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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.

U.S. Supreme Court blocks OSHA's COVID-19 vaccine ETS

■ *General Duty Clause to see more frequent use*

OSHA's COVID-19 vaccination emergency temporary standard (ETS) for employers with 100 or more employees was blocked Jan. 13 by the U.S. Supreme Court.

The Occupational Safety and Health Act did not grant OSHA the authority to institute a mandate forcing 80 million workers to either vaccinate against COVID-19 or wear masks and be tested weekly, the court ruled.

In the 6-3 vote to block the ETS, the court said OSHA's mandate "draws no distinctions based on industry or risk of exposure to COVID-19" and is "a significant

encroachment into the lives – and health – of a vast number of employees," according to the *New York Times*.

'Blunt instrument' not OK

While Congress didn't authorize OSHA to wield an ETS as a "blunt instrument" for enforcement, the court said regulations tailored to specific industries may be lawful since "most lifeguards and linemen face the same regulations as do medics and meatpackers."

The three dissenting justices – Stephen Breyer, Sonia Sotomayor and Elena Kagan – stated in a dissenting

(Please see Supreme Court ... on Page 2)

COVID-19

Court: Private employers can mandate vaccinations

Even though the U.S. Supreme Court blocked OSHA from instituting a COVID-19 vaccination rule, can a private employer institute its own mandatory vaccination policy? According to the Louisiana Supreme Court, yes it can.

In a Jan. 7 decision, the Louisiana Supreme Court found that a private employer – a hospital in this specific case – can impose a COVID-19 vaccination mandate on its employees and fire those who don't comply.

Hayes v. University Health Shreveport involves a medical center that notified all employees they were required to be fully vaccinated against COVID-19 by Oct. 29, 2021, and employees who didn't comply would be subject to disciplinary action.

If they failed to be vaccinated by that date, they would be subjected

to mandatory use of leave time and eventually terminated.

The hospital's policy permitted valid religious and medical exceptions.

'At-will' status made simplified case

The court found the issue was a simple one since the workers who filed the lawsuit were all at-will employees, meaning the employer can dismiss such an employee and the worker is at liberty to leave the company.

"So, while you might think that the vaccine mandate by a medical employer is especially necessary and appropriate, that fact actually hardly matters in this case," said Stephen McConnell of law firm Reed Smith.

At-will employment rights are governed by legal provisions, but in this situation those limitations didn't come into play.

INSURANCE FRAUD

Owner charged in \$1.1M comp scheme

A Texas business owner was arrested on charges relating to a \$1.1 million workers' compensation insurance fraud scheme.

Kunal "Sonny" Puri was arrested Jan. 11 for allegedly operating a long-running premium fraud scheme across several of his corporations.

Puri is charged with securing execution of documents by deception with intent to harm or defraud, according to the Texas Department of Insurance.

In December, a grand jury returned two indictments against Puri and his companies.

Those companies include Sehgal & Sons Enterprises, Ultra Building Services Inc., and Ultra Medical Cleaning & Environmental Services.

Buried payroll in other companies

Investigators claim Puri hid employees and their payrolls under other companies from July 24, 2009, to Aug. 16, 2016, to lower his

workers' compensation insurance premiums from Texas Mutual Insurance Company, Service Lloyds and Travelers.

The state's Division of Workers' Compensation Prosecution and Fraud Units worked with the three insurance carriers to investigate Puri and his businesses.

Supreme Court ...

(continued from Page 1)

opinion that the majority decision undermines "the federal government's ability to counter the unparalleled threat that COVID-19 poses to our nation's workers."

"Who decides how much protection, and of what kind, American workers need from COVID-19?" they asked. "An agency with expertise in workplace health and safety, acting as Congress and the president authorized? Or a court, lacking any knowledge of how to safeguard workplaces, and insulated from responsibility for any damage it causes?"

'Major setback to health and safety'

Secretary of Labor Marty Walsh stood by OSHA's ETS, calling the majority opinion "a major setback to the health and safety of workers across the country."

Walsh promised that OSHA will hold employers accountable for protecting workers through use of the COVID-19 National Emphasis Program and General Duty Clause.

