvert was restricted because it was dangerous.

Company's reaction: That area is off limits. You knew the risk. Your injury was your fault.

Decision: He couldn't collect. The court found he was in an area he was specifically told to stay out of because it was unsafe.

Cite: *Robert Pratt v. Landers McLarty Bentonville*, AR Court of Appeals, No. CV-20-504, 4/21/21.

Can worker who didn't disclose past injury collect?

An injured worker in constant pain and suffering from depression failed to disclose a past injury. Can he still collect?

What happened: The worker suffered a back injury that caused him constant, extreme pain, which he claimed led to severe depression. However, his employer discovered that he failed to disclose a similar incident from a past job.

Company's reaction: You didn't tell us about the prior injury, so you should pay us back the benefits we already paid you.

Decision: He could collect. The court found the extensive medical evidence regarding his injury and depression far outweighed the possible existence of a prior condition.

Cite: *Clark v. Philips Electronics*, SC Court of Appeals, No. 5809, 3/10/21.

REAL PROBLEMS, REAL SOLUTIONS

5 keys to build your safety culture

Employees valuing their own safety and watching out for each other because they want to, not because they must – that's the definition of a good safety culture. How do you get there?

There are five areas employers miss.

First key: Do you believe?

Employees must believe the company is moving in the right direction when it comes to safety.

How do you start to remove doubt? The way you change is by achieving hundreds of little wins.

Following a safety program is like following a diet.

When you're on a diet, you think you've done everything right, you're looking forward to weigh-in day, and then ... you're up two pounds.

It makes you want to quit the diet.

But continuing to follow the program helps you stay focused.

Second key: Use your whole brain

Companies need an emotional intelligence approach to safety. To do that, we need to use the part of our brain that controls rational thinking and the one that appeals to emotions.

A company must define its "why" for safety. The answer is something that appeals to employees: Everybody gets home at night.

Safety can't be all about the sign at the front gate that says, "X days without an accident." It also can't be about your company's DART rating.

Those things don't resonate with employees. Instead, incorporate people into your company's safety "why."

Third key: Organizational structure

Among the people in leadership, you have C-level executives, VPs, plant managers, department managers and frontline supervisors.

Which group is the most important to safety? It's the frontline supervisors. However, in many companies, it's the portion of leadership that gets the least amount of attention.

The frontline supervisors say, we've got to make stuff, we're

behind schedule, we don't have time for safety meetings.

How do you change this? A C-level executive has to openly praise good safety so frontline supervisors notice.

Example: Roger's group makes 115% of quota, but suffers recordable injuries. Sally's group makes 98% of quota, but has no injuries.

Who should the CEO praise? Sally. Find out what Sally is doing to have zero injuries in her group. Share her best practices. Have Roger follow them.

Fourth key: Employee engagement

When a new idea is announced, you usually have a 20-60-20 split among employees: 20% show enthusiasm, 20% think the idea is stupid and the other 60% think, this *might* work.

Which group do some companies spend the most time on? Those with the worst attitudes.

Don't do it. You'll never get 100% buy-in. But you can get 70% by concentrating more on the other 80%.

As for the 20-30% who don't buy in? *You* will never reach them. However, the other 70% who believe will change the people at the bottom.

Fifth key: Marketing the message

Your company's safety program needs a slogan. Find one that's clever and works, and stick with it. When it comes to safety, it should say, "This is how we roll."

To avoid "flavor of the day" syndrome when formulating your safety program, create your plan for a complete year. This ties into sticking with the same slogan.

But the marketing of your safety program should evolve. How do you keep the same basic message yet allow it to evolve?

Example: Wheaties, Breakfast of Champions. It always has a successful athlete on the box, but the athlete changes with the times.

(Based on a presentation by Dale Lesinski, VP Sales & Training, DiVal Safety Equipment, at the National Safety Council's 2021 conference)

TRAINING TIPS

Wheel chocks: Simple devices that can save lives

Wheel chocks are simple devices that can prevent vehicles from rolling away and causing hazards when parked on inclines.

Pretty simple concept, and their use doesn't require much effort, right?

Yet, some workers and employers still fail to use them, sometimes with fatal results.

For example, a truck driver with 40 years of experience was killed when his tractor-trailer rolled backward, crushing him between his trailer and a parked trailer.

Why? His employer didn't require the use of wheel chocks, according to the Washington State Department of Labor & Industries.

He was parked on a gentle slope while hooking up to the trailer. He also failed to set his parking brake.

When he raised the trailer's landing gear, the tractor-trailer rolled backward and crushed him between it and a trailer he parked next to on a slight angle.

If he'd used wheel chocks, the trailer wouldn't have instantly rolled back on him despite his failure to set the brake.

Water accumulation and trenches: A deadly combo

When working in a trench, employees should know that if they see water accumulating, they need to get out right away.

This is because water will not only cause weakened trench walls, but can also cause the soil "floor" to become muddy and impede attempts at escape should something go wrong.

Example: A worker at a Colorado excavating company was recently killed in a trench collapse when his feet became stuck in mud under water that had accumulated in the 16-foot deep excavation.

PROTECTED ACTIVITIES

NY now one of the most pro-employee whistleblower states

Beginning Jan. 26, 2022, New York will be one of the most pro-employee whistleblower states in the country thanks to revisions to its Labor Law that will enhance existing whistleblower protections.

Few limits on disclosed activities

Covered protected activities are now expanded to include employee disclosures related to any activity, according to law firm Morgan, Lewis & Bockius.

What does that mean, exactly?

Now employees will be protected if they provide disclosures on any activity, policy or practice of an employer that the employee reasonably believes is in violation of federal, state or local laws or regulations.

This applies even if employees are acting outside of their job duties.

That's significant because, before the change, employees were only protected if they showed an actual violation of law or a danger related to public health or safety, but now "an employee's reasonable belief of a much broader set of violations will suffice."

Expanded definitions

The term "employee" now covers current employees, former employees,

and current and former independent contractors who don't have any employees of their own.

"Retaliation" now includes not only terminations, suspensions or demotions, but also "any other action or threat that would adversely impact a current or former employee's current or future employment."

Employees must still make a good faith effort to notify their employer about an illegal activity, but not if

- there is a serious, imminent danger to public health or safety
- the employee reasonably believes an employer is already aware of and won't correct the activity, or
- reporting would result in destruction of evidence, endangerment of a child or physical harm to the employee or another person.

The revised law also increases the statute of limitations for filing a claim from one year to two.

Contractors fined \$800K for asbestos hazards

Two Washington-based asbestos removal contractors are facing \$800,000 in fines for knowingly

exposing workers and the public to health and safety hazards.

Inspections at two Above and Beyond Asbestos Removal worksites in June 2021 resulted in fines totaling \$575,000 and citations for 13 willful serious violations.

Inspections at three 4 Aces Restoration jobsites resulted in 10 willful serious citations and \$227,439 in fines.

Whistleblower with CO concerns gets \$7K

A Holiday Inn Express & Suites in Houston accused of firing an employee who voiced concerns over carbon monoxide exposure in the workplace has agreed to pay the whistleblower \$7,450 following an OSHA investigation into the incident.

The District Court for the Southern District of Texas signed a consent judgment Nov. 5 requiring the hotel to pay \$3,750 in back wages and \$3,700 in damages to the former employee.

Investigators found the employee expressed concerns about being exposed to carbon monoxide in January 2019 and was later fired.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, Connie's company lost when an Administrative Law Judge (ALJ) affirmed the majority of lockout/tagout (LOTO) and machine guarding violations OSHA found at the facility.

The company's owner claimed he had implemented a LOTO program as required by OSHA, which was based on what he thought he was told by the inspector.

OSHA argued the company didn't have anything that could be considered a LOTO program.

However, the ALJ found there was a program, albeit an inadequate one, so vacated that violation on a technicality.

The ALJ also pointed out there was substantial evidence the program failed to meet OSHA requirements.

It was clear, according to the ALJ, that the owner completely misunderstood what the inspector told him about OSHA's requirements.

■ ANALYSIS: CLEAR UNDERSTANDING OF REGS

The owner in this case, the ALJ said, "was seeking some bright-line rule ... on when to lock out machinery." However, the LOTO standard doesn't offer a simple, one-size-fits-all approach that can apply to all facilities.

Bottom-line: When making decisions about safety procedures and programs, make sure management knows the regulation in question must be fully understood before moving forward.

Cite: *Secretary of Labor v. Midvale Paper Box Co.*, Occupational Safety and Health Review Commission, No. 18-0701, 9/20/21. 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.

MINE SAFETY

The U.S. Mine Safety and Health Administration (MSHA) wants to raise awareness about a potentially deadly mine hazard: pillar collapses.

There have been four massive pillar collapses in limestone mines since October 2020, and fortunately none of them resulted in injuries.

However, one occurred in 2015 that saw three miners seriously injured by the powerful air blast that accompanies these incidents, according to an MSHA news release.

Each collapse occurred where there was floor mining taking place that had substantially increased the height of the pillars, with three of them occurring in "legacy" areas where mining was completed many years prior to the incident.

To help raise awareness about these dangerous incidents, MSHA has started a Pillar Collapse Initiative with links to multiple resources that can be found at [msha.gov/news-medial-special-initiatives/2021/10/29/pillar-collapse-initiative](https://www.msha.gov/news-medial-special-initiatives/2021/10/29/pillar-collapse-initiative)

PIPELINES

A new final rule will apply federal safety regulations to tens of thousands of miles of unregulated gas-gathering pipelines across the U.S.

The rule, which was initiated more than 10 years ago, expands the definition of a regulated gas-gathering pipeline that is more than 50 years old.

Pipeline operators will also be required to report safety information for all gas-gathering lines, which equates to more than 425,000 additional miles now covered by federal reporting requirements, according to a Pipeline and Hazardous Materials Safety Administration (PHMSA) news release.

Gas-gathering lines transport natural gas from production facilities to interstate transmission pipelines and are usually under lower-pressure so are lower risk.

However, with the increase in hydraulic fracturing over the past 15 years, the volume of gas extracted and transported has increased significantly, leading to risk more in line with larger interstate transmission lines.

Several fatal incidents in Texas, Oklahoma and Pennsylvania that occurred between 2010 and 2018 led to the rulemaking, including:

- one involving a bulldozer that struck a pipeline and caused an explosion that killed two people, and
- another that saw a corroded gas gathering line explode, killing a three-year-old girl and badly burning three members of her family.

VACCINE MANDATES

The Dec. 8, 2021, deadline for compliance with the Biden Administration's executive order requiring federal contractors to comply with the COVID-19 vaccine mandate is not an absolute deadline.

Instead, new guidance from Biden's Safer Federal Workforce Task Force indicates the date is more of an aspirational deadline as long as contractors are making good faith efforts at compliance.

Absent good faith efforts, agencies are directed to consider contractual remedies, according to law firm Proskauer Rose.

This means contractors are expected to comply with the requirements in their contracts, and if they're working in good faith to do so, but encounter challenges, then federal agencies are to work with them to address those challenges.

If a contractor isn't taking steps toward compliance, then the agency should take action and terminate the contract.

WHERE TO GET HELP

NEW, REVISED VOLUNTARY CONSENSUS STANDARDS

The American Society of Safety Professionals (ASSP) published several new and revised voluntary national consensus standards to help employers minimize on-the-job risks and better protect workers.

These voluntary national consensus standards provide the latest expert guidance and fill gaps where federal regulations don't exist, because safety pros know compliance isn't enough.

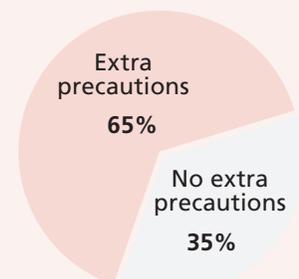
Leading companies rely on standards like these for continuous improvement and injury prevention.

The collection of new and revised workplace safety standards focuses on psychological safety and health, fall protection, construction and demolition operations, and prevention through design.

Info: tinyurl.com/standards631

What safety pros say

Has the COVID-19 Delta variant caused most workers to take extra precautions at work?



Source: Eagle Hill Consulting poll of Greater Boston workers

In the same poll, 78% felt employers should require or encourage mask use, and 81% felt employers should require or encourage social distancing.

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."

Corporate-mandated safety project is making the facility less safe than before

The Scenario

Manager Mike Kelly was a man with a mission – one that came directly from the C-suite.

It was a massive safety project that required help from the Maintenance, Production and Shipping/Receiving departments.

New safeguards and warning systems were being installed on all manner of equipment, and it was up to Mike to make sure all of it was in place within just a few short months.

Tested elsewhere

Mike was on his way to meet with the department heads for the project: Ron Sadler from Maintenance, Ken Dawson from Production and Jack Hall from Shipping/Receiving.

As he walked into the conference

room, Mike couldn't help but notice the grim look on all three men's faces.

"I'm going to guess things aren't going well," Mike said.

"Your guess is right on," Jack said.

"Great," Mike said, rubbing at his temples. "What's the problem?"

"Well, it's not so much that the new safeguards can't be installed," Ron said. "It's more like they shouldn't be.

"We've installed them on a few machines already, but the layout at this facility is actually making the equipment less safe," Ron explained.

"It's pretty bad," Ken said.

"This was all tested at another facility," Mike explained. "It worked out very well there so Corporate wanted it done across the board."

If you were Mike, what would you do?

equipment floor plans may be different based on the building's construction.

What works well at one site may not work well at others. Was a site survey from an engineering perspective performed? Was a Job Hazard Analysis considered? Did anyone review the incident rates at the other sites?

2 Elise Allen, EHS Program Manager, Jergens Inc., Cleveland, OH

What Elise would do: Before you go to Corporate, have a different solution besides, "We cannot do what you wanted."

Are there guards that fit your facility? Are there safeguards already in place that are not accounted for by Corporate?

Reason: It would show the team's diligence and ability to think through an issue.

Reader Responses

1 Steven Johnson, Director EH&S, NVE Inc., Reston, VA

What Steven would do: It appears corporate had good intentions by being proactive, but in this case, if installation is counterproductive to safety and has the potential to escalate personal accident and injury rates, corporate needs to listen to the staff in the field.

Safety representation needs to be front and center and strongly recommend that corporate hold off on this project until full site assessments have been completed.

Reason: Mike explained that it was tested at another facility and it worked out very well. Are the other sites the same layout?

Similar types of operations may occur in other facilities, but the

OUTSIDE THE LINES

FATIGUE A PROBLEM? TAKE A RIDE ON THE SLEEPYTIME BUS

Worker fatigue can be a big safety problem, as a lack of sleep can mean a dangerous loss of focus.

And workers in Hong Kong are among the most sleep deprived in the world, which is why one resident took action and bought a bus.

Yes, a bus.

Frankie Chow, founder of Ulu Travel Agency, bought a double decker tour bus, designed a 47-mile route and offered riders eye masks and earplugs to help them nap, according to *The Washington Post*.

Between the gentle swaying and quiet atmosphere of the bus, exhausted Hong Kong residents get better sleep than they do at home.

However, one expert told *The Post* naps can actually disturb the nighttime sleep cycle, so going to bed early is a better choice.

Did you know ...

Use engineering controls to reduce excessive noise levels



Effective **engineering controls** can help **reduce** employee **exposure** to hazardous **noise**.

Source: OSHA

Examples of inexpensive, effective engineering controls include properly lubricating machinery and equipment, or enclosing or isolating the noise source.

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