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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.

## Recent fine shows OSHA still cares about ergonomics hazards

### ■ Agency using General Duty Clause for enforcement

If you thought OSHA had given up on ergonomics, think again, as the agency recently used the General Duty Clause (GDC) to fine one of the largest pork processors in the U.S. for violations related to ergonomics.

After a six-month inspection of a Seaboard Foods facility in Guymon, OK, OSHA cited the company with one serious GDC health violation for exposing workers to ergonomic hazards associated with repetitive motion and lifting.

Seaboard is facing a \$27,306 fine and must comply with requirements dictated in ergonomics- and medical-

related hazard alert letters issued to it by the agency.

#### No standard?

“Repetitive motion and overexertion can leave workers with chronic and life-changing medical conditions,” OSHA Area Director Steven Kirby said in a news release on the citation. “Employers who implement required workplace safety measures, track injuries and identify needed improvements can protect workers from suffering painful, debilitating injuries.”

Work-related musculoskeletal

*(Please see Ergonomics ... on Page 2)*

## CRIMINAL CHARGES

### Contractor faces jail time for failing to pay \$2.2M fine

The owner of two Florida-based roofing businesses is facing jail time for failing to pay \$2.2 million in OSHA fines.

OSHA asked the U.S. Court of Appeals for the 11th Circuit to incarcerate Travis Slaughter, owner of Great White Construction Inc. and Florida Roofing Experts, for failure to pay \$2,202,049 in fines.

Slaughter's companies have been investigated 19 times in the last eight years, resulting in 42 citations related to improper fall protection, ladder use and eye protection, with 21 of the violations considered willful.

With Slaughter allegedly continuing to ignore the fines, which had previously been upheld by the Occupational Safety and Health Review Commission (OSHRC), OSHA filed a petition Dec. 23 for

summary judgment with the appeals court to enforce 12 final orders issued by the agency.

#### Accused of ignoring prior orders

In 2017 and 2018, the appeals court granted similar petitions, enforcing prior OSHRC final orders.

On Aug. 28, 2019, OSHA filed a petition for civil contempt, citing the failure to comply with the 2017 and 2018 court orders along with the continuing violations found on Slaughter's worksites.

The appeals court held Slaughter and his companies in civil contempt on Jan. 3, 2020, and ordered payment of the outstanding fines, plus interest and other fees.

Slaughter was also ordered to certify he had corrected the violations, but failed to do so, according to OSHA.

## Ergonomics ...

(continued from Page 1)

disorders (MSDs) are among the most frequently reported causes of lost or restricted work time, according to OSHA's ergonomics webpage.

In 2019, the Bureau of Labor Statistics reported these disorders accounted for nearly one-third of all worker injury and illness cases.

If this type of injury is so important to OSHA, then why not just create a standard that covers ergonomics?

OSHA did have an ergonomics standard in the past.

Rulemaking and an early draft of the standard began in the early 1990s.

In January 2001, the standard was adopted, but the Bush administration repealed it in March of the same year.

After that, in lieu of a standard, OSHA issued guidance to employers and relied on the General Duty Clause for enforcement.

### Importance of proper stretching

Workers across all industries can be exposed to ergonomic injuries, but

some are at higher risk than others.

Do your employees have tasks that require frequent heavy lifting, pushing and pulling or repetitive exertions? If so, then they are at a higher risk of getting MSDs.

Having to work in cold environments and an individual worker's level of physical fitness can also play a role in determining the likelihood of getting an MSD.

So how do you keep your workers safe from MSDs and at the same time keep your company from getting a GDC ergonomics violation?

The single biggest thing a worker can do to avoid an ergonomic injury is to stretch the appropriate muscles before starting to work.

Which stretches work best depends on the type of work being done.

Proper positioning and posture while performing a given task are also important, so work areas should be set up in a way to limit straining and reaching.

### What does an ergo program need?

According to OSHA, a good workplace ergonomics program should:

- have management support to define clear goals, discuss those goals with workers, assign responsibilities to designated staff members and communicate clearly with the workforce
- involve workers in providing information about the hazards in their work areas, encourage them to offer suggestions for reducing exposure and evaluate changes made as a result of an ergonomic assessment
- provide training to workers to make them aware of ergonomics and its benefits and understand the importance of reporting early symptoms of MSDs
- identify ergonomic problems in the workplace
- encourage early reporting of MSD symptoms to reduce the progression of symptoms and prevent serious injuries, and
- implement solutions to control ergonomics hazards that are tailored to the specific workplace and task.

## 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.*

### ■ WORKER'S DEATH CAUSED BY FAILURE TO USE DEVICE?

Safety Manager Pete Travers was visibly upset.

"Pete, I know this is tough, but we need to talk about it," said John Jenkins, the company attorney.

"OSHA is citing us, and I need to know the details."

"Sorry, John, but Connor's death was hard to swallow," Pete said.

"And OSHA citing us – I mean, we have rules in place to keep these kinds of tragedies from happening."

### Felt it wasn't safe

"Can you explain?" asked John.

"Connor was on a crew that was replacing raised reflectors along a seven-mile stretch of a four-lane highway," Pete explained. "They set up a rolling lane closure in order to create a buffer between the crew and traffic, just like our rules require."

"However, Connor was working from the back of a pickup truck, climbing down from the bed to replace a reflector before climbing back on to travel to the next one," Pete continued.

"That wasn't supposed to happen?" John asked.

"No, he should've been working from a tow-behind device that's meant for that type of job," Pete said. "But the crew felt it wasn't safe."

"And one of the other trucks struck the truck he was working from, killing him?" asked John.

"Yes," Pete said.

"We can fight this," John said. "It was unpreventable employee misconduct."

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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## RESEARCH REPORTS

### Fatalities down, COVID cases not counted

■ JOB-RELATED DEATHS DROPPED IN 2020, NOT COUNTING CORONAVIRUS

Workplace fatalities were down almost 11% in 2020, according to the latest U.S. Bureau of Labor Statistics (BLS) data, but keep in mind that those new numbers don't factor in any COVID-19 cases.

There was an 11.7% decrease in fatal workplace injuries in 2020 – from 5,333 deaths per 100,000 full-time equivalent (FTE) workers in 2019 down to 4,764 in 2020 – but the BLS states this data doesn't report any illness-related information.

The BLS Census of Fatal Occupational Injuries doesn't cover fatal workplace illnesses that weren't precipitated by a physical injury.

“While the report does not include COVID-19 illness deaths, the decrease in hours worked, resulting from the economic disruption triggered by the pandemic, likely played a substantial role in the decline,” the National Safety Council stated.

“Reacting to the latest fatality data brings unique challenges because the numbers may not paint a clear picture

of the reality of 2020,” American Society of Safety Professionals President Brad Giles said in a news release. “Any reported decrease in worker deaths is encouraging, but this data does not reflect the devastating impact of COVID-19 on many worker populations.”

#### Transportation most frequent type

So if COVID-19 is ruled out as the potential top workplace cause of death, then what takes its place?

Transportation incidents remained the most frequent type of fatal workplace incident with 1,778 fatalities accounting for 37.3% of all workplace fatalities.

However, even those numbers were down compared to 2019, with a 16.2% drop from the 2,122 deaths that occurred in that year.

Workers in transportation and material moving occupations accounted for nearly half of all fatal occupational injuries along with those in construction and extraction.

That comes out to 47.4% of the total number of fatal occupational injuries, representing 2,258 workplace deaths.

## CRIMINAL CHARGES

### Contractor charged in \$1.8M comp fraud scheme

A California labor contractor was charged Dec. 9 with 15 felony counts of workers' compensation fraud in an alleged \$1.8 million scheme.

Alfredo Casas, owner of AC Farm Ag Inc., allegedly underreported payroll for his farm labor contracting business, resulting in financial losses to two insurance companies and the State Compensation Insurance Fund.

Casas is scheduled to appear in court Feb. 10, 2022, for arraignment.

As part of a prior conviction in 2012 for similar fraud charges, Casas' business was found uninsurable by the State Compensation Insurance Fund, but Casas renamed and restructured his business using family members as officers.

This allowed him to obtain new workers' compensation insurance policies.

#### The investigation

The state's Department of Insurance received a referral from an insurance company alleging Casas was reporting no payroll so he could receive a reduced rate for workers' compensation insurance.