The Supreme Court ruling means OSHA's ETS for employers with 100 or more employees can't be enforced by the agency, "pending resolution of the merits of the challenges by the Sixth Circuit," according to law firm Shawe Rosenthal.

This matter isn't entirely resolved yet, as the Sixth Circuit must still decide whether or not to uphold the ETS.

Given the clear direction from the Supreme Court, the Sixth Circuit is unlikely to rule in OSHA's favor.

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.

WORKERS AT RISK EVEN IF NO WORK WAS BEING DONE?

Safety Manager Pete Travers couldn't believe what he was reading.

"Two foremen observed on a steep roof and neither wearing fall protection," Pete said, incredulous. "I still can't believe it."

"The OSHA citation says it all," said John Jenkins, the company attorney.

'Arguments don't hold water'

"Is there a good reason why they were on that roof without fall protection?" asked John.

"The only time it's justified is when they're doing a pre-job inspection," Pete explained. "That means no work is being done."

"Were they working at the time?" John asked.

"Technically, no," Pete replied. "They hadn't started to do any work on the roof yet, but they were preparing to hoist materials up so they could start."

"Both foremen also insist the roof wasn't a traditional steep roof – it only had one unprotected edge – so they felt fall protection wasn't needed," he continued.

"I'm certain both of those arguments don't hold water under OSHA's regulations," Pete added.

"Still, I think they have a point on both counts," said John. "I'm sure we can fight this citation based on the fact they weren't working and that the roof wasn't typical of OSHA's standard."

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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SETTLEMENT

Company agrees to hefty fine, abatement

■ REPEAT OFFENDER HIT WITH \$1M FINE AGREES TO ADDRESS VIOLATIONS

A New Jersey aluminum products manufacturer entered into a settlement agreement with OSHA Jan. 4, affirming a \$1 million fine and accepting 15 repeat and 55 serious violations stemming from a series of injuries at its Delair, NJ, plant.

Aluminum Shapes LLC also agreed to implement enhanced abatement measures to address the violations.

Those measures include developing a comprehensive safety and health plan, adding more employee training and retaining a full-time safety professional with experience in lockout/tagout and confined space compliance.

History of noncompliance

The company has a long history of noncompliance with the current agreement coming after it was fined \$1.9 million in 2017 after OSHA's eighth visit to the facility since 2011.

In those intervening years, the agency cited Aluminum Shapes for 60 violations and \$516,753 in fines.

During the 2017 inspection,

OSHA learned that two employees were hospitalized after two separate incidents at the facility, which led to chemical burns and broken bones.

The first incident occurred when workers entered a tank to drain residual sludge containing sodium hydroxide, aluminum oxide and decomposed metal. They reported to their supervisors that they were experiencing burns to their skin from the chemicals, and they were directed to re-enter the tank, which led to one worker being hospitalized.

In the second incident, a machine operator suffered a broken pelvis after being caught between the unguarded moving parts of a metal fabrication machine.

Following the 2017 fine, the company announced 51 layoffs.

The company said in a statement the fine forced it to undo growth in staffing it had made, in which it added more than 100 workers to its staff.

The statement also said the company cared deeply about employee safety and had invested "time and money toward safer production processes and equipment."

ENFORCEMENT

3 contractors fined more than \$750K for fall violations

Three Washington roofing contractors are facing more than \$750,000 in fines for fall protection violations at different worksites across the state.

All three companies are accused of allowing their employees to work on rooftops of homes without using fall protection and other safety-related violations.

Always skirting safety rules?

Seven violations – including two considered egregious, willful and repeat – led to a \$425,000 fine for **Allways Roofing**.

The fines are for failure to use fall protection and for using material roofing brackets as tie-off points.

There have been at least seven serious injuries at Allways in the past with five falls and two eye injuries.

Two egregious, willful and repeat violations were issued to **Wilson Roofing & Construction** along with four other citations for lack of fall protection and other violations at a residential jobsite.

Inspectors observed three Wilson roofers wearing harnesses that weren't attached to tie-off ropes while working on a steep-pitched roof.

Valentine Roofing received a \$94,000 fine after a homeowner observed and photographed employees working at heights of around 16 feet without fall protection and using nail guns without wearing eye protection.

TRENDS TO WATCH

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

■ PROPOSED REGS CLARIFY COMMITTEE REQUIREMENTS

Newly proposed regulations relating to the New York HERO Act's workplace safety committee requirements offer some clarification on what's expected from employers and when they are required to institute a committee.

Under the Act, the state's Department of Labor will require employers with at least 10 employees to allow those workers to establish a workplace safety committee.

According to law firm Davis Wright Tremaine, the new regulations clarify that:

- employee counts will be based on the total number of employees that an employer employs in New York
- the counts include employees who are part-time, newly hired, temporary, seasonal, or jointly employed with one or more other employers
- a committee must be recognized at each worksite if employees request it, and
- committees can be established by a written request from two non-supervisory employees.

The proposed regulations are subject to a notice and comment period, with a public hearing scheduled for February 9, 2022.

■ BILL ON COMP FOR PARKING LOT INJURIES BECOMES LAW

New Jersey Gov. Phil Murphy signed Senate Bill 771 Jan. 10, allowing workers' compensation coverage for employees injured in parking lot incidents.

The law defines employment as commencing when an employee arrives at an employer-designated parking area prior to reporting for work and ends when they leave that lot at the end of a shift.

Roundup of most recent OSHA citations

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

2 healthcare workers dead from COVID after outbreak

A New Jersey healthcare provider was cited by OSHA following the COVID-19-related deaths of two workers at two of its facilities.

Inspectors found the provider didn't develop and implement adequate measures to mitigate the spread of the coronavirus in two facilities, leading to two employees being exposed to, and eventually dying from, COVID-19.

The company also failed to identify and isolate clients suspected of having the coronavirus who resided in its group homes, and didn't adequately inform staff about the associated risks.

This led to outbreaks at seven of the provider's facilities, including the two where the deaths occurred.

Fine: \$27,306

Company: Oaks Integrated Care, Mount Holly, NJ

Business: Other residential care facilities

Reasons for fine:

Six serious violations for failure to:

- provide employment free from recognized COVID-19 hazards likely to cause death or serious physical harm
- establish and implement adequate respiratory protection programs
- provide NIOSH-certified respirators to employees providing care to suspected or confirmed COVID-19 patients
- provide medical evaluation to determine employees' ability to use respirators
- ensure employees using respirators were fit-tested before being required to wear respirators
- train employees on use of respirators

Explosion injures employee, destroys grain elevator

OSHA cited a Missouri grain facility after a dust explosion injured an employee and destroyed the facility's main elevator.

Bucket elevators weren't equipped with required monitoring devices that notify workers when a belt is slipping and causing friction that could ignite grain dust, leading to the explosion.

Inspectors also found the company hadn't updated its dust collection system since its installation in 1974.

Fine: \$215,525

Company: MFA Enterprises, Columbia, MO

Business: Farm product warehousing and storage

Reasons for fine:

One willful violation for failure to:

- protect employees from hazards associated with falls from heights

Six serious violations, including for failure to:

- develop written housekeeping programs to reduce accumulations of grain dust on exposed surfaces
- implement preventive maintenance procedures
- protect employees from electrical shock and explosion hazards
- ensure types of equipment used in hazardous locations would provide protection from explosion hazards

Worker engulfed in grain up to waist: \$303K fine

OSHA cited a grain cooperative after a worker was engulfed in a soybean silo.

An investigation found two workers were clearing the bin of crops and debris on Feb. 19, 2021, when the incident occurred. Soybeans collapsed and engulfed an employee up to their waist.

Fine: \$303,510

Company: Topflight Grain Cooperative Inc., Monticello, IL

Business: Grain cooperative

Reasons for fine:

Three willful citations for failure to:

- prevent workers from entering bins without first locking out hazardous equipment
- post an attendant outside the bin to respond in case of emergency
- prevent employees from entering bins with 10-15 feet of grain build-up along sides

WORKERS' COMP DECISIONS

Test results don't match up with symptoms: Benefits?

An injured worker's complaints of continuing pain and stiffness don't match with the results of objective tests. Can he get benefits?

