



Wiring a green tomorrow



Joint Safety Committee
Oregon Pacific-Cascade Chapter, NECA
IBEW Local 280
Thursday January 25, 2024
Meeting MINUTES

Roll call: meeting called to order, In-Person and Zoom
Approval of previous Meeting Minutes

Communications

We discussed the possible coming of chin strap hard hats. OSHA has adapted this requirement for themselves.

Also discussed working at heights and different trigger heights

OSHA Injury/Incidents (July-December)

Recordable

1.1

First Aid/Near-miss

1.2 Worker fell on a pipe when ladder slipped 1.10

1.3 Back? Injury lifting customer's 200lb AV 1.23

1.4

Class Schedule- Posted online

Next Meeting – February 22th, 2024

Adjournment

Vaughn Pugh
Integrity Safety-Consultant

January 25, 2024



Wiring a green tomorrow



Joint Safety Committee
Oregon Pacific-Cascade Chapter, NECA
IBEW Local 280
Thursday February 22th, 2024
Meeting AGENDA

Roll call: meeting called to order, In-Person and Zoom
Approval of previous Meeting Minutes

1.0 Communications

- 1.1 What constitutes a Recordable?
- 1.2 How we doing on any needs you might have that I can help?

2.0 New Business- (safety packets distributed)

- 2.1
- 2.2 Excerpt from Packet
- 2.3 Other items

3.0 OSHA Injury/Incidents (January-June)

Recordable

- 3.1

First Aid/Near-miss

- 3.2 Worker fell on a pipe when ladder slipped 1.10
- 3.3 Back? Injury lifting customer's 200lb AV 1.23

4.0 Class Schedule- Posted online

All NECA Contractors are reminded that work related accidents and incidents should be reported via the Accident/ Incident report to the NECA office for consideration by the committee. If you need a copy of the report, contact the Chapter office.

***IMPORTANT REMINDER:** The variance granted to NECA/IBEW by OR-OSHA requires participation by both Labor and Management Representatives at the Joint Innovative Safety Committee. For the Committee to be viable and provide assistance to Contractors and IBEW Members we need to have consistent attendance of all committee members.*

Next Meeting: March 28th, 2024



POWERFUL TRADITION ELECTRIFYING FUTURE
OREGON PACIFIC-CASCADE CHAPTER

Safety Meeting Packet

February 2024

1040 Gateway Loop, Suite A ♦ Springfield, OR 97477

541-736-1443 Office ♦ 541-736-1449 Fax

**2023 LABOR HOURS RECAP
ALL SIGNATORY CONTRACTORS**

Local#	Contract Type	Annual Total	Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
280	Inside	1,304,599	12	108,717	103,945	111,251	122,872	113,682	104,669	127,371	94,109	116,444	101,929	106,292	95,663	106,372
280	Inside Appr.	410,018	12	34,168	33,080	36,178	41,949	39,430	34,323	42,315	29,202	35,810	30,125	30,510	27,033	30,063
280	MAI	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0
280	Material	110,026	12	9,169	11,230	10,956	11,319	10,906	9,145	9,254	8,711	8,165	7,288	7,945	6,915	8,192
280	Residential	105,648	12	8,804	7,215	8,641	9,630	7,955	8,324	10,667	7,218	9,383	8,993	8,268	8,633	10,721
280	Resi. Appr.	67,230	12	5,603	4,753	5,536	6,370	4,780	5,597	7,155	4,396	5,849	6,053	4,734	5,370	6,637
280	S & C	232,195	12	19,350	17,028	18,882	23,246	19,379	19,893	22,944	17,975	21,008	18,966	16,644	17,403	18,827
280	S & C Appr.	77,250	12	6,438	4,879	5,741	7,610	6,606	6,317	7,806	6,256	7,395	6,952	5,493	5,866	6,329
280	Support Tech/MOU	183,316	12	15,276	17,393	23,084	23,217	17,512	15,932	17,087	13,891	13,276	13,526	9,155	9,123	10,120
	TOTAL 280	2,490,282	12	207,524	199,523	220,269	246,213	220,250	204,200	244,599	181,758	217,330	193,832	189,041	176,006	197,261
	Total NECA	2,237,328	12	186,444	180,657	197,877	223,078	202,674	182,267	220,111	159,647	192,698	174,989	168,754	157,047	177,529
	% NECA	89.84%			90.54%	89.83%	90.60%	92.02%	89.26%	89.99%	87.83%	88.67%	90.28%	89.27%	89.23%	90.00%

Local#	Contract Type	Annual Total	Average Hrs/Mo	Jan	Feb	March	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
659	Inside	261,014	12	21,751	18,216	22,795	28,225	23,379	23,263	27,100	22,988	23,878	26,008	23,971	21,191	23,625
659	Inside Appr.	120,305	12	10,025	9,251	11,148	14,290	11,477	10,362	12,357	10,493	11,508	11,707	9,702	8,010	9,863
659	Material	6,556	12	546	930	846	772	556	511	361	321	432	752	628	447	374
659	Residential	7,132	12	594	634	756	929	609	652	793	502	650	565	523	519	592
659	Resi. Appr.	3,191	12	266	287	413	228	229	303	302	264	312	292	260	301	462
659	S & C	11,018	12	918	953	1,033	1,139	999	1,144	1,229	836	939	1,112	784	850	1,055
659	S & C Appr.	2,420	12	202	228	315	358	289	306	407	300	154	63	0	0	0
	Total 659	411,636	12	34,303	30,499	37,306	45,941	37,538	36,541	42,549	35,704	37,873	40,499	35,868	31,318	35,971
	Total NECA	363,870	12	30,323	24,825	30,539	37,842	31,042	29,928	35,556	29,498	30,822	33,306	26,900	24,601	29,011
	% NECA	88%			81%	82%	82%	83%	82%	84%	83%	81%	82%	75%	79%	81%

Local#	Contract Type	Annual Total	Average Hrs/Mo	Jan	Feb	March	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
932	Inside	112,826	12	9,402	8,218	9,082	9,687	10,250	10,240	10,277	10,229	11,022	11,671	11,474	10,676	11,615
932	Inside Appr.	48,314	12	4,026	3,957	4,342	4,655	5,178	4,842	4,652	4,533	4,096	4,415	4,012	3,632	4,587
932	Residential	1,235	12	103	114	108	31	119	152	160	103	126	129	155	38	0
932	Resi. Appr.	3,384	12	282	0	0	79	151	168	318	349	519	689	517	594	601
932	S & C	5,070	12	423	486	393	558	514	435	586	310	462	412	447	467	444
932	S & C Appr.	137	12	11	0	0	0	35	0	45	40	0	17	0	0	16
	Total 932	170,966	12	14,247	12,775	13,925	15,010	16,247	15,837	16,038	15,564	16,225	17,333	16,605	15,407	17,263
	Total NECA	145,289	12	12,107	10,320	11,135	11,436	12,829	12,341	11,988	11,933	11,867	13,686	12,436	11,413	13,905
	% NECA	85%			81%	80%	76%	79%	78%	75%	77%	73%	79%	75%	74%	81%

Grand Total	3,072,884	12	256,074	242,797	271,500	307,164	274,035	256,578	303,186	233,026	271,428	251,664	241,514	222,731	250,495
Total NECA	2,746,487	12	228,874	215,802	239,551	272,356	246,545	224,536	267,655	201,078	235,387	221,981	208,090	193,061	220,445
% NECA	89%			89%	88%	89%	90%	88%	88%	86%	87%	88%	86%	87%	88%

2023 LABOR HOURS RECAP NECA MEMBERS

Local#	Contract Type	Annual Total	Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
280	Inside	1,174,915	12	97,910	95,278	102,203	112,045	104,305	93,306	115,038	82,902	102,867	90,898	94,791	85,406	95,876
280	Inside Appr.	368,759	12	30,730	29,792	32,555	37,851	36,003	30,258	38,610	25,954	31,914	27,908	26,999	24,247	26,668
280	MAI	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0
280	Material	98,584	12	8,215	10,866	10,385	10,760	10,501	8,565	6,186	5,990	7,318	6,746	7,393	6,242	7,632
280	Residential	74,754	12	6,230	4,831	6,092	7,221	5,616	5,543	7,955	4,781	6,692	6,676	5,771	5,807	7,769
280	Resi. Appr.	47,599	12	3,967	2,962	3,932	4,437	3,293	3,789	5,411	2,906	4,143	4,444	3,441	3,811	5,030
280	S & C	227,625	12	18,969	16,637	18,571	22,755	19,785	19,368	22,498	17,526	20,497	18,349	16,194	16,952	18,493
280	S & C Appr.	76,437	12	6,370	4,879	5,741	7,490	6,437	6,189	7,636	6,098	7,105	7,208	5,493	5,832	6,329
280	Support Tech/MOU	168,655	12	14,055	15,412	18,398	20,519	16,734	15,249	16,777	13,490	12,162	12,760	8,672	8,750	9,732
Total 280		2,237,328	12	186,444	180,657	197,877	223,078	202,674	182,267	220,111	159,647	192,698	174,989	168,754	157,047	177,529

Local#	Contract Type	Annual Total	Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
659	Inside	234,430	12	19,536	14,919	18,446	23,075	19,368	19,455	23,224	19,565	20,044	21,825	18,477	16,809	19,223
659	Inside Appr.	107,354	12	8,946	7,726	9,770	12,221	9,767	8,511	10,206	8,502	9,278	9,806	7,197	6,428	7,942
659	Material	3,537	12	295	478	366	443	307	244	114	153	153	314	276	314	375
659	Residential	3,630	12	303	397	443	606	312	268	376	163	254	198	166	168	279
659	Resi. Appr.	459	12	38	124	166	0	0	0	0	0	0	0	0	32	137
659	S & C	12,040	12	1,003	953	1,033	1,139	999	1,144	1,229	815	939	1,100	784	850	1,055
659	S & C Appr.	2,420	12	202	228	315	358	289	306	407	300	154	63	0	0	0
Total 659		363,870	12	30,323	24,825	30,539	37,842	31,042	29,928	35,556	29,498	30,822	33,306	26,900	24,601	29,011

Local#	Contract Type	Annual Total	Average Hrs/Mo	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
932	Inside	93,917	12	7,826	6,454	7,088	7,119	7,986	7,755	7,444	7,619	7,833	9,072	8,485	7,822	9,240
932	Inside Appr.	44,200	12	3,683	3,380	3,654	3,759	4,294	4,151	3,913	3,884	3,332	3,785	3,304	2,865	3,879
932	MAI	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0
932	Residential	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0
932	Resi. Appr.	1,505	12	125	0	0	0	0	0	0	80	240	400	200	259	326
932	S & C	5,514	12	460	486	393	558	514	435	586	310	462	412	447	467	444
932	S & C Appr.	153	12	13	0	0	0	35	0	45	40	0	17	0	0	16
Total 932		145,289	12	12,107	10,320	11,135	11,436	12,829	12,341	11,988	11,933	11,867	13,686	12,436	11,413	13,905

Grand Total		2,746,487		228,874	215,802	239,551	272,356	246,545	224,536	267,655	201,078	235,387	221,981	208,090	193,061	220,445
--------------------	--	------------------	--	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------



Safety Training Topics

March 2024

Injury Prevention – Back Injury

Prevention – Ears Injury

Protection – Eyes Injury

Protection – Hands

SAFETY TRAINING TOPIC

Injury Prevention – Back

THE BASICS OF THE BACK

The back is essentially a collection of small bones stacked one on top of the other. These bones stay in place because of connective tissues and muscle contraction. Not all of the protective muscles are in the back itself, though.