By reporting no payroll, he paid a lower premium rate than he was entitled to receive.

An investigation found Casas failed to disclose payroll, previous insurance claims and policy cancellations, and failed to provide correct job descriptions for his employees.

## TRENDS TO WATCH

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

### ■ BOARD READOPTS CAL/OSHA COVID-19 ETS WITH REVISIONS

California's Cal/OSHA Standards Board voted to readopt the state's COVID-19 emergency temporary standard (ETS) with some revisions.

The ETS will be effective Jan. 14, and will last until April 14, 2022.

According to law firm Jackson Lewis, the revisions include:

- cloth face coverings must now pass the “light test” to qualify, meaning a mask may not let light pass through it when held up to a light source
- vaccinated and unvaccinated employees must wear masks during screening
- employers must make COVID-19 testing available at no cost, during paid time, to fully vaccinated, asymptomatic employees during an outbreak, and
- employees who have had close contact with someone who has COVID-19 and remain asymptomatic must wear a mask and maintain social distance in the workplace for 14 days.

### ■ BILL WOULD ALLOW COMP FOR PARKING LOT INJURIES

New Jersey is on the verge of introducing a law that provides workers' compensation coverage to employee parking lot injuries.

The General Assembly passed SB 771 Dec. 20, with the Senate having passed it in January 2021.

The bill defines employment as commencing “when an employee arrives at the (employer-designated) parking area prior to reporting for work and shall terminate when an employee leaves the parking area at the end of a work period.”

This would allow employees to collect comp for injuries typically denied under the “going-and-coming” rule.

## Roundup of most recent OSHA citations

Go to [www.SafetyComplianceAlert.com/fines](http://www.SafetyComplianceAlert.com/fines) for more OSHA fines and injury settlements.

### Employee falls, dies from head injury: \$164K fine

A plastic recycling facility was cited by OSHA after an employee fell from an elevated platform and later died from his injuries.

The worker fell more than six feet from an elevated platform and died in the hospital from a head injury related to the fall.

A prior OSHA investigation found that while the company had installed some fall protection on the facility's platform, it failed to meet standards.

**Fine:** \$164,308

**Company:** Scrap Masters, Toccoa, GA  
**Business:** Recyclable materials facility  
**Reasons for fine:**

*Five repeat violations for failure to:*

- ensure employees were protected from falling to lower levels with fall protection on all sides of platforms
  - establish audiometric testing programs for employees exposed to noise hazards
  - ensure stairs have uniform riser heights and tread depths between landings
  - train employees exposed to noise hazards
  - develop procedures for control of potentially hazardous energy
- 10 serious violations, including failure to:*
- properly repair powered industrial trucks
  - ensure stairs were equipped with mid-rails
  - ensure standard stairs had minimum tread depth of 9.5 inches

### Blocked exits, aisles lead to \$236K OSHA fine

OSHA cited a U.S. Postal Services distribution center in Pennsylvania for failing to keep emergency exits from being blocked along with other willful, repeat and serious safety violations.

Inspectors responded to a complaint at the facility and found

exit routes weren't kept clear at two of the sorting hub's loading dock areas.

The investigation also revealed portable fire extinguishers that weren't readily accessible and inadequate workspace in front of electrical equipment.

OSHA cited USPS facilities in North Carolina and California for the same hazards, leading to the repeat violations.  
**Fine:** \$236,783

**Company:** U.S. Postal Service Lehigh Valley Processing and Distribution Center, Bethlehem, PA

**Business:** Postal service

**Reasons for fine:**

*One willful violation for failure to:*

- keep exit routes free and unobstructed
- Two repeat violations for failure to:*
- ensure fire extinguishers were readily accessible

*Two serious violations for failure to:*

- provide adequate workspace in front of electrical equipment
- keep fire alarm pull stations free and unobstructed
- keep aisles and passageways free and unobstructed

### Missing guard results in partial hand amputation

OSHA cited a Florida manufacturer after an employee suffered a partial hand amputation in a machine that cuts sheet metal.

Inspectors found the 21-year-old equipment operator was able to get his hand into the working parts of the machine because protective guards had been removed.

The company allowed the guards to be removed because they caused imperfections in newly manufactured parts.

**Fine:** \$122,879

**Company:** Blac Investments Inc., Trenton, FL

**Business:** Sheet metal manufacturing

**Reasons for fine:**

*One willful violation for failure to:*

- provide one or more methods of machine guarding to protect operators and other employees from hazards

## WORKERS' COMP DECISIONS

### Fell in leased parking lot: Can she collect benefits?

A worker slipped and fell in the parking lot – which wasn't owned by her employer – on her way into the office. Can she collect benefits?

**What happened:** The worker slipped and fell backward off a curb in an area where ice and snow were present. The parking lot and office space were leased by her employer, who could request repairs in common areas.

**Company's reaction:** You weren't on company time when you fell, and we aren't responsible for what happens in the parking lot.

**Decision:** She could collect. The employer had sufficient control under the lease for her injury to count as "in the course of" her employment.

**Cite:** *Matter of Compensation of Bruntz-Ferguson*, OR Court of Appeals, Nos.1700449 and A166216, 4/14/21.

### Lost his right arm in die press incident: Benefits?

A die press operator had his right arm amputated after getting it caught in a machine. Can he collect permanent total disability benefits?

**What happened:** After losing his right arm, the worker applied for permanent total disability benefits claiming he was incapable of working.

**Company's reaction:** Your doctor says you're capable of sedentary work since you're left-handed.

**Decision:** He couldn't collect. Because of the doctor's report and since he was still able to drive and assist his wife around the house, the court found he was capable of sedentary work.

**Cite:** *State ex rel. Mitton v. Industrial Commission*, OH Court of Appeals, No. 19AP-822, 5/11/21.

## REAL PROBLEMS, REAL SOLUTIONS

### Preventing common warehouse violations

We got word about a fatality at a warehouse. A 22-year-old temporary worker who was operating a forklift was crushed between two forklifts.

The employee who was killed was picking parts from racks. The operator of the other forklift was working at the third shelf of a rack near the other employee.

The employees stand on platforms and are required to wear fall protection.

The center of balance of the forklift being used by the employee who was crushed was disrupted.

It wasn't immediately obvious what made the forklift go off balance.

The weight of the parts being picked was insignificant. The maximum capacity of the forklifts weren't exceeded.

There was some damage to the forklift's bumper but nothing extreme.

#### Employees interviewed

Through interviews with employees, I found a third truck was in the aisle. The third powered industrial truck was replenishing racks.

The picker forklifts were wire-guided. The replenishment forklift wasn't. It was free to enter aisles without restrictions.

The operator of the replenishment truck said he was having to tell pickers not to drive up to him while he was in the aisle.

This information led to determining the cause of the incident.

The one operator's picker forklift was accidentally lifted from behind by the replenisher.

When the first employee became pinned between the two picker forklifts, the second employee panicked and lowered his truck so he could jump off.

That's when the first worker was crushed to death.

Training and experience were factors. The employee who was killed was a temp. The employee who panicked wasn't properly certified. The operator of the replenishment

forklift hadn't received refresher training from his employer.

#### 4 OSHA fines

We issued four fines – three serious and one other-than serious. The citations involved:

- evaluation of trainees
  - certification of workers previously trained by another organization
  - failure to maintain safe operating distance among forklifts (the root cause of this incident), and
  - failure to provide refresher training.
- The fines totaled \$27,000.

The case was settled with all four citations upheld.

To abate the violations, the company made sure replenishment trucks were no longer allowed to enter the same aisles where picking was happening.

Also, initial operator training and certification were enhanced, and operator refresher training was implemented.

#### Most common warehouse citation

The OSHA Days Away Restricted and Transferred injury rate for warehousing is twice the national average.

Days Away From Work cases have been rising in warehousing since 2015.

There were 60 warehousing fatalities in fiscal year 2017, and that rose to 95 in fiscal year 2019.

Powered industrial truck violations are the most common citations in the warehousing industry over the last three years.

OSHA has placed emphasis programs for powered industrial trucks in Regions 1, 5, 7 and 10, and for warehousing in Regions 2 and 10.

And here's a reminder: Both employers and staffing agencies can be held responsible for compliance in situations involving temporary workers.

*(Adapted from a presentation by Dan Di Bona, Senior Safety and Health Compliance Office, OSHA Atlanta office, at ASSP's Safety21 Conference)*

## TRAINING TIPS

### Overexertion should be avoided in cold weather

Activities such as shoveling snow can be strenuous, particularly because cold weather by itself can be taxing on the body.

There's a potential for exhaustion, dehydration, back injuries or heart attacks.

In addition to following the tips for avoiding cold stress, such as taking frequent breaks in warm areas, there are other precautions workers can take to avoid injuries during snow removal.

Workers should warm up before the activity, scoop small amounts of snow at a time, and where possible, push the snow instead of lifting it.

Proper lifting technique is also necessary to avoid back and other injuries while shoveling snow.

That means keep the back straight, lift with the legs and don't turn or twist the body.

### Unsafe stacking, obstructed exits put workers at risk

Many warehouses and retail stores have a "busy season" when they can get overwhelmed with incoming product that's maybe not going out the door quite as fast as it's coming in.

That means space on floors, shelves and racks can be hard to come by.

Even when space is limited, product must be stacked safely to prevent struck-by hazards. Exits are required to be kept clear of obstructions in case of emergency.

Improper stacking and obstructed exits put employees at risk as they go about their daily tasks and during emergency situations.

OSHA recently fined a Dollar General store in Alabama \$321,827 for these exact violations.

## NEW RULES

### OSHA 2021 fall agenda: COVID-19, whistleblowers, surfaces

OSHA's 2021 fall regulatory agenda was released Dec. 10 as part of the overall plan rolled out by the White House Office of Management and Budget, with COVID-19, whistleblowing and walking-working surfaces among those in the final rule stage.

There are 28 items on OSHA's agenda with seven in the final rule stage – two dealing with COVID-19, four regarding retaliation complaints and one on walking-working surfaces – 15 listed as “proposed” and six in the pre-rule stage.

#### Final rules

- **COVID-19 Vaccination and Testing Emergency Temporary Standard Rulemaking** – This standard's fate was being fought in the courts at the time of publication. If upheld, it will require all covered employers to develop a mandatory COVID-19 vaccination policy, or a policy requiring employees to get vaccinated or be regularly tested and wear a face covering at work.
- **Subpart U of the COVID-19 ETS** – Some additional provisions for the healthcare-only COVID emergency temporary standard, but we don't

know where this stands due to the Dec. 27 withdrawal of the ETS.

- **Procedures for Handling of Retaliation Complaints Under the Whistleblower Protection Statutes** – This is an update to procedures for handling retaliation complaints under several whistleblower protection statutes. The rule would make investigation procedures more consistent among the several statutes.
- **Walking-Working Surfaces** – OSHA received feedback indicating several provisions of the 2016 final rule on Walking-Working Surfaces (81 FR 82494) are unclear. This rule corrects a formatting error in Table D-2 and revises the language of the requirements for stair rail systems to make them clearer and reflect OSHA's original intent.

#### Owner pleads guilty to workers' comp fraud

The owner of a dry cleaning business who was accused by Washington State Department of Labor & Industries (L&I) investigators of stealing workers' compensation benefits pleaded guilty

Dec. 9 to third-degree theft charges.

Byung Sung Kang, the owner of Century Cleaners, pleaded guilty to the misdemeanor theft charges and was ordered to repay \$21,725 to L&I.

#### OSHA withdraws COVID-19 Healthcare ETS

OSHA announced Dec. 27 that it's withdrawing the non-recordkeeping portions of its COVID-19 Healthcare Emergency Temporary Standard (Healthcare ETS) and considering a broader infectious disease standard instead.

Going forward, the agency plans to “vigorously enforce the general duty clause (GDC) and its general standards, including the PPE and Respiratory Protection standards, to help protect healthcare employees from the hazard of COVID-19.”

OSHA states it will accept compliance under the terms of the ETS as satisfying related obligations under the GDC and other standards.

That means continuing to follow the terms of the ETS is the easiest way for healthcare employers to protect workers and ensure compliance with the GDC.

#### SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, Pete's company lost when the Occupational Safety and Health Review Commission (OSHRC) upheld the citation, finding the company should have required use of the tow-behind device or a truck equipped with grab bars.

OSHA cited the company for the lack of fall protection on the truck – not for the fatal incident itself – claiming the company violated the General Duty Clause by failing to protect workers from fall hazards from moving vehicles.

The company argued a chain across the back of the truck's bed served as a grab bar. It claimed traffic conditions prevented safe use of the tow-behind device that would've prevented the need for a worker to climb on and off the back of the pickup truck.

The OSHRC found the chain argument was countered by the company's own safety rule that specifically defines what counts as a grab bar. It also found the tow-behind device, which was designed for safe use in traffic, should have been required, as OSHA suggested.

#### ANALYSIS: JUDGING WHAT'S SAFE AND WHAT ISN'T

In this case, the company clearly should have required use of one of the two safe methods to complete the task.

Instead, the decision on how to safely do the job was left to a judgment call by the crew rather than strict adherence to the company's rules, which were based on job safety analyses.

**Cite:** *Secretary of Labor v. Roadsafe Traffic Systems*, Occupational Safety and Health Review Commission, No. 18-0758, 12/10/21. Dramatized for effect.

## Government notices on workplace safety

Here's SCA's digest of key notices that appeared recently in the Federal Register (FR) or on OSHA's website concerning workplace safety issues. For the FR listings and other related links, go to [SafetyComplianceAlert.com/category/federal-activities](https://www.safetynewsalert.com/alert.com/category/federal-activities).

### COURT ORDER

The U.S. District Court for the District of Massachusetts ordered two companies operating a behavioral health facility to pay OSHA \$30,515 in attorney's fees after failing to comply with a subpoena for documents.

UHS of Fuller Inc. and UHS of Delaware Inc. failed to provide documents and evidence requested by OSHA as part of 2019 workplace violence inspection at an Attleboro, MA, behavioral health facility.

One of the pieces of evidence requested was video footage of workplace violence incidents involving employees at the facility.

After failing to comply, the Department of Labor's Regional Office of the Solicitor petitioned the court to enforce the subpoena for the requested video.

The court found both companies' opposition to submitting the video wasn't substantially justified and ordered them to comply and pay OSHA attorney's fees incurred in response to their arguments.

"The law makes a clear distinction between good faith arguments and those that lack merit," Regional Solicitor of Labor Maia Fisher said in the news release. "If a recipient chooses to engage in the latter,

the recipient should expect to be held accountable."

UHS, one of the largest healthcare service providers in the U.S., is a hospital management company that operates 300 behavioral health facilities nationwide. It has been cited by OSHA four times since 2017.

### INVESTIGATION

The Department of Labor's Office of the Inspector General (OIG) is preparing to investigate OSHA's

response to an increase in severe injuries at warehouses and order fulfillment facilities during the COVID-19 pandemic.

OIG initiated an audit to determine what actions OSHA has taken to address these issues at facilities of online and other retailers.

This audit is in its early planning stages, but is expected to begin as soon as investigators receive specific documents from OSHA, according to a letter OIG issued to the agency.

Investigators have requested OSHA provide a variety of information, including:

- policies and procedures related to recording injuries
- examples of documentation for high-risk injuries
- the draft Warehouse National Emphasis Program that is currently in development
- a list of NAICS industry codes focusing on injuries occurring in warehouse and distribution facilities for online and brick-and-mortar organizations
- all federal and state plan inspections for the period of Oct. 1, 2016, through Sept. 30, 2021, and
- data on all NAICS industries that fall under warehouses and distribution centers, detailing all the complaints OSHA received during the period of Oct. 1, 2016, through Sept. 30, 2021.

### INSPECTION

OSHA fined Compass Resources, a Kansas contractor, \$223,329 after an inspection revealed workers were exposed to hazards related to asbestos and heat stress.

Because specific General Duty Clause violations for both of those hazards couldn't be proven, the agency instead issued Hazard Alert Letters to the contractor.

Inspectors were able to issue citations for respiratory protection violations and failure to provide drinking water and hygiene facilities on the jobsite, however.

## WHERE TO GET HELP

### ■ HOW TO MAINTAIN MENTAL HEALTH IN HEALTHCARE

The National Institute for Occupational Safety and Health (NIOSH) is offering a video on protecting the mental health of healthcare workers during the COVID-19 pandemic.

This video from a Nov. 18 webinar called "Protecting Health Worker Mental Health: A Call-to-Action" is intended to raise awareness about mental health issues in healthcare.

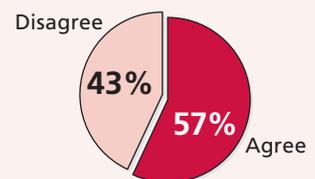
It includes presentations from U.S. Surgeon General Dr. Vivek Murthy and experts from the Mayo Clinic and NIOSH.

The video discusses current challenges, promising practices, and next steps to address working conditions to safeguard the mental health of healthcare workers.

Info: [youtube.com/watch?v=CcN8J2u17RY](https://www.youtube.com/watch?v=CcN8J2u17RY)

## What safety pros say

Despite challenges to the vaccine standard, most employers are still mandating vaccines. Agree or disagree?



Source: Willis Towers Watson

Of the 57%, 18% currently require vaccinations, 32% plan to do so only if OSHA's ETS takes effect, and 7% plan to mandate them whether the ETS takes effect or not.

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

## CDC says Marijuana use on the rise among drivers, offers guidance to employers

**Q:** Marijuana is one of the most frequently reported drugs found in post-crash testing. Is there anything I can do to ensure my non-CDL drivers aren't using?

**A:** In short, there are still plenty of things that can be done in most states to discourage employees who drive from using marijuana.

According to the U.S. Centers for Disease Control and Prevention (CDC), marijuana use among drivers is on the rise.

In recent guidance, the agency says employers should:

- develop a marijuana policy that takes current laws in each state into consideration, including any state the employer operates in
- have a policy prohibiting employees from using or being under the influence of marijuana while on the job
- provide specific details of what conditions would prompt a required drug test
- give warning that CBD and other marijuana products may contain enough THC to result in a positive drug test
- educate drivers on how marijuana can affect safe driving, and
- train supervisors and managers on best practices for recognizing signs of impairment.

### Workers aren't consistently wearing hearing protection

**Q:** What can I do to get my employees to consistently wear hearing protection?

**A:** Increase awareness and provide training on the importance of proper and consistent use of hearing protection devices (HPDs) and how they can protect workers from hazardous noise.

That's the advice offered by a study from the National Institute for Occupational Safety and Health (NIOSH) that estimates over half of noise-exposed workers don't "always" or "usually" use hearing protection when exposed to hazardous occupational noise.

The study also recommends ensuring HPDs are comfortable and don't overprotect from noise so employees can still hear their co-workers talk and catch other audible workplace signals.

### Are self-administered, self-read COVID-19 tests OK?

**Q:** Can employees administer and report their own COVID-19 tests under OSHA's vaccination emergency temporary standard?

**A:** No, for OSHA to consider a test to be valid, it can't be both self-administered and self-read unless the process is observed either by the employer or an authorized telehealth proctor, according to JD Supra.

However, OSHA allows for digitally-read tests – those that produce a date and time-stamped result – as those are not considered "self-read."

*If you have a safety-related question, email it to Merriell Moyer at: [mmoyer@pbp.com](mailto:mmoyer@pbp.com)*

### OUTSIDE THE LINES

#### ■ CANNABIS COMPANY MAKES 850-POUND WEED BROWNIE

Consuming marijuana during work hours is not condoned even in weed-friendly states.

But when a business starts manufacturing weed-based treats, it has to be tough for the workers.

Case in point, a Massachusetts cannabis company celebrated National Brownie Day with what it believes is the "largest THC-infused brownie ever made," according to the *Associated Press*.

MariMed Inc. made a brownie that's 3-feet-by-3-feet square, 15 inches tall, weighs 850 pounds, and contains 20,000 mg of THC.

The giant brownie also marks the beginning of the company's cannabis-infused edibles line.

Workers won't be able to try the treat even if they want to – it was sold to a medical marijuana patient.

### Did you know ...

Workers in vehicular-traffic areas should wear high-visibility vests



OSHA says high-visibility vests should be worn at all times by employees exposed to vehicle hazards.

Source: OSHA

Many work zone fatalities and injuries are caused when workers are struck by vehicles or mobile equipment. Wearing high-visibility vests can help mitigate this hazard.

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