What happened: A tire builder

was injured when he was shocked by a machine's exposed electrical wires. Two months after treatment, he was released to go back to work, but he continued to complain about pain and stiffness in his neck and back.

Company's reaction: Medical tests show your symptoms are inconsistent and suspicious.

Decision: He couldn't collect. The court found that medical findings from multiple doctors showed that the symptoms he reported didn't match up with his actual physical condition.

Cite: *Rizvic v. Titan Tire Corp.*, IA Court of Appeals, No. 20-1133, 5/12/21.

Benefits for fall caused by opening refrigerator door?

A worker was injured when he fell as he opened a refrigerator door. Can he collect?

What happened: The worker was in a break room when he fell and broke a femur as he attempted to open a refrigerator. The injury required surgery with installation of an implanted hardware.

Company's reaction: Your injury isn't work-related.

Decision: He couldn't collect.

While the court found his injury occurred in the course of his employment, his job, by itself, didn't contribute to the risk of a fall, so it couldn't be considered a work-related injury.

Cite: *Turner v. Industrial Commission*, AZ Court of Appeals, No. 1 CA-IC 20-0025, 5/6/21.

REAL PROBLEMS, REAL SOLUTIONS

10 principles deliver safety results (part 1)

When a company lists safety first in its values, what do leaders have to do to back up that statement?

GTI Group, a logistics company, says this about Safety on its webpage:

“We do the right thing. Period. The safety of our employees, clients and the public come above everything else. We operate within the letter and spirit of the law. Every team member is unconditionally empowered to call a safety time-out.”

At the National Safety Council’s fall 2021 conference, Brian Fielkow, CEO of GTI, said there are 10 principles he’s used to help deliver safety results that he’s proud of:

1. If you have a sign that says, “Safety is our No. 1 priority,” tear it down. Safety isn’t a priority; it’s a non-negotiable core value. Priorities can be rearranged. Values are the adhesive that holds a company together. If safety isn’t in your values statement, put it there. Safety has to be the guardrail that guides every decision a company makes.

2. Power vs. authority: Know the difference. Fielkow said he could send out an email that says so-and-so is the CEO. That bestows authority on the CEO. Authority is easy, but Fielkow says he can’t give anyone power. You can only earn power by the way you show up – the interactions you have with your co-workers.

Fielkow says at GTI subsidiary Jetco, they asked drivers to elect a committee of their peers. This was a group that was elected to help govern the company. The group elected a chair who is involved in any decision in the life of a driver.

This is a way to knock down the toxic silos between the frontlines and top management. If you capture the power of frontline workers in this way, they’re better able to help you make changes. There are opinion leaders among your employees. Are they working for you or against you? Bring them in. Help them become your change agenda. To do that, you have to

identify the people who have power.

3. Treatment, transparency, trust. A lot of us are trained to think about safety in our heads. Safety has to begin in the heart. Get to know a thing or two about people who work for you. The more connection that’s built with employees, the more they will engage in safety.

Transparency is giving people the dignity of an explanation of why a change is being made. Those who are included tend to support change.

You can’t build a healthy safety program without trust. Work on building bridges with employees. Fielkow says one of their favorite ways to do this is, every couple of years, they send a box of crayons, blank paper and a letter to families, asking kids to draw what safety means to them. Their drawings become the company calendar, which they send to their employees and customers.

4. Create a just culture. Get rid of progressive discipline. When an employee makes a mistake, the question should be, was it an honest mistake or deliberate and reckless?

If someone has made an honest mistake, GTI coaches, trains and makes systemic changes.

If it’s reckless behavior – driving 50 mph in a school zone for example – that’s one strike and you’re out.

5. When you’re conducting root cause analysis, look at the organizational factors as well as the individual behavior.

A company can cause an incident as easily as a person. How can a company cause an injury? Insufficient, unclear processes. Reward systems that incentivize productivity over safety.

Professionals follow procedures. They do the right things when nobody’s watching. Sometimes people spend more time figuring out how to skirt the rules than actually complying with them. This is at the heart of so many safety failures – a lack of respect for process.

(For the rest of Fielkow’s top 10, see issue 636, coming March 1, 2022)

TRAINING TIPS

■ Are workers up to date on chemical hazards?

Workers need to know about chemicals used in the workplace or it can come back to haunt you.

For example, OSHA recently cited a Connecticut aircraft parts manufacturer accused of failing to provide adequate protection against solvents hexavalent chromium and cadmium, both of which can cause cancer.

Exposure to the toxic substances occurred during electroplating, mixing and preparing, and painting and paint removal processes on small aircraft parts.

OSHA found workers weren’t trained on hazards posed by these chemicals.

■ Inspire your staffers with a touch of humility

Leaders don’t need to relate to everyone in their audience when they speak.

But they want to be relatable.

That helps inspire others – whether it’s your team or a larger group you’re training or speaking to – says Gia Storms, a leadership coach.

To relate and inspire, Storms suggests you:

- Ready failure stories. When you tell others how you failed – and bounced back – you create intimacy.
- Be real right now. Tell others how you feel when you answer questions, or share a story off the cuff.
- Share what’s on your mind. In smaller groups and informal meetings, prepare some thoughts on something that’s impacted you recently at work or in life.
- Ask others if they’d like to share a similar story or experience. The more input, the better.

PANDEMIC

Vaccine rule for Medicare/Medicaid programs moves ahead

The U.S. Supreme Court allowed a vaccine mandate on healthcare workers at certain facilities to move forward despite blocking OSHA's COVID-19 vaccination emergency temporary standard for employers with 100 or more employees.

The COVID-19 vaccination mandate that was approved in a separate Supreme Court opinion applies to workers at hospitals and care facilities participating in the Medicare and Medicaid programs.

Mandate wasn't overreach

The court ruled that the federal government was not guilty of overreach with this mandate, which targeted a specific industry.

"The challenges posed by a global pandemic do not allow a federal agency to exercise power that Congress has not conferred upon it," the decision states. "At the same time, such unprecedented circumstances provide no grounds for limiting the exercise of authorities the agency has long been recognized to have."

The mandate requires staff at these specific facilities to be vaccinated. Staff also doesn't need to engage in patient contact or have clinical responsibilities

in order to be covered.

Staff who are 100% remote or who don't have contact with patients or other staff aren't subject to the mandate, according to law firm Shawe Rosenthal.

Texas regulators take aim at accident sites

A string of chemical and petroleum accidents in Texas in recent years has sparked a major regulatory change by the Texas Commission on Environmental Quality (TCEQ).

To wit: A facility that's experienced an emergency (spill, release, fire, explosion) risks having its compliance history classification "updated."

TCEQ would be able to reclassify a facility as "under review" or "suspended" if "circumstances exist due to an event at a site, such as a major explosion or fire, that significantly impacts the surrounding community and environment, causes emergency response efforts by federal or state authorities to address pollutants, contaminants or other materials regulated by [TCEQ]."

TCEQ currently does five-year

lookbacks and classifies facilities as unclassified (no compliance history), unsatisfactory, satisfactory or high performer. Once a site is designated unsatisfactory, TCEQ can amend a permit or deny renewal.

Under this proposed rule, a site reclassified as "suspended" would be treated the same as an unsatisfactory performer, and the suspended tag can remain in place for one to three years depending on the facility's progress to come into compliance and make necessary improvements.

Info: huntonnickelreportblog.com, 12/29/21.

Contractor in hot water for \$1.2M fraud scheme

Anthony Frascone, owner of NY-based Alpha-Omega Construction, was indicted on felony charges in a \$1.2 million workers' comp fraud scheme.

Investigators found Frascone allegedly claimed to be in real estate with one employee while he was really in construction and employed more than 90 workers.

He claimed to have a \$40,000 payroll, when it was actually \$8 million.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, Pete's company lost. As Pete pointed out, both arguments didn't stand a chance in court when put up against the specific wording of OSHA's regulations.

OSHA's construction industry fall protection standard – 1926.501(b)(11) – states, "Each employee on a steep roof with unprotected sides and edges 6 feet or more above lower levels shall be protected from falling by guardrail systems with toeboards, safety net systems, or personal fall arrest systems."

While there is an exception for pre-job inspections, the court found it didn't apply in this situation, as the company had done that inspection months earlier, and the employees on site the day of the violation were clearly

setting up to begin work.

As for the roof's unique structure, the court found it had one unprotected side, so it still fell under the requirements of the standard.

■ ANALYSIS: WHY EXCEPTIONS ARE RARE IN SAFETY

Safety pros know most OSHA regulations are designed to cover specific situations with few exceptions.

That's why supervisors and employees need to know there's no wiggle room when it comes to adhering to company safety rules.

More importantly, they should know following those rules helps them go home safe and sound at the end of the day.

Cite: *Secretary of Labor v. Centimark Corp.*, Occupational Safety and Health Review Commission, No. 20-0762, 9/27/21. 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.safetycompliancealert.com/category/federal-activities).

PENALTIES

OSHA is raising its fine amounts for 2022 based on cost-of-living adjustments, meaning the maximum monetary penalty is going up \$849 per serious violation and \$8,495 per willful or repeat violation going forward.

The maximum penalty for serious violations increased from \$13,653 to \$14,502 per violation and the maximum fine for willful or repeat violations rose from \$136,532 to \$145,027 per violation.

This is the annual change under the Inflation Adjustment Act of 2015, which requires the Department of Labor to adjust monetary penalties no later than Jan. 15 each year, according to an OSHA news release.

The DOL is required to calculate this adjustment based on the Consumer Price Index for all Urban Consumers. Annual adjustments are based on the percent change between the October index preceding the date of adjustment and the prior year's October index.

The adjustment multiplier for 2022 is 1.06222, and OSHA multiplied the most recent penalty amount for each applicable penalty by that multiplier and rounded to the nearest dollar.

That adjustment is consistent across the minimum and maximum penalties set in the Occupational Safety and Health Act.

Adjustments for 2022 are effective January 15, 2022, and the increased penalty levels apply to any penalties assessed after that date.

COVID-19

While health care is still a major focus for OSHA when it comes to COVID-19 violations, other industries can still fall under the

agency's scrutiny.

For example, OSHA cited Sanoh America, an OH-based auto-parts supplier, for COVID-19 violations after two employees died from the coronavirus and several others were hospitalized.

The agency inspected the facility on Aug. 12, 2021, following an employee complaint, and found 65 workers who tested positive for COVID-19. By Aug. 31, 88 tested positive with five hospitalized and two died from the virus.

Inspectors found Sanoh had a corporate-wide social distancing policy and trained employees on precautions for returning to work that included social distancing and mask wearing.

However, the company failed to follow these policies during the August 2021 breakout and OSHA inspection, leading to worker illness and death along with a \$26,527 fine.

EXTREME HEAT

A worker's death from heat illness in July 2021 led OSHA to issue a reminder that it's working on several initiatives to protect employees who work in hazardously hot workplaces.

In addition to pursuing a heat-specific workplace rule, OSHA instituted a heat-related enforcement initiative and plans to issue a National Emphasis Program for heat-related safety efforts in 2022.

The agency also recently published an advance notice of proposed rulemaking for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings.

The incident leading to this reminder involved a 42-year-old Earthbalance Corp. employee who was with a crew clearing invasive plants from a remote area of the Apalachicola National Forest.

He began showing signs of heat illness and sat down to rest, but he was later found unresponsive. The crew had no cell phone reception and the closest help was 14 miles away.

By the time an ambulance arrived, the worker died.

WHERE TO GET HELP

SAFETYFOCUS 2022 JUST AROUND THE CORNER

The American Society of Safety Professionals' (ASSP) SafetyFOCUS 2022 educational event is fast approaching.

This 10-day event begins Feb. 21 and runs through March 4, with classes both in-person in Phoenix, AZ, and online via ASSP's Live Virtual Classroom.

Courses held during the second week of the event will only be online.

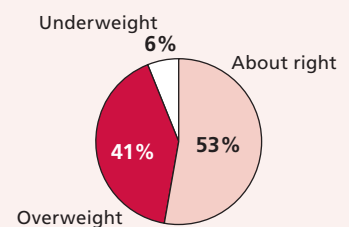
SafetyFOCUS is ASSP's second-largest annual education event, offering more than 65 occupational safety and health courses, including business and leadership skills, fall protection, and safety management systems.

Attendees can earn up to seven continuing education units.

Info: safetyfocus.assp.org/registration/

What safety pros say

Do most U.S. workers feel they're as overweight as federal statistics say they are?



Source: Gallup

Many felt their weight was OK, which conflicts with federal statistics showing three-quarters of Americans are overweight or obese, which can contribute to workplace injuries.

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

ANSWERS TO TOUGH SAFETY QUESTIONS

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

Supervisor worries older employee could get injured if he continues to work

The Scenario

Supervisor Jack Hall stood at Manager Mike Kelly's open office door and knocked.

"Come on in," Mike said.

Jack grunted as he sat down.

"Gettin' old is a real bear," said Jack in his typically gruff manner.

"Yeah," Mike replied, thinking of his own aches and pains.

"I've been with this company for almost 30 years," Jack said.

"Guys like me and Doug Kirby are at the point we should probably think about retiring soon," he continued. "Hell, Doug's been here for more than 40 years – he trained me."

I'm afraid he'll hurt himself

Where is this coming from, Mike thought. This isn't like Jack at all.

"What's going on, Jack?" Mike

asked. "Are you OK?"

"I'm fine," Jack said. "It's Doug I'm worried about."


"He's always been among my best workers on the shipping dock, but lately he's been struggling," Jack explained.

"Well, we did have a pretty heavy workload over the past few weeks," Mike said. "Maybe that's taking its toll. Doug might just need a little time to recover."

"No," Jack said. "It's more than that – are you listening to me? Doug is having a hard time keeping up, and it's worrying me. I'm afraid he'll hurt himself if he stays on the dock."

Mike looked in on Doug occasionally himself for a few weeks and saw that Jack was right.

If you were Mike, what would you do in this situation?

 Click www.safetycompliancealert.com/category/what-would-you-do/ to see other safety pros' comments on challenging scenarios

Reader Responses

1 Steve Davies, QA Manager, LND Inc., Oceanside NY

What Steve would do: If the older employee wants to keep working past his retirement age, and the company is OK with that, I would let him continue to work at his position.

However, if he is becoming a liability and a safety hazard to himself, those around him and company property, I would:

- obtain documented evidence of the incidents where he is observed working in an unsafe or dangerous manner
- talk with the older employee and let him know of the observations and the company's concerns, and
- remove the older employee from those operations where he is having issues and assign those tasks to

younger employees.

Reason: If the older guy is a "company man" he will understand the growing concerns as well as the potential liability issues arising from his unsafe practices.

2 Gordon Anderson, Safety Manager, Great Lakes Castings, Ludington, MI

What Gordon would do: I would make this employee a trainer or give him a promotion to supervisor where he can share the years of knowledge earned through trial and error. It would be a win-win for the company, and the older employee can stay safe in his employment till retirement.

Reason: An employee with that many years has a lot to share in knowledge, how the system should work, what's been tried in the past and why it worked or didn't, along with the safety aspects surrounding the job.

OUTSIDE THE LINES

■ FORECAST: CHANCE FOR 2 INCHES OF BEAN HUSKS

Manufacturing plant malfunctions are no laughing matter, but some are far less concerning than others.

Take for example a Canadian woman who recently found what she thought was snow all over her car, the sidewalk and street.

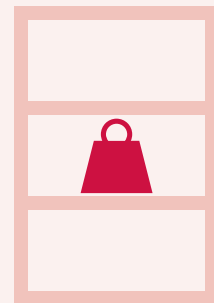
As she began to clean the dusting of "snow" off of her vehicle, she realized it was actually soy bean husks, according to National Public Radio (NPR).

She later learned that a soy processing plant down the road from her Hamilton, Ontario, residence accidentally blew the husks into the air after a factory malfunction.

NPR host Rachel Martin joked that such an event should be called a "soy-lar" eclipse.

Did you know ...

Place heavy loads on lower or middle shelves



When storing materials, heavier loads should go on a lower or middle shelf of a rack.

Source: OSHA

Improperly stored materials could fall and injure workers, so it's important to place heavy items on low or middle shelves and stack them evenly and as straight as possible.

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