Computer models have shown the spine, its connective tissues, and the back muscles working together cannot support lifting the kinds of loads electricians lift during the course of their work. The force that prevents the spine from snapping is intra-abdominal pressure, which comes from the abdominal muscles.

Of all the abdominal muscles, it is the *transversus abdominus* that makes the most contribution to preventing back injury. For this muscle to do that job, however, you must follow the traditional boot camp admonition to "suck in your gut." When lifting something heavy, you should contract this muscle. If this muscle is relaxed, the load typically shifts to the lower back muscles and overloads them.

Another muscle that keeps the spine safe is the *recti abdominis*. This is the muscle that allows you to rotate your trunk. When doing heavy lifting, don't rotate your trunk; rotating reduces the contribution that the *recti abdominis* makes to support your spine. The lower back usually has to make up for what the *recti abdominis* can't do.

PROPER LIFTING

Assess the load. If it is too heavy or awkward to lift safely, ask for help to lift it. This may include using lifting equipment.

Assess the terrain. Don't try to lift a heavy object if you must do so on an unstable or slippery surface. The presence of gravel, water, oil, metal chips, saw dust, or other debris is a good indication that lifting is unsafe until the location is cleaned or you can move the object to a safe location for lifting.

Look for handholds. If there aren't any, consider using a lifting strap.

Lift the object by opposite corners, rather than opposite sides, whenever possible. This reduces the likelihood the load will tilt on you.

Always keep your back straight when lifting. Remember: stomach in, shoulders back. You should feel your abdominal muscles tighten.

To lift an object off the ground, squat down. Allow your legs to do the work. Position yourself so your knees are not past your toes, to avoid knee injury. Position your feet on either side of the load so you are straddling the load.

Under ideal conditions, a male electrician in good physical condition should be able to safely lift a box weighing half his lean body weight. Subtract twice the poundage of your body fat from the amount of your weight to determine the maximum you should attempt to lift under ideal conditions. The average 30-year old male American has 25% body fat. *Example:* if you are 6 feet tall and weigh 170 pounds, you likely have 45 pounds of fat. Subtract 80 pounds from 170. You should safely be able to lift a 45 pound box from the ground to chest height under ideal conditions, but don't assume you always can. Keep in mind that lifting involves many variables and you may not be able to safely lift something even if it isn't very heavy. Pay attention to the lift.

Do not lift and twist. It is better to lift the object, set it down, rotate it, and lift it again rather than tap those *recti abdominus* muscles for rotation during the lift. They may not have the horsepower you need to protect your spine. If you must move the object during a lift, do so by pivoting on your feet and leaving your hips and back straight. This is a motion used in military drills and basketball- you may wish to practice it.

Start each lift slowly. If something doesn't feel right, stop. If lifting with a partner, tell the partner you can't do the lift, and then set the weight down. Re- assess the situation and get help if in doubt.

Lift as close to the body as possible.

Remember that you are being paid for your ability to apply electrical knowledge, not for how much you can lift. There is wisdom, not shame, in knowing your limits.

DEMONSTRATION

Have a crewmember lift the box with spine bent, stopping in mid-motion- have another crewmember help support this person's back during the demonstration. Have the other crewmembers take note of where the stress must go during the lift, looking along the spine.

Have a crewmember lift the box properly. Have crewmembers take note of where the stress is now. Point out that the body is essentially a spring between the load and the earth.

REVIEW AND DISCUSSION

- Can the spine and back muscles support heavy loads?
- Where does intra-abdominal pressure come from, and what does it do?
- What is the boot camp admonition you should remember when lifting?
- What should you do if you must rotate a load during a lift?
- Does it matter what you're standing on when you lift? What does this mean?
- What if the object doesn't have handholds?
- If you calculate your maximum safe lift, is it always safe to lift that much?
- What should you do if something doesn't feel right in the lift?
- Where should the load be in relation to the body?
- What is it you are really being paid to do?

SAFETY TRAINING TOPIC

Injury Prevention – Ears

WHY THIS IS IMPORTANT

Hearing loss is a major preventable health problem.

Damaged hearing reduces your ability to communicate on the job, and it results in social and marital problems.

There is no sense in leaving yourself open to a personal loss.

FALSE ASSUMPTIONS

Many of us assume that wearing foam ear plugs when the sign tells us to "wear hearing protection" is all we need to do to protect our ears. This isn't true. Ear plugs are just one form of ear protection, and areas with signs requiring hearing protection are just one situation where you should wear ear protection.

Many of us assume hearing protection and ear protection are the same. This isn't true. Ear protection is more inclusive than hearing protection, but ear protection equipment doesn't necessarily provide hearing protection and vice-versa.

Many of us assume hearing loss is a natural result of aging. This isn't particularly true. Hearing loss due to excessive noise is preventable.

Many of us assume we can always get a hearing aid, so hearing loss isn't important. This isn't true. Hearing aids do not provide the same quality of hearing that undamaged ears do.

Many of us assume that if we have passed a hearing test we don't need to worry about our hearing. This isn't true. Hearing tests don't catch damage until it has happened, and standard hearing tests are not comprehensive enough to catch all damage that does occur.

HEARING PROTECTION

Wear hearing protection whenever you must raise your voice to carry on a normal conversation.

Wear hearing protection whenever you are around machinery that could start without notice and alarm systems that are likely to go off.

You should wear hearing protection whenever the noise levels exceed OSHA limits on or off the job. Damage can occur even when you are having fun.

Wear hearing protection any time you operate a firearm.

Personal hearing protection includes rollable foam plugs, molded plugs, over the ear muffs, or other devices.

Do not wear ear plugs if you are at risk for an arc blast. The concussion could drive those plugs into your ears and render you permanently deaf.

Environmental hearing protection includes noise shields, soundproofing, restricted access, and closed doors. If you find any of this hearing protection damaged or not functioning properly, report that to your foreman.

Noise isn't the only thing that can damage the inner ear.

Be careful when blowing your nose. In addition to damaging your inner ear, excess pressure can rupture your nasal membranes. There isn't much between them and your brain.

If you are congested, drink plenty of water. Also, take a decongestant to alleviate ear pressure. Because antihistamines have a hangover period, you should take them early enough that the medication's effective time ends two hours before you start work or operate a motor vehicle. For example, take a 4-hour antihistamine no less than 6 hours before you must be alert.

OUTSIDE EAR PROTECTION

Your outer ear does not have great blood flow, and is in an exposed location if your hair isn't growing over it. It is prone to both sunburn and frostbite. It's a prime location for the start of skin cancer, as well.

In summer, apply sunscreen to your ears and nose to prevent sunburn and to reduce the likelihood of skin cancer. Even if you are a person of color, sunscreen will help you in this regard.

A winter hardhat liner provides added cold weather protection for your outer ear.

You may need to supplement your winter liner with a cotton headband around your ears. Do not wear polyester or other synthetic fabrics.

Do not wear a winter knit cap unless you expand your suspension system to allow room for it and the hardhat is still secure with the hat under it. Never wear anything between your suspension and your liner.

REVIEW AND DISCUSSION

- What are some reasons ear protection and hearing protection are important?
- Are hearing protection and ear protection the same?
- Is hearing loss a consequence of aging, or is it preventable?
- Should you preserve your hearing or just plan on getting a hearing aid?
- If you passed a hearing test, are your ear protection worries over?
- When should you wear hearing protection?
- What are forms of personal hearing protection?
- What are forms of environmental hearing protection?
- What are steps you can take to prevent hearing loss?
- How can you protect your outer ears?

SAFETY TRAINING TOPIC

Injury Protection – Eyes

BACKGROUND

Electrical work is highly visual. Without your eyesight, you cannot do the job you were trained for.

It is the rare eye injury that wasn't preventable.

Eye injury prevention is painless, easy, and inexpensive. Eye injuries are painful, difficult, and expensive.

EYE HAZARDS AND PREVENTION

Flying particles, shrapnel from striking an object, grinding dust, elbows, tools, and other objects can easily destroy one or both eyes. You can easily protect your eyes by wearing standard safety glasses as soon as you arrive on the job site. A face shield may also be necessary.

Vapors, paint, chemicals, acids, caustics, splashing hazards and the like can easily cost you your eyesight. You can easily prevent this by wearing goggles.

Arcs from welding can burn your retina, and such damage is permanent. You can prevent such damage by averting your gaze and leaving the area or wearing the proper lenses if you must watch the weld.

PPE is a last line of defense, but one you should always use. Other methods of eye protection include machine guards, distance requirements, and work methods that reduce the likelihood of eye dangers.

When using a multimeter, connect and disconnect it one lead at a time to prevent an arc flash or arc blast.

IMPROPER PPE

Wearing night vision lenses during the day increases the damage from an arc flash.

Wearing dark lenses in normal lighting simply reduces your ability to see what you are doing or where you are going, thus making you a hazard to yourself and others.

A face shield is not a substitute for safety glasses, nor is a pair of safety glasses face protection.

Glasses without side shields provide front-on protection, only. If you are walking through an area with eye hazards, these glasses are insufficient.

SAFETY GLASS CARE

Many people remove their safety glasses "to see better" or "because I'm doing panel work." The implication here is that the glasses inherently reduce visual capacity. They do not. A projectile into the eye does reduce visual capacity. Any loss of visual capacity with the glasses on is due to improper care of the glasses.

Do not take your glasses on and off during the day. Leaving them on means they won't be rubbing on table tops, floors, and other abrasive surfaces. It also means they will be protecting your eyes full-time.

Clean lenses with lens cleaning papers, only. Wiping a lens on your shirt can easily scratch it.

When you are finished using your glasses for the day, put them in a glasses case - not in your toolbox where they can get scratched.

REVIEW AND DISCUSSION

- Can safety glasses provide very much protection to hard-boiled eggs?
- Can safety glasses provide *very* much protection to your eyes?
- How important is your eyesight to doing the job you were trained to do?
- Are most eye injuries unpreventable?
- Just as eye injury prevention is painless, easy, and inexpensive, what are eye injuries?
- How can you easily prevent injury from flying particles?
- How can you easily prevent injury from chemical splash?
- How can you prevent injury from arc flash?
- What are some issues with improper PPE?
- What are some concerns about caring for your safety glasses?

SAFETY TRAINING TOPIC

Injury Prevention – Hands

WHY THIS IS IMPORTANT

The type of work you do requires dexterity and coordination with your hands.

Your hands need strength to climb, hold tools, and carry materials.

Hand injuries are often debilitating, disfiguring, and painful.

The hand is made up of connective tissue and many small bones. It is a true marvel of nature, but easily damaged.

IMPACT INJURIES

To prevent smashing your fingers when using a hammer, use needle-nose pliers to hold the nail or other object you are hammering.

Never put your hand in front of the business end of a power tool, pneumatic tool, or powder-actuated tool unless it is disconnected from its energy source.

Don't use the heel of your hand for striking a chisel, screwdriver, or other tool. You are likely to bruise your hand and strike something-perhaps your other hand-with the tool.

CRUSHING INJURIES

To prevent crushing your hand when moving a cabinet or other heavy object (such as a control cabinet) into position, place a 2x4 between the object and the wall.

When setting a heavy object into place, do not put your fingers under it for lifting purposes. If you find this unavoidable, put a 2x4 or several 2x4s on the surface where the object will sit. For example, if you are lifting a motor onto a pedestal, use boards to allow your fingers somewhere to go.

ELECTRIC ARC

Wear appropriate rubber gloves and outer gloves appropriate to the voltage you are working on.

Do not grab a ground rod with your bare hands-it may be carrying fault current. If you grab it, you become a parallel circuit and the electricity will follow Kirchoff's Law.

Observe clearances based on voltage level.

Use insulated tools when working in or near live circuits. One little slip is all it takes.

PUNCTURES AND SLICES

Wear work gloves when working with sheet metal.

Wear work gloves when using punches, knockouts, and drills.

Clean metal shavings with a brush, rag, or vacuum, not with your hand.

De-burr any holes you make. De-burr any raceway you cut, even if it's plastic.

Follow this simple rule: "Don't put your hands where they shouldn't be."

REPETITIVE MOTION

Change up the way you perform tasks. For example, don't always use your right hand when you plug things in. Use your left hand to operate a computer mouse.

Vary your tasks throughout the day.

Stretch your hands. Grasp all the fingers of one hand and gently pull them back toward your wrist. Then, do the other hand.

The primary risk factor for repetitive motion disorder is not repetitive motion. It is poor physical condition. Most electricians have above average upper body development, but if you are experiencing pain in your hands and arms consider a program of exercise directed toward improving your overall physical condition.

GENERAL HAND CARE

Keep your skin moisturized. Dry skin tends to crack and let bacteria in. However, use moderation. You don't want to be doing electrical work with hands that are wet with skin conditioner. See your doctor or a dermatologist if you need clarification.

Keep your nails trimmed, but not cut to the root. You can remove grease from under your nails by soaking-don't do so by digging or you can cause an infection.

Wear gloves to keep your hands warm when the ambient temperature is low. Frostbite can permanently diminish the use of your hands. So can weather that is cold but above freezing.

REVIEW AND DISCUSSION

- Why is it important to take care of your hands?
- How can you prevent the old hammer and thumb game from playing out?
- Why should you not use your hand as a makeshift hammer?
- How can you prevent crushing injuries?
- What should you wear to prevent arcing injuries?
- Why should you never grab a ground rod?
- When should you use insulated tools?
- What are some rules for preventing cuts?
- What are some tips on preventing or taking care of repetitive motion injuries?
- What are some general tips for hand care?

News & Training SafetyAlert

Powered by  SuccessFuel

February 2024

Report: OSHA collected more than 70K severe injury reports from 2015-2021 **14**

A worker died every 96 minutes in the U.S. in 2022, according to federal fatality data **18**

OSHA's expanded injury, illness reporting rule in effect now: Data due on or before March 2..... **22**

OSHA's new reporting rule and stats on more than 70K injury reports



News & Training SafetyAlert

Powered by  SuccessFuel

February 2024

In This Month's Issue

News Briefs **3**

Insider Content

You Be the Judge



Company reported worker's amputation as soon as it knew, but after 24 hours: Was it too late?..... **16**

Safety Case Study



Strategic foresight for safety professionals: It's no crystal ball, but it is a useful planning tool..... **21**

Training Tips



Employee can't make it for safety training? Give them a sneak peak instead of a make-up session **23**

Who Got Fined and Why



Maintenance supervisor killed, 15 workers injured in steam explosion: \$62K OSHA fine **24**

What Would You Do?



Is supervisor wrong for thinking he can wait until things slow down to talk safety with temps?..... **25**

Who Got Fined and Why



Alloy manufacturer fined \$69K for exposing employees to beryllium **29**

Articles



Report: OSHA collected more than 70K severe injury reports from 2015-2021..... **14**



A worker died every 96 minutes in the U.S. in 2022, according to federal fatality data **18**



OSHA's expanded injury, illness reporting rule in effect now: Data due on or before March 2..... **22**



Report: Poorly defined emergency response roles contributed to severity of fatal explosion..... **27**

News Briefs

Safety Stories You Might Have Missed

U.S. Department of Labor rescinds, replaces 2021 independent contractor classification rule

A 2021 independent contractor classification rule was rescinded and replaced with a new final rule on Jan. 9, 2024 in a U.S. Department of Labor (DOL) effort to combat employee misclassification.

The DOL said the final rule will “help employers and workers better understand when a worker qualifies as an employee and when they may be considered an independent contractor under the Fair Labor Standards Act.”

For safety professionals, this rule factors into questions regarding who controls workplace safety at a multi-employer worksite.

Multifactor analysis restored

This new rule “provide guidance on proper classification and seeks to combat employee misclassification, a serious problem that impacts workers’ rights to minimum wage and overtime pay, facilitates wage theft, allows some employers to undercut their law-abiding competition and hurts the economy at-large.”

Under the final rule, the multifactor analysis previously used by courts for decades to determine whether a worker is an employee or an independent contractor was restored.

The six factors guiding a court’s analysis of a worker’s relationship with an employer include:

- any opportunity for profit or loss a worker might have
- the financial stake and nature of any resources a worker has invested in the work
- the degree of permanence of the work relationship
- the degree of control an employer has over the person’s work
- whether the work the person does is essential to the employee’s business, and
- a factor regarding the worker’s skill and initiative.

The final rule will take effect on March 11, 2024.

Embattled Acting Secretary of Labor Julie Su again nominated to replace role Walsh vacated

Acting Secretary of Labor Julie Su was again nominated by President Joe Biden to replace former Department of Labor (DOL) Secretary Mary Walsh.

Walsh left the DOL in February 2023 and Biden nominated Deputy Labor Secretary Su to take over the role in the spring of the same year.

However, Su’s nomination was returned to the White House in December 2023 after failing to “garner sufficient support to clear a path to confirmation by the full Senate,” according to law firm Jackson Lewis.

Biden nominated Su again on Jan. 8, 2024 despite the nomination facing “stiff resistance by Senate Republicans, who had urged the President not to re-nominate the embattled Su and to put forward a different nominee.”

Popular with unions and workers

Su is a former California Labor Secretary and also headed the state’s Labor and Workforce Development Agency. Like Walsh, Su is popular with labor unions and workers.

Su’s Labor and Workforce Development Agency won praise from workers and unions for quickly addressing COVID-19 hazards, but it was also accused of paying out billions of dollars in fraudulent unemployment claims.

During her leadership stints in California, Su “was known as an innovative regulator, reorienting the agency so that it relied on worker complaints as the basis for investigations rather than random inspections of workplaces,” according to The New York Times.

Truck driver crushed, killed under 2,500-pound crate accidentally pushed off his flatbed trailer

A truck driver was killed when a 2,500-pound crate was pushed off of his flatbed trailer and onto him as he was attempting to place cargo straps into its underbody toolbox.

News Briefs — Safety Stories You Might Have Missed

Investigators with the Washington State Fatality Assessment & Control Evaluation (FACE) Program determined that the forklift operator's obstructed view and the driver's failure to wear a high-visibility vest and hardhat were contributing factors.

Driver usually unloaded freight himself

On March 23, 2023, the 63-year-old truck driver was delivering a load of roofing materials to a residential construction site for his employer, a sheet metal roofing manufacturer.

The materials he was delivering were loaded onto a flatbed trailer and consisted of metal sheets bundled in three 56-foot long wood crates and a few smaller crates. The three longer, heavier crates were on the driver's side of the trailer.

For these kinds of deliveries, the driver typically brought along his own forklift to unload materials, but since he was carrying a longer load this time there was no room for it on the flatbed. There were construction workers nearby on the worksite, so he asked them if they could use their telehandler forklift to unload the trailer.

Forklift operator, spotters thought he was sitting in cab

One of the lead carpenters operated the telehandler forklift assisted by spotters at each end of the trailer. They unloaded the smaller crates on the passenger side of the flatbed first.

When they were finished with the smaller crates, the driver instructed them to lift two of the driver's side long crates at the same time from the passenger's side of the trailer so he could pull the truck forward from under them. The driver then went to the driver's side of the trailer to put cargo straps into the underbody toolbox.

As the forklift operator began lifting the crates, the third crate was inadvertently pushed off the driver's side of the trailer. The construction workers heard the crash of the falling crate and went around the trailer where they found the driver crushed under the fallen crate. The construction workers used a skid steer to lift the crate off of the driver, began performing CPR on the driver and called 9-1-1.

Emergency responders arrived shortly after the call was made, but the driver had already died at the scene.

Investigators found that:

- the crate's base lacked enough clearance for the telehandler's forks to slide under unobstructed

- the telehandler operator and spotter had obstructed views of the load and the workers on the ground
- everyone unloading the trailer thought the driver was in his truck cab while they were unloading the trailer, and
- a high-visibility vest and hardhat were not used by the driver while unloading was taking place.

Cargo securement training, unloading policy recommended

Based on the evidence, FACE Program investigators concluded that to prevent similar incidents, employers should provide cargo securement training, along with refreshers, for truck drivers who use flatbed trailers that emphasizes:

- pre-task planning
- maintaining situational awareness and clear visibility of workers, vehicles, equipment and loads
- wearing high-visibility clothing and PPE, and
- identifying blind zones around trailers.

FACE Program investigators also recommended:

- prohibiting forklift operators from unloading freight on flatbed trailers unless they are trained and certified to do so
- creating and enforcing a standard operating procedure policy for unloading freight in accident prevention programs
- ensuring that the policy for unloading freight requires truck drivers to perform a site hazard analysis of the unloading area
- having drivers place high visibility warning signs at each end of the blind zone on the opposite side of the flatbed trailer from where the forklift or crane operator is unloading, and
- having drivers wait in their truck cabs or designated safe zones when other workers are operating forklifts or cranes.

Contractor's Massachusetts construction supervisor's license revoked over OSHA fines

A contractor's construction supervisor's license was revoked following the filing of a federal OSHA complaint citing seven fall-related citations issued to his company since 2014.

OSHA also based its complaint on the fact that William Trahant, owner of William Trahant Jr. Construction Inc., has failed to pay more than \$300,000 in fines for the violations.

The Massachusetts Board of Building Regulations and Standards agreed to revoke Trahant's license after OSHA presented its evidence to the board's hearing officer. Trahant's license was officially revoked on Nov. 17, 2023.

Massachusetts requires construction supervisor's licenses for certain projects and can revoke them if a holder fails to comply with OSHA requirements.

The hearing officer ordered Trahant to return his license and cease all work on active building permits he holds until either a successor license holder is substituted or Trahant regains his license.

Trahant is believed to currently hold "a number of active building permits in Massachusetts," according to OSHA. The agency found that Trahant "held hundreds of such permits between 2020 and 2022."

"Employers must never overlook the importance of worker safety, especially when it comes to protecting construction industry workers from falls from elevation," OSHA Regional Administrator Galen Blanton said. "William Trahant's continued failure to protect his employees from the industry's leading cause of death led the Massachusetts Board of Building Regulations and Standards to take decisive action."

Lack of proper exams and training caused miner to get run over, killed by mobile equipment

A 19-year-old miner with three months of experience was killed by an automated telescopic portable radial stacker when his left foot got pinned by one of the vehicle's tires, causing him to get run over.

U.S. Mine Safety and Health Administration (MSHA) investigators found that the incident occurred in part

because the mine operator failed to conduct proper workplace examinations and provide adequate new miner training.

Miner found lying down in area of radial stacker

On May 2, 2023, Izak Wixon, a 19-year-old ground man employed by Bowes Construction, was working at the company's Plant 280 portable surface construction sand and gravel mine in Brookings County, South Dakota.

Wixon completed checks of the mine's processing plant and then began travelling around the plant performing clean-up duties as needed.

The plant's operator shut the equipment down at 10:30 a.m. after identifying a defective return roller on the radial stacker that supplied the plant. The radial stacker was set up to travel radially around a pivot point in a defined arc-shaped path. It had a telescoping conveyor system to distribute material in an arc-shaped stockpile.

Removing and replacing the defective roller took about 30 minutes. Once the operator started the plant again, he went around cleaning up material beneath the conveyors.

On his way to check another conveyor, the operator saw Wixon lying down on the ground in the area of the radial stacker. He went to check on Wixon, noticed his injuries and then ran over to de-activate the radial stacker's automatic travel function.

The operator called for help via radio but didn't get a response. However, his calls were heard and a few miners did respond to the scene of the incident. At 12:44 p.m., the company's president called 9-1-1 and then met emergency responders at the mine's entrance to escort them to the incident scene.

Wixon was pronounced dead at the scene about an hour later.

Investigators found equipment was unsafe

The MSHA investigation revealed that Wixon was found with a crushed can of penetrating oil in an area of the radial stacker that should have been restricted while the vehicle was in motion.

MSHA found that the mine operator failed to conspicuously mark this restricted area, which led Wixon to get too close while the machine was moving. His foot got pinned by one of the vehicle's tires, which led to him eventually getting run over by the radial stacker.

MSHA investigators looked over the radial stacker and tested it for any operational deficiencies. They found that the radial stacker was unsafe because:

News Briefs — Safety Stories You Might Have Missed

- it was operated on loose, unconsolidated material
- it was operated on an un-level runway
- there was uneven and inconsistent movement because the right-side drive chain erratically cycled from slack to tension, and
- there were inconsistent stopping distances because slack caused portions of the drive chain to catch and bind.

All of this contributed the incident.

Investigators also determined that Wixon's new miner training wasn't properly conducted by the company as he wasn't adequately instructed on safe work procedures regarding the radial stacker. While he was trained to stay out of the radial stacker's path, he wasn't properly trained regarding the restricted access areas of the vehicle.

A lack of workplace examinations on the day of the incident, or in the days leading up to the incident, contributed to the incident as well. Proper examinations would have caught the issues investigators found with the radial stacker, according to MSHA.

Company developed new procedures, training program

Ultimately, the root causes of the fatal incident were the company's failure to:

- provide conspicuous markings warning against access to restricted areas of the radial stacker while it was in motion
- conduct adequate workplace examinations in the area around the radial stacker, and
- provide adequate new miner training.

In response, the company has:

- installed signage regarding the restricted areas around the radial stacker
- trained miners on how to conduct a workplace examination with the use of workplace examination forms, and
- identified and corrected the deficiencies in its training plan.

The company's current employees were also re-trained under the new training plan.

Washington OSHA adopts new PSM rule for petroleum refineries

Washington State adopted an updated Process Safety Management (PSM) rule specifically for addressing petroleum refineries.

The new rule was adopted Dec. 27, 2023 by the state's Department of Labor and Industries (L&I). It updates existing requirements and introduces several new rules for refineries.

This rule, which will take effect Dec. 27, 2024, is "similar to Cal/OSHA's Refinery PSM Regulation, which was amended in 2019 and is one of the most protective in the country," according to law firm Reed Smith.

New requirements for petroleum refineries include:

- adoption of a PSM program providing for employee collaboration throughout all PSM processes with the refinery manager designated as the person with compliance responsibilities
- use of damage mechanism reviews (DMRs) which must be completed for each existing and new process for which a damage mechanism exists
- a hierarchy of hazard control analysis (HCA) which must be updated and revalidated as standalone analyses for PSM processes at least once every five years
- use of process hazard analyses (PHAs) which must take into account the results of DMRs and HCAs
- creation of a written human factors program (HFP) that must assess human factors in existing operating and maintenance procedures and revise them accordingly
- development of management of organizational changes (MOOC) procedures
- use of root cause analyses (RCAs) for investigating and reporting incidents that result in, or could have resulted in, a process safety incident, and
- performance of a process safety culture assessment (PSCA) with a written report produced from the results within 18 months of the rule's effective date and at least every five years thereafter.

The U.S. Chemical Safety and Hazard Investigation Board (CSB) commended L&I for adopting the new rule.

"The State of Washington's final rule implements a majority of the measures that the CSB recommended and establishes important new safety requirements for petroleum refineries in the State of Washington," CSB

News Briefs — Safety Stories You Might Have Missed

Chairperson Steve Owens said. “This new rule will provide greater protections for workers at petroleum refineries across the state.”

The CSB investigated a catastrophic explosion and fire in April 2010 at the Tesoro Anacortes Refinery in Washington. The incident resulted in seven fatalities. A CSB report detailing the events of the incident recommended that the state strengthen its PSM program.

New training program meant to address driving: The leading cause of work-related deaths

A new training program from the National Safety Council (NSC) seeks to address the leading cause of work-related deaths in the U.S. every year: driving.

Federal data from the Bureau of Labor Statistics shows that more than 2,000 people died from occupational transportation incidents in 2022 – that’s 37.7% of the total occupational fatalities for that year.

To make matters worse, delivery truck drivers and sales employees who spend a lot of their work time on the road have the highest rates of injuries and fatalities among all occupations. Both types of employees aren’t required to get commercial driver’s licenses.

The NSC feels that “drivers who do not have their commercial driver’s license but are required to drive any vehicle for work may not be considered fleet or professional drivers by their employers and could therefore lack formal training.”

Courses cover various types of vehicles

That’s where the NSC’s new Fleet Essentials training program comes in. The program includes courses on:

- passenger vehicles
- delivery vans, and
- medium-duty trucks.

It also addresses:

- vehicle dynamics
- driving professionally, and

- distraction awareness unique to work-related driving.

More information about the program can be found [here](#).

U.S. Chemical Safety Board finally clears long-standing backlog of investigations

The U.S. Chemical Safety and Hazard Investigation Board (CSB) announced that it has finally cleared its long-standing backlog of investigations at the end of December 2023.

Since July 2022, the CSB has been working to finish a whopping 17 unfinished final investigation reports that had been stacking up since 2016.

“Eliminating the backlog has taken an extraordinary effort by every single employee at the CSB, working together as a team,” CSB Chairperson Steve Owens said. “We are committed to continuing to move the CSB forward and making sure that such a serious backlog never happens again.”

Seventeen final investigation reports were released between late July 2022 and late December 2023, “more than the agency has ever issued in such a short period.”

Six of the reports were released in 2022 while the other 11 were issued throughout 2023.

The 17 reports issued were on incidents involving:

- Loy-Lange Box Company
- Sunoco Logistics Partners
- PES Refinery
- TPC Group
- Kuraray EVAL
- Husky Energy Refinery
- Bio-Lab
- LyondellBassell
- Wacker Polysilicon North America
- Watson Manufacturing and Grinding
- Intercontinental Terminals Company
- Optima-Belle LLC
- Yenkin-Majestic
- Didion Milling

News Briefs — Safety Stories You Might Have Missed

- Foundation Food Group
- KMCO, and
- Wendland 1H Well.

“Over the last two years the focus of CSB board members has been on eliminating the long-standing backlog,” said board member Sylvia Johnson. “Now that these legacy reports are out, we are better positioned to deploy to chemical incidents across the country and complete future reports more efficiently.”

Report: Severity, costs of occupational injuries highest among workers 45 years old and older

A new report on construction workers, age and injuries found that, regardless of the cause of an injury, severity and costs were typically highest for those aged 45 years and older.

The study, which was conducted by the National Institute for Occupational Safety and Health (NIOSH), suggests that injuries may become more severe and require longer recovery periods as workers age.

Study analyzed Ohio construction worker comp claims

Researchers sought to address “longstanding concerns about hazards to younger construction workers and work disabilities of older construction workers. It focuses on estimating age differences in the rate, severity, and cost of work injuries.”

To do this, they analyzed Ohio workers’ compensation claims for construction workers to estimate claim rates and costs by age group. These claim rates were then classified and further analyzed for:

- transportation incidents
- slips, trips and falls
- exposure to harmful substances and environments
- contact with objects and equipment, and
- overexertion and bodily reaction.

American Community Survey data was then used to determine the percentage of workers in each age group.

Claim rates varied by age in all but transportation-related injuries

NIOSH researchers found that from 2007 to 2017, state-insured construction employers in Ohio accepted more than 72,000 injury claims.

The study found that claim rates:

- varied by age for all causes except transportation-related injuries
- were highest among 18- to 24-year-old workers in injuries involving contact with objects and equipment and exposure to harmful substances and environments
- were highest among 55- to 64-year-old workers for injuries involving slips, trips and falls, and
- increased and then declined with age in injuries involving overexertion, with the highest rates occurring among workers between 35 and 44 years old.

Could aid in helping older workers stay in workforce longer

Based on this research, workplace policies and practices can be tailored to align with age-related work injury patterns going forward.

“By addressing the safety needs of both older and younger construction workers, these policies and practices could enable older workers to continue working longer,” the researchers said.

Bottling company agrees to pay OSHA fine, promises to abate amputation hazards

A Guam-based bottling company reached a settlement agreement with federal OSHA following an inspection that found employees were exposed to amputations and other serious injuries.

Under the terms of the agreement, Pepsi Guam Bottling will pay \$132,591 in fines, abate the hazards OSHA found and create a comprehensive safety and health program to protect workers.

As part of the safety program the company must develop, it is required to:

- develop a written, comprehensive safety and health program

News Briefs — Safety Stories You Might Have Missed

- allow a warrantless inspection of the facility within the next 12 months
- form a safety and health committee involving both management and employees, and
- provide heat stress training to employees.

Employees were permitted to bypass machine guards

“Pepsi Guam Bottling’s agreement to boost its workplace safety protocols will help protect employees and put workers on an equal footing thanks to their inclusion in a new safety and health committee,” OSHA Regional Administrator James Wulff said. “OSHA will closely monitor the terms of this settlement agreement and provide any assistance needed or required to ensure compliance.”

“Empowering workers to take action on workplace safety is critically important,” Regional Solicitor Marc Pilotin added. “The creation of a joint employee-management safety committee to improve this company’s safety culture in Guam will be crucial to prevent avoidable injuries or calamities.”

The settlement is the result of an inspection conducted in October 2022 that found the company allowed workers to bypass machine guards by leaving machine guard doors open and permitting a safety proximity switch to be deactivated. The inspection resulted in one willful, one repeat and six serious violations.

OSHA initially proposed a fine totaling \$180,807, which was later reduced during the settlement process.

CSB: Lack of well control practices, barriers led to fatal flash fire at Wendland oil and gas well

A lack of well control practices and well barriers contributed to a fatal flash fire at a Burleson County, Texas oil and gas well in January 2020, according to a federal report.

The U.S. Chemical Safety and Hazard Investigation Board (CSB) also found that the incident at the Daniel H. Wendland 1-H well also occurred due to a lack of regulations governing onshore oil and gas operations.

3 contract workers dead from fatal burn injuries

The Wendland well was operated by Chesapeake Operating LLC. On Jan. 29, 2020, the company

experienced a loss of well control, resulting in an uncontrolled release of hydrocarbons.

Within seconds, the oil and gas that escaped the well found an ignition source, causing a flash fire near the well. A worker who was near the release point died from burn injuries on the scene. Three other workers suffered serious burn injuries, with two of them dying later from those injuries.

All of the injured workers were contractor personnel.

Lack of industry guidance, OSHA regs contributed to incident

CSB investigators found that the owner of the well and its contractors failed to use effective well control measures which led to ineffective well control barriers. The ineffective barriers resulted in a blowout and release of hydrocarbons, which then ignited.

Investigators also pointed out a lack of industry guidance on well control for under-pressured reservoirs such as those found in the Wendland well and an overall lack of regulations for onshore oil and gas operations.

Specific safety issues the CSB found included:

- poor well planning that failed to incorporate industry guidance or lessons learned from the well’s past well control issues
- a lack of industry guidance on methods for well control for completed wells in under-pressured reservoirs
- failure to include industry guidance hazard assessments for controlling ignition sources as there were multiple potential ignition sources around the open wellbore when the incident occurred, and
- the minimal amount of regulations that govern onshore oil and gas drilling and servicing operations.

The CSB recommended that Chesapeake include industry standards relating to well control planning in the company’s operating procedures. It also called on the industry to provide further guidance specifically for well control methods for completed wells in under-pressured reservoirs. The board called on OSHA to include onshore well drilling and well servicing operations in the agency’s Process Safety Management (PSM) standard.

Woman shot at work by ex-boyfriend can't pursue lawsuit against employer

A woman who was shot by her ex-boyfriend while she was at work can't pursue a lawsuit against her employer because workers' compensation is her exclusive remedy, an appeals court ruled.

The Court of Appeals of Arizona affirmed a lower court decision finding that because the woman was shot during normal working hours on her employer's property, workers' compensation was the exclusive remedy.

She was shot multiple times and is now a paraplegic

Valerie Soto was employed as a youth mentor at a community center operated by the United Methodist Outreach Ministries (UMOM). UMOM community centers offered services to children and young adults who resided at a neighboring housing facility that was also owned and operated by UMOM.

In August 2016, Soto's ex-boyfriend, who had been stalking her, entered the community center while Soto was working. When he confronted her, Soto led him outside out of concern over the safety of her co-workers and the children inside the community center.

Once they got outside, the ex-boyfriend shot Soto multiple times, rendering her a paraplegic.

Employer's insurer denies workers' compensation claim

The day after the shooting, UMOM filed an injury report with its workers' compensation insurer, CopperPoint Mutual Insurance Company. CopperPoint mailed both Soto and UMOM a few days later, notifying them that it intended to deny Soto's workers' compensation claim.

CopperPoint argued that Soto's injury didn't arise from her employment. Despite CopperPoint's stance on the issue, UMOM filed a claim on Soto's behalf in September 2016. Later that month, CopperPoint and UMOM notified Soto that her claim was denied because the shooter had personal motivation for the incident.

CopperPoint notified Soto that she could appeal its decision to deny her claim with the state's Industrial Commission. However, Soto never appealed the decision.

Superior court grants employer summary judgment

In August 2018, Soto filed a lawsuit against UMOM in the superior court arguing that her employer breached its duty to provide a safe and secure place of work and was liable for damages for negligent misrepresentation, fraud and bad faith.

UMOM requested summary judgment in its favor because it claimed the superior court didn't have jurisdiction over what amounted to a workers' compensation dispute. The superior court agreed and dismissed Soto's case.

Soto filed a motion with the superior court for either a new trial or an amended judgment, which the court denied. She then filed an appeal with the Court of Appeals of Arizona, First Division.

Appeals court: Evidence points to comp as exclusive remedy

The appeals court affirmed the superior court's decision, agreeing that workers' compensation was Soto's exclusive remedy.

Soto was at work during her normal working hours when she was injured, the appeals court said. Further, her lawsuit claims she was injured because of her employer's inadequate security, which UMOM admitted as fact in support of its motion for summary judgment in the superior court.

The appeals court explained that despite the fact Soto was shot outside of the building where she worked, she was still on UMOM's property. Soto, as a youth mentor, sought to protect her co-workers and the children under her care by leading the shooter outside. By leading the shooter outside, Soto was also following a UMOM policy that directed workers to identify and eliminate hazards.

All of this supported the finding that Soto's exclusive remedy was through the state's Workers' Compensation Act, the appeals court said.

He can't get summary judgment in Labor Law case for his slip and fall on greasy substance

An injured New York construction worker can't get summary judgment on his Labor Law claim because he failed to prove that the substance that caused his fall wasn't related to the work he was performing.

The Appellate Division, First Department upheld a lower court decision denying summary judgment for the worker, who claimed that his slip and fall was due to the negligence of the property owner.

Worker argues he slipped on ‘foreign substance’ as defined by law

Augusto Orellana was working on a construction site owned by 386 Park South LLC when he slipped and fell while carrying a concrete bag on his shoulder.

Orellana claimed that he slipped on a wet or greasy substance that was in the passageway he was traversing on the worksite.

In court, Orellana argued that the substance he slipped on was a “foreign substance” as defined by the New York Labor Law. According to the Labor Law, employers, general contractors and property owners “shall not suffer or permit any employee to use a floor, passageway, walkway, scaffold, platform or other elevated working surface which is in a slippery condition. Ice, snow, water, grease and any other foreign substance which may cause slippery footing shall be removed, sanded or covered to provide safe footing.”

Appeals court agrees evidence insufficient for summary judgment

A lower court analyzed the photographs Orellana submitted as evidence and found on May 22, 2023 that they were insufficient to establish summary judgment in his favor. The court said Orellana failed to establish that the substance he slipped and fell on wasn’t associated with the work he and his co-workers were performing.

On review with the Appellate Division, First Department, the appeals court agreed with the lower court’s decision, finding that there was insufficient evidence to prove that the greasy substance was the result of the owner’s negligence.

Contractor with history of fall-related violations agrees to pay \$730K OSHA fine

An Ohio-based contractor has reached a settlement agreement with OSHA following an investigation that found a dozen fall-related citations at a West Virginia worksite.

Charm Builders Ltd., a contractor with an extensive history of fall violations, will pay \$730,000 in fines and follow enhanced compliance measures as part of the agreement.

OSHA issued 12 citations based on its March 29, 2022 investigation of the worksite, stemming from six egregious-willful and five repeat violations. There was also a single serious violation.

The citations were related to fall protection, safety glasses, ladders and training on fall hazards, according to OSHA.

This is the 12th time OSHA has cited Charm Builders since 2009 for fall-related violations. The company was placed into OSHA’s Severe Violator Enforcement Program in 2022.

As part of the settlement agreement, the company must also:

- hire a safety consultant to evaluate its safety program and submit the plan to OSHA
- make all improvements recommended in the report
- accept unannounced monthly audits conducted by the safety consultant at the company’s worksites
- accept written reports based on the audits, which the employer must retain
- inform OSHA of all current and future worksites and allow entry for investigators, and
- not oppose the entry of a court order enforcing final Occupational Safety and Health Review Commission orders of enforcement.

Worker traumatized during active shooter drill can’t pursue lawsuit against employer

An office worker who claimed she was injured and emotionally traumatized during a realistic surprise active shooter drill at work can’t pursue a lawsuit against her employer.

The Nebraska Supreme Court found that the worker’s sole remedy for her injuries was workers’ compensation and upheld a lower court decision preventing her from suing the organization she worked for.

Drill's realism caused physical, emotional injuries

In May 2022, Sandra Lopez was employed by the Catholic Charities of the Archdiocese of Omaha. At that time, the executive director, chief of operations and chief of community engagement conducted an active shooter drill at the office.

Lopez claimed she had no advance notice about the realistic drill that was carried out. She testified that she reacted in fear after hearing loud bangs on the door to her office and being urged by the chief of community engagement to get out.

When Lopez followed other employees toward the exits, the executive director told her a shooting was taking place. Lopez heard gunshots and saw a co-worker lying outside on the ground with what looked like blood on her hand.

After experiencing all of this, Lopez ran away from the building toward a nearby shopping plaza. In doing so, she jumped off of a retaining wall and hurt her back as she landed.

Later, the organization's chief of operations told Lopez's son that the whole thing was "play acting and a safety drill" to see how employees would react. Lopez claimed that she went into counseling the day after the drill and has required treatment ever since. She also claimed that she required ongoing treatment for her back injury.

Lawsuit claims employer intentionally injured her

Lopez filed a lawsuit against the Catholic Charities, arguing that the organization was liable for assault and intentional infliction of emotional distress. Her suit said that the organization intentionally terrorized her and caused her to fear for her life.

The lawsuit sought:

- damages for mental and physical injuries
- past and future medical expenses
- permanent disability
- the loss of earnings, and
- the impairment of future earning capacity.

A lower court dismissed the lawsuit, finding that Lopez's exclusive remedy was workers' compensation because her injuries were work-related. The court rejected Lopez's claim that her employer acted specifically with the intent to injure her.

State Supreme Court refuses to adopt intentional tort exception

Lopez filed an appeal with the state's Supreme Court, arguing that the lower court erred by dismissing her lawsuit.

In asking the Supreme Court to allow her lawsuit to move forward, Lopez was essentially asking the court to adopt an intentional tort exception to the state's Workers' Compensation Act.

However, the court refused to adopt such an exception, stating that "under our precedent, an injury occurs by accident and is therefore compensable under the Act if it is unexpected or unforeseen to the person suffering the injury."

That meant that even if Lopez's employer intended to cause her injury during the active shooter drill, her exclusive remedy was still workers' compensation.

The court upheld the lower court decision, finding that employees covered by the Nebraska Workers' Compensation Act "surrender ... their rights to any other method, form or amount of compensation or determination thereof" whether an employer intended to cause injury or not.

Owner of hotel management company gets 6 months in jail for workers' compensation fraud

The owner of a San Jose, California hotel management company was sentenced to six months in county jail for pocketing tens of thousands of dollars in workers' compensation insurance funds.

Henry Flynn, owner and CEO of the management company known as Kubo, was sentenced Dec. 20, 2023 to six months in county jail for embezzling workers' compensation insurance funds from more than a dozen small- and medium-sized hotels.

He had been convicted in 2008 for embezzling his previous employer, Vasona Management.

On Nov. 1, 2022, Flynn pleaded guilty to grand theft for stealing more than \$195,000 in workers' compensation insurance money, which he must now pay back to the victims as part of his sentence. He'll also be placed on probation for three years.

During the probation period, Flynn won't be able to "own or operate a business that handles the bookkeeping, accounting, or financial matters of others and during

News Briefs — Safety Stories You Might Have Missed

which he must notify his clients of his conviction,” according to the Santa Clara County District Attorney’s Office.

He over-paid insurance companies, pocketed refunds

Flynn’s scheme involved employing personnel to manage hotels, which meant he had to obtain workers’ compensation insurance to cover those employees.

From 2015 through 2018, records showed that Flynn and Kubo over-estimated the insurance costs for some clients, which resulted in premium over-payments of tens of thousands of dollars per year. When the insurance providers refunded those over-payments, Flynn placed some of the money into his own personal accounts.

A client reported Flynn to authorities in 2018, resulting in an investigation that led to a review of Kubo’s workers’ compensation insurance records. The investigation revealed Flynn’s theft of funds and led to his guilty plea.

North Dakota mine cited for 10 significant and substantial violations, 5 unwarrantable failures

A federal inspection of a North Dakota mine revealed 10 significant and substantial violations along with five unwarrantable safety failures, including machine guarding issues and failure to provide safe access to work areas.

The Hazen Mine was among the 14 mines the Mine Safety and Health Administration (MSHA) chose for impact inspections in November 2023. All of the mines were chosen based on their prior enforcement histories.

Significant and substantial, or S&S, violations are considered “reasonably likely to cause a reasonably serious injury or illness.” Violations designated as unwarrantable failures are “aggravated conduct that constitutes more than ordinary negligence.”

Among the problems found at the Hazen Mine, MSHA inspectors discovered:

- a failure to provide guarding around moving machine parts, which was the most cited violation during this inspection

- a failure to provide safe access to working areas, which exposed miners to potential fall hazards, and
- other violations involving housekeeping issues, lack of berms around water and equipment defects that weren’t corrected in a timely manner.

184 violations found during November 2023 impact inspections

MSHA’s 2023 impact inspections identified 2,491 violations by November 2023, including 706 S&S and 52 unwarrantable failure findings.

Impact inspections are conducted “at mines that merit increased agency attention and enforcement due to poor compliance history; previous accidents, injuries, and illnesses; and other compliance concerns.”

Out of 184 violations identified in November, 52 were considered S&S and six were unwarrantable failures. November’s impact inspections were conducted at mines in Colorado, Indiana, Kentucky, Michigan, Nebraska, North Dakota, Oklahoma, Oregon, Pennsylvania and West Virginia.

INJURIES

Report: OSHA collected more than 70K severe injury reports from 2015-2021



by Merriell Moyer



Federal OSHA collected a total of 70,206 severe injury reports (SIRs) from employers it covers from 2015 to 2021, according to a new report by the agency.

SIRs are submitted by employers when an employee suffers severe injuries or illnesses in the workplace resulting in hospitalization, amputation or eye loss. OSHA began collecting SIRs in January 2015.

During the same period, OSHA received 56,696 inpatient hospitalization SIRs and 18,559 amputation SIRs. Many of the amputations were so severe that they required inpatient hospitalization, according to the

report. A total of 5,049 reported amputations also required inpatient hospitalization. However, the two different SIRs are “counted as one despite being categorized separately” in the report.

While eye losses are required to be reported, there were no SIRs for eye loss submitted during the period the report covers.

By year, the average number of SIRs per day was:

- 27 in 2015
- 28 in 2016
- 29 in 2017
- 31 in 2018

- 30 in 2019
- 24 in 2020, and
- 24 in 2021.

The 20% decrease in SIRs from 2019 to 2020 was likely due to workplace shutdowns and other changes caused by the COVID-19 pandemic, according to OSHA.

“Because the Recording and Reporting Occupational Injuries and Illnesses standard (29 CFR 1904.39) only requires employers to report inpatient hospitalizations that occur within 24 hours of the work-related incident that caused the inpatient hospitalization, and the mean incubation period for SARS-CoV-2 ranges from 3-6 days from exposure

to onset, COVID-19 hospitalizations were generally not required to be reported,” the report states.

Manufacturing tops in rates, hospitalizations and amputations

Manufacturing had the highest SIR rate with 26.5 per 100,000 full-time equivalent (FTE) workers. Construction and Transportation/Warehousing came in at second and third at 25 and 16.2, respectively.

For inpatient hospitalization SIRs, the manufacturing industry had the highest number again with 27% followed by the construction industry at 19.9%. Transportation and warehousing was third with 9.8%.

Manufacturing also had the highest number of amputation SIRs by a large margin with 55.2%. The category labeled as “other” – which includes a variety of different industries from agriculture and education to finance and entertainment – was a distant second with 11.3%. Construction had the third highest total with 10.5%.

Texas submitted most SIRs, North Dakota had highest rate

Out of the states that federal OSHA covered during the period, Texas employers submitted the most SIRs with 11,543 coming from the Lone Star State. Florida was second with 7,411 and Pennsylvania was third with 5,575.

When it comes to individual states’ SIR rates, North Dakota led with

21.9 per 100,000 FTE workers per year. Arkansas had the second highest rate with 17.8. Alabama was a close third with 17.4.

Upper extremities were most affected body part

Out of the SIRs for all industries, the upper extremities were the most affected body part by far with a total of 28,357 reported. The majority of those SIRs came from manufacturing with 14,000 reported by that industry. Construction was second with 3,646 SIRs regarding the upper extremities. Retail trade was third with 1,615.

The lower extremities came in second with 14,254 SIRs, with the manufacturing industry leading again with 3,365 of those. Construction had 2,601. Transportation/warehousing had 1,892.

There were 9,227 SIRs regarding the trunk, with that body part being the third most affected. Manufacturing had the highest total with 1,932. Construction and retail trade were second and third with 1,823 and 944, respectively.

Report highlights heat illness, warehouse-related injuries

Law firm Manko Gold Katcher & Fox pointed out that OSHA’s report contains two highlighted sections related specifically to heat illnesses and warehouse-related injuries.

“OSHA specifically highlighted SIRs from hazardous heat,” the law firm said, pointing to the agency’s recent attention on the subject with an ongoing National Emphasis Program and a standard in the works.

“From 2015 to 2021, OSHA received 1,743 heat-related SIRs, with Texas and Florida having the highest proportion of heat-related illness,” according to the law firm.

Likewise, the agency highlighted warehouse-related SIRs “another recent focus of OSHA, having established a National Emphasis Program on Warehousing and Distribution Center Operations in July of this year. From 2015 to 2021, OSHA received 1,336 SIRs, many of which involved a body part being caught between a vehicle (such as a forklift) and an object.”

[Read this story online](#) 

You Be The Judge

Company reported worker's amputation as soon as it knew, but after 24 hours: Was it too late?



"Yes, I'll be stopping by the maintenance department to see the new forklift modifications before I leave for the day," Safety Manager Pete Travers said. He was on the phone with the maintenance supervisor.

"Uh huh, no problem. See you soon," said Pete as he ended the call.

It was almost the end of Pete's day. He began to gather up his travel mug and other things that traveled back and forth to work with him every day when a shadow darkened the doorway to his office.

"I guess I'll be late getting to the maintenance shop," Pete said.

"Maintenance can wait," John Jenkins, the company attorney, said. "We have an OSHA citation to discuss."

Workers properly followed lockout/tagout procedures

"This is about the amputation incident, isn't it?" asked Pete.

"You got it in one," said John. "Now, more details, please."

"Poor Pat Winters' life isn't going to be the same after losing several of his fingertips," Pete explained. "He was operating a plate roller, which is a single-source, cord-and-plug machine.

"Pat and another employee were switching the plate roller over to roll

stainless steel, which requires the rollers to be cleaned and wrapped in plastic to prevent damage to the product," Pete continued.

"I take it they failed to properly lockout the machine," John said.

"No," said Pete. "In fact, because this machine has a single-source cord and plug it falls under an exception to OSHA's lockout/tagout rule.

"Our procedures to make the switch to a stainless steel run were followed to the letter," Pete said. "The incident happened when the machine malfunctioned and Pat got a supervisor, Hal Givens, to troubleshoot it.

Supervisor failed to clear area before re-starting machine

"Hal began troubleshooting while Pat was still in close proximity to the machine," Pete explained. "He should have cleared the area before he started, as per our company's safety policy.

"You see, the machine was unplugged after it malfunctioned," said Pete. "Hal plugged it back in to troubleshoot, but Pat happened to be in the process of cleaning its rollers at the time. When the power came back on, the rollers activated and briefly pinched Pat's fingers."

"If Hal had cleared the area, then this wouldn't have happened?" John asked.

"Exactly," Pete said.

"Then we can fight the lockout/tagout violation," said John. "This is a clear-cut case of unpreventable employee misconduct.

"However, OSHA is also citing us for failing to report the amputation within 24 hours," John added.

"That's not true," Pete said. "I called as soon as we had medical notification that his fingertips were removed. It wasn't clear if the injury was going to require an amputation, so I had to wait for confirmation."

"I see," John said. "Then we should be able to fight that, too."

Pete's company fought the citation. Did it win?

The decision

Yes, Pete's company won when an administrative law judge with the Occupational Safety and Health Review Commission found that the company couldn't have known that the supervisor would fail to clear the area of employees before troubleshooting the machine.

OSHA claimed that the company didn't have an adequate lockout/tagout (LOTO) program and failed to report the amputation to the agency within 24 hours.

The company argued that the machine in question fell under an exception to OSHA's LOTO standard and that the reason the incident occurred was because the supervisor

You Be The Judge

Company reported worker's amputation as soon as it knew, but after 24 hours: Was it too late? (continued)

didn't clear the area before restoring power to the machine.

As for the reporting violation, the company claimed it notified OSHA as soon as it had medical verification that an amputation occurred.

Machine fell under LOTO exception

After weighing the evidence, the judge found that the machine in question did indeed fall under an exception to the LOTO rule because it was a single-source, cord-and-plug machine. The judge also determined that the company couldn't have had constructive or actual knowledge of the supervisor's actions leading

to the incident, meaning that the unpreventable employee misconduct defense succeeded.

The judge vacated the reporting violation, as well, finding that the company was in the rare situation at the time of the incident where there was a question on whether the severity of the injury would lead to an amputation. There was sufficient evidence that the company called OSHA to report the injury as an amputation as soon as it had medical verification. For that reason, the judge determined that the company reported the amputation within 24 hours of learning the injury was an amputation, as required.

Analysis: Clarifying amputation, fatality reporting requirement

OSHA standards can be confusing, even to OSHA. In this case, the agency thought the company failed to report the amputation within 24 hours as required by 1904.39.

The rule states that an employer must report an employee in-patient hospitalization, fatality, amputation or loss of an eye to OSHA within 24 hours.

However, as the judge in this case pointed out, paragraph (b)(7) of the same standard says, "If you do not learn about a reportable fatality, in-patient hospitalization, amputation, or loss of an eye at the time it takes place, you must make the report to OSHA within the following time period after the fatality, in-patient hospitalization, amputation, or loss of an eye is reported to you or to any of your agents: Eight hours for a fatality, and 24 hours for an in-patient hospitalization, an amputation, or a loss of an eye."

Bottom line: You still don't want to waste any time reporting these types of incidents to OSHA. But, if you aren't immediately aware that the incident occurred, you could still be within the parameters of the requirement if you report within the time limit as soon as you do learn about the incident.

Cite: [Secretary of Labor v. Ward Vessel & Exchanger Corporation](#), Occupational Safety and Health Review Commission, No. 21-0732, 10/10/2023. Dramatized for effect.

A worker died every 96 minutes in the U.S. in 2022, according to federal fatality data

 by Merriell Moyer

Deaths from on-the-job overdoses, transportation incidents rising



Federal fatality data revealed that work-related injuries resulted in the death of a worker every 96 minutes in the U.S. in 2022 compared to every 101 minutes the previous year.

A report from the Bureau of Labor Statistics (BLS) showed that there were 5,486 fatal work injuries in 2022, which was a 5.7% increase over the 5,190 recorded in 2021.

Deaths from violence, overdoses, suicides on the rise

Fatalities due to violence and other injuries by persons or

animals jumped 11.6% to 849 in 2022, compared to 2021's 761. Of those fatalities, homicides accounted for 61.7%, with 524 deaths, an 8.9% increase.

Unintentional overdoses at work resulted in 525 fatalities in 2022, an increase of 13.1% over 2021's 464. This continued a trend of annual increases in this category since 2012.

Suicides also surged in 2022 with an increase of 13.1% to 267 fatalities. This followed consecutive decreases in 2020 and 2021.

Transportation industry had the most fatalities

The occupational group with the most fatalities was the transportation and material moving industry with 1,620 fatal work injuries in 2022. The next highest was construction and extraction with 1,056 fatalities, an 11% increase from 2021.

Transportation incidents remained the most frequent type of fatal event with 37.7% of all occupational fatalities. These types of incidents resulted in 2,066 fatal injuries in 2022, which is a 4.2% increase over 1,982 the previous year.

Despite increases in transportation incidents in both 2021 and 2022, those incidents were still down 2.6% from pre-pandemic levels in 2019 when there were 2,122 fatalities.

Fatality rates for Black, Hispanic workers increase

The fatal injury rate for Black and Hispanic workers increased in 2022 from 4 to 4.2 per 100,000 full-time equivalent (FTE) workers and 4.5 to 4.6 per 100,00 FTE workers, respectively. The rates for these two groups were both higher than the all-worker rate of 3.7 per 100,000 FTE workers.

Transportation incidents accounted for the highest cause of fatalities among both Black and Hispanic workers with 278 for Black workers and 439 for Hispanic workers.

OSHA, NSC respond

Assistant Secretary for OSHA Doug Parker responded to the BLS report finding the information “a sobering reminder of the important work we must do, especially for Black and Hispanic workers who saw the largest increase in workplace fatalities.”

“No worker should ever be disadvantaged because of their skin color or ethnicity; and that is never truer than when it comes to their lives and health,” Parker said.

Parker added that the increase in “work-related overdoses and suicides continue to be causes of great concern, and they are another call to action for” OSHA, employers and other stakeholders to address these issues.

He added that “mental health must be part of overall worker safety and health.”

The National Safety Council (NSC) also found the BLS data for 2022 “staggering.” Specifically, the organization pointed to the increase in unintentional drug overdoses at work, saying that “more must be done by employers to prevent these fatalities.”

“Overdoses can happen anywhere, and the BLS report shows these medical emergencies can be fatal and are occurring in the workplace,” the NSC said. “This further makes overdose and naloxone awareness, access to naloxone in workplace first aid kits and other locations, and adoption of programs to ensure workplaces and their employees are equipped to save a life critical components to workplace safety.”

The NSC found that the “data provided by BLS make it clear more education and resources, such as policies and training, are needed to keep people safe on the job” and the organization encouraged “lawmakers to support and pass the WORK to Save Lives Act which removes barriers to get opioid overdose reversal medications in workplaces and serves as a crucial step toward preventing workplace fatalities from opioid overdoses.”

[Read this story online](#) 

Strategic foresight for safety professionals: It's no crystal ball, but it is a useful planning tool



Considering how quickly the workplace is changing thanks to evolving technology and events like the COVID-19 pandemic, safety professionals may feel like they need to predict the future to stay on top of everything.

While no one can accurately predict the future, there is a way for safety professionals to anticipate workplace trends and get an early start on preparing for them ahead of time.

This can be done through a discipline the National Institute for Occupational Safety and Health (NIOSH) is highly recommending called strategic foresight.

A discipline that 'helps identify signals of change as they emerge'

Strategic foresight is a "forward-looking and action-oriented discipline" that "helps us look ahead and ask what may be coming, how it might affect us and what we can do today to prepare for the future," according to NIOSH Director John Howard.

The discipline, which has been used by corporations and world governments for decades, "helps us identify and understand signals of change as they emerge."

Early insights gained from using strategic foresight can reduce feelings of surprise for the changes that do arrive in the future and help users plan how they "might start taking action now so we can influence the future in a preferred direction as it unfolds."

Can be used to complement strategic planning efforts

A NIOSH paper on strategic foresight notes that the discipline should be used to complement, not replace, strategic planning. While strategic planning "reviews evidence from the past and asks how we might do things better, faster or more proficiently in the future," strategic foresight "looks ahead and asks what may be coming, how it might affect us, and what can we do today to start moving toward a preferred outcome."

The forward-facing perspective of strategic foresight can be particularly useful during periods of complex instability, but keeping in mind the lessons of the past via strategic planning is also extremely important.

Multiple versions all align but use different approaches

Another thing to keep in mind is that there are currently at least seven different approaches to strategic foresight from:

- the RAND Corporation
- European Commission
- University of Houston
- Swinburne University of Technology
- University of Hawaii
- University of Oxford, and
- Royal Dutch Shell.

Each version uses a different approach but they all align with the two main activities of strategic foresight:

- generating alternative futures, and
- assessing implications to inform decisions and actions.

They all also each:

- conceptualize time in terms of near-, mid- and far-term horizons, and

Case Study

Strategic foresight for safety professionals: It's no crystal ball, but it is a useful planning tool (continued)

- produce alternative futures in the form of scenarios.

It's really not science fiction

Time horizons and Three-Horizon Foresight may sound like terms out of science fiction, but they're really just methods to mark near-, mid- and far-term futures.

Three-Horizon Foresight divides time into – you guessed it – three horizons, with Horizon One being the current prevailing system, Horizon Two being the period of transition and Horizon Three representing “marginal ideas and arguments falling outside the current prevailing system, hints of which are seen as weak or early signals in the present.”

Use scenarios to spark conversation, aid in creating strategies

Scenarios are also a simple concept, involving “a story with a carefully constructed plotline describing one plausible future.”

The future isn't predetermined or predictable, so multiple separate

scenarios are typically required during a strategic foresight project.

There's no right way to present these alternative future scenarios. There are a variety of different formats and methods for them including:

- Artifact, which uses different material objects and articles to tell the story
- Headline, which uses brief captions or stories describing possible future events
- Narrative, a method that tells stories of organizations and the people in them who re-think the past, reconsider the present and re-imagine the future, and
- Persona, a method that describes characters who live in a plausible future and who fully embody the human representation of that future.

No matter which method is used, these scenarios can be used to spark strategic conversation and action as well as support the creation of strategies to “prepare for a range of plausible alternatives and move toward a preferred future outcome.”

Bottom line: It can help in planning to address future hazards

How does all of this relate to occupational health and safety?

The future is filled with volatile, uncertain, and ambiguous conditions that bring with them potential risks and hazards that safety professionals may not be able to identify with conventional strategic planning.

Strategic foresight can help safety professionals “design and refine proactive risk management programs and strategies for the future of work before it arrives,” according to NIOSH.

The discipline can help safety professionals prepare for and influence the future by addressing two critical errors of decision making:

- over-predicting change, and
- under-predicting change.

Ultimately, strategic foresight can expand the range of possibilities safety professionals may envision for the workplace and workforce of the future while simultaneously ensuring those visions of the future are grounded in reality.

NEW YEAR, NEW STANDARD, NEW REQUIREMENTS



OSHA

OSHA's expanded injury, illness reporting rule in effect now: Data due on or before March 2



by Merriell Moyer

It's 2024, and with the new year comes the March 2 deadline for OSHA's Form 300A injury and illness reporting. This year also marks the start of the new Improve Tracking of Workplace Injuries and Illnesses rule.

The new rule, which was effective Jan. 1, 2024, amended federal OSHA's injury and illness recordkeeping regulations to require employers with 100 or more employees in certain industries to electronically submit injury and illness data annually.

That's down from the 250-employee cutoff of the old version of the rule.

Employers with 20 to 249 employees who are classified in specific industries with historically high rates of occupational injuries and illnesses won't see any significant changes to how they report under this new rule.

What needs to be submitted and when

The bottom line is that the updated rule requires establishments with 100 or more employees in certain high-hazard industries to electronically submit information from their Form 300 Log of Work-Related Injuries and Illnesses and

Form 301 Injury and Illness Incident Report to OSHA once a year, on or before March 2.

These submissions are in addition to submission of the Form 300A Summary of Work-Related Injuries and Illnesses.

Revised rule allows OSHA to publish the data

Under the new rule, establishments are required to include their legal company name and details about the employee and the injury or illness when making their injury record submissions to OSHA.

The agency stated that some of the data it collects will be published “to allow employers, employees, potential employees, employee representatives, current and potential customers, researchers and the general public to use information about a company’s workplace safety and health record to make informed decisions.”

Making this information public “will ultimately reduce occupational injuries and illnesses,” OSHA said.

State OSHA plans must adopt similar rule

Employers in states that have their own federally approved OSHA plans will also have to adhere to this new rule.

“States with their own federally approved worker safety programs must set up reporting mandates that are identical to or similar to the federal plan,” according to law firm Ford Harrison. “The state plans will be able to use OSHA’s website rather than setting up their own submission portals.”

Maybe wait to submit records until closer to deadline this year

With the new rule comes OSHA’s new filing system, called the Injury Tracking Application, or ITA.

The OSHA website has a page loaded with information on the new reporting requirements and on how to use the new online filing

system. There’s even a fact sheet on how to protect personal identifiable information.

However, along with the new system, there “could be early technical problems with the portal,” Ford Harrison said. “Covered employers may want to wait until closer to the March 2 deadline before submitting the required data” to give OSHA time to iron out any bugs.

[Read this story online](#) 

Training Tips



Employee can’t make it for safety training? Give them a sneak peak instead of a make-up session

Sometimes it isn’t possible to get the whole team in for training all at the same time. Appointments and vacations can make it difficult to bring everyone together at once.

Make-up sessions after missing employees get back to work are typically the way to address this issue, but “sneak peaks” can also work.

The idea is to give the worker an advanced look, or sneak peak, at the training before the majority of their co-workers receive the same training.

This can be beneficial for a number of reasons, including:

- it gives you a chance to practice delivering the message before you have to talk to the entire team
- the worker’s questions during the sneak peak could show you the areas of your presentation that may still need some clarification, and
- you get the worker’s full attention for the training rather than it being yet another thing for them to catch up on when they return to work.



Who Got Fined & Why



Maintenance supervisor killed, 15 workers injured in steam explosion: \$62K OSHA fine

OSHA fined an Ohio foundry \$62,500 for a steam explosion that killed a maintenance supervisor and injured 15 other employees.

Inspectors found that the explosion occurred while employees were inspecting a water leak on a furnace used to smelt solid metals. Water leaked onto the molten metal inside the furnace, causing a steam explosion.

OSHA determined that the company didn't make sure lockout/tagout procedures were followed during the inspection.

Fine: \$62,500

Company: I. Schumann & Co. LLC, Cleveland, Ohio

Business: Secondary smelting and refining

Reasons for fine:

Six serious violations for failing to:

- provide employment free from recognized steam hazards that were likely to cause death or serious physical harm
- ensure energy control procedures were used to control hazardous energy sources associated with a furnace
- ensure maintenance employees followed lockout/tagout procedures in proper order
- ensure maintenance employees applied personal lockout/tagout devices before beginning maintenance activities
- clearly and specifically outline the scope, purpose, authorization, rules and techniques used for the control of hazardous energy
- periodically inspect energy control procedures

What Would You Do?

Is supervisor wrong for thinking he can wait until things slow down to talk safety with temps?



"Hey Jack, how are things in the shipping department?" Manager Mike Kelly asked as he walked into the shipping office.

"Looking better now that we have more help," Supervisor Jack Hall said. "I know I wasn't too happy about getting a bunch of temps, but boy, I've changed my mind. They can really hustle."

"That's good," said Mike. "As long as they're safe while they hustle."

'I'll brief them when things slow down'

"Speaking of which, did you brief them on our forklift safety protocols?" Mike added. "I talked to the agency, looked at the records and verified that they were all forklift certified before they were brought onsite. They just needed to be brought up to date on our company's rules."

"They showed me their certification cards," Jack said. "We were swamped first thing, though, so I just put them all straight to work. I'll brief them later, when things slow down a little."

"It could be too late by then," said Mike. "You're one of just a few people I can rely on for this sort of thing since you're qualified as a forklift instructor, yet you still put production ahead of safety."

"Jeez, calm down," Jack said. "You said yourself that these temps are certified and safe. Our safety rules could apply just about anywhere. It's all stuff I'm sure they've heard before."

"I'll take care of it like I said I would," Jack continued. "But it'll have to wait until later this afternoon when things calm down."

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

Stop everything, brief them on company safety rules

Mike should stop the temporary workers and bring them in for their safety briefing. Waiting any longer could lead to an incident.

Safety shouldn't be skimped on just because they're temps and it's busy. Yes, they may have an idea about what's expected of them, but every company is different and Mike's may care more about safety than the last place they worked.

Also, while the temporary agency has a duty to ensure its employees are safe, so does the host employer. That means Mike's thinking is correct in wanting to get this done right away.

They should get the same training as full-time employees

Temporary workers deserve the same safety training as full-time workers. Temps are often brought onboard when it's already busy and it's easy to either rush them through the training or ignore it altogether. As any safety professional knows, that's a recipe for disaster.

That's why Mike should take matters into his own hands and get those

temps briefed on the company's safety rules immediately. He can take over for Jack in a professional manner and properly address Jack's mistake with him later.

Lack of training by agency, host employer leads to temp's death

As safety professionals know, it's just as important to ensure temporary workers get thorough safety training as it is for full-time workers.

Failure to do so could result in tragedy, as one host employer and the temporary agency it was working with found out on September 8, 2022. That's when an agricultural contract worker died from asphyxiation after being buried under 50 to 75 tons of nuts that spilled out of the access hatch of an 850-ton storage silo at a tree nut processing facility.

Investigators with the California State Fatality Assessment & Control Evaluation (FACE) Program found that a temporary worker's death at the facility occurred because he wasn't properly trained before being assigned to the facility. Further, the host employer, which did handle the safety training, didn't have certain safety procedures in place, which also contributed to the incident.

Crushed under 50 tons of product when he opened silo hatch

The staffing agency was a nationwide employer with about 18,000 employees. The host employer had

What Would You Do?

Is supervisor wrong for thinking he can wait until things slow down to talk safety with temps? (continued)

been in business since 2017 and had 12 employees working onsite divided over two 12-hour shifts. It used 10 to 24 temporary workers depending on the season.

The temporary employee had been working at the facility performing various activities related to nut processing for seven months before the incident occurred. He received a variety of safety training when he began working in the facility, but none of it was related to silo entry or hazards associated with silos.

On the day of the incident, the temporary employee had been tasked with labeling super sacks containing 2,200 pounds of product. He was required to wear shoe coverings while performing this task. Even though there was a storage closet near the work area that contained a supply of shoe covers, the temporary employee decided to leave the work area to get some covers he'd seen in an empty silo that he cleaned a few days prior.

Later, a co-worker noticed the temporary employee was missing and began looking for him. A supervisor was notified and another co-worker was sent to join the search. One of the co-workers walked past a silo area and noticed that the access door was open with a large quantity of nuts spilling out. The co-worker reported the spill to the supervisor, who called a team of workers to clean up the 50 to

75 tons of nuts. A few minutes into the cleanup, they found the temporary employee unresponsive and buried under the tons of product.

The supervisor and several co-workers called 9-1-1 and performed CPR until emergency medical help arrived. Paramedics were unable to revive the temporary employee. He was pronounced dead from traumatic asphyxiation.

Temporary worker safety responsibility of both agency and host

FACE Program investigators found that the key contributing factors in this incident were:

- the staffing agency's failure to conduct a thorough job hazard analysis to identify all of the hazards at the client's facility or follow up on the safety issues that were found
- the staffing agency's failure to provide the host employer with a copy of their job hazard analysis
- the host employer's lack of a procedure to manage silo entries or keep silo hatches locked, and
- the host employer's failure to install an inward swinging inner door on the silo as a safety feature.

One of the FACE Program recommendations to prevent a similar incident from occurring was to ensure that all temporary employees were trained during the onboarding process on both the staffing agency's safety policies as well as how to perform their duties safely at the host employer's site.

Federal OSHA requires employers to provide adequate health and safety training to employees prior to assignment to a particular job. In this incident, the staffing agency failed to provide safety training to its employees, instead relying on the host employer to do the job. The staffing agency did this despite having done a hazard assessment of the worksite, which it could have used to help inform its workers.

While the host employer did provide some safety training, that training was inadequate. The host employer's training also failed to inform the temporary employee of the silo hazards because it had no policy or procedure in place on silo entry or confined spaces.

If the staffing agency and host employer had communicated better about safety training and worked together to address the hazards in the facility, the temporary employee may have avoided this fatal incident.

HAZARDS

Report: Poorly defined emergency response roles contributed to severity of fatal explosion



by Merriell Moyer

REGULAR
EMPLOYEES **PUT
THEMSELVES IN
DANGER** IN FAILED
ATTEMPT TO
PREVENT INCIDENT

A federal investigation showed that failure to properly define the emergency response roles of employees during an isobutylene leak contributed to the severity of a 2019 chemical facility explosion and fire.

The U.S. Chemical Safety and Hazard Investigation Board (CSB) found that employees working at a KMCO chemical facility put themselves in harm's way because their roles during an emergency weren't properly limited by the company.

Break in piping leads to 10,000-pound isobutylene release

On April 2, 2019, KMCO operations staff were making a batch of sulfurized isobutylene at its Crosby, Texas facility.

At 10:41 a.m., a fist-sized piece of metal broke away from the body of a cast-iron strainer in the batch reactor's liquid isobutylene supply piping. A field operator trainee who was walking near the piping heard the loud noise that the break caused and immediately contacted his board operator.

This began a series of urgent communications and quick actions taken by the field operator, several board operators and their operations supervisors to stop

Report: Poorly defined emergency response roles contributed to severity of fatal explosion

the flammable isobutylene release, move other employees to safety and prevent ignition of the vapor cloud. The facility's HAZWOPER-trained emergency response team was notified of the incident at this time.

The operators and supervisors successfully moved workers out of the immediate area and prevented vehicle traffic from approaching the vapor cloud, which was the result of a 10,000-pound release. They also opened other valves along the vapor cloud's route to allow firewater to spray throughout the batch reactor area.

Vapor cloud ignites while regular employees respond to incident

Most of these tasks were complete when the vapor cloud suddenly exploded while two operators were still within it and one shift supervisor was near it. The resulting explosion fatally injured one of the operators and caused serious burn injuries for the other operator and shift supervisor. At least 28 other workers were injured, including five KMCO employees and 23 contract workers.

Portions of the facility were substantially damaged in the explosion and subsequent fires. Local news outlets reported that the explosion shook nearby homes and was heard throughout the surrounding area. Authorities issued a shelter-in-place order that lasted for four hours to residents within a one-mile radius of the blast.

KMCO filed for bankruptcy in May 2020 and the facility was sold to Altivia Oxide Chemicals LLC. Altivia announced that it planned to dismantle KMCO's sulfurized isobutylene equipment, which it intended to replace with new oxide reaction equipment.

Culture relied on operators taking action before response team

CSB investigators found that KMCO's emergency response procedures and training contributed to the severity of the incident because employee roles weren't properly limited. This allowed responding employees to put themselves in danger.

The facility's culture relied on unit operators taking quick actions to stop a release before the site's emergency response team assembled, according to the CSB.

These quick actions did help the operators and supervisors get other workers out of danger during the release, but this was at their own peril. CSB investigators found that the company "could have reduced the severity of the ... event by establishing clear policies and training its work force to not put themselves in danger at all to urgently stop a chemical release."

OSHA's HAZWOPER, or Hazardous Waste Operations and Emergency Response, standard provides the minimum requirements for emergency response operations involving hazardous materials. As the CSB report points out, "Effective emergency response operations prioritize life safety." That means emergency response procedures and training must clearly communicate which incidents regular employees should respond to and which incidents should be handled by a more qualified emergency response team.

Policies needed to prevent 'confined space rescue problem'

The reason for this, according to the CSB, is to prevent the "confined

space rescue problem" where employees who lack proper training and equipment put themselves in harm's way by trying to rescue an unresponsive co-worker during a confined space work activity.

In emergency situations, many workers will instinctively want to help injured or imperiled co-workers, putting themselves in danger at the same time. Again, confined space fatalities are a good example of this. There's a high incidence of double fatalities in confined space incidents because one worker collapses from the hazard and shortly afterward a co-worker also collapses while attempting to rescue the first victim.

This can be mitigated with policies and training that say something like, "Do not attempt to take offensive actions such as (list whatever actions they shouldn't take) during this type of emergency." This policy should then be clearly communicated to all employees and reinforced through training or other periodic communications.

The main lesson here is that emergency response plans, procedures and training must clearly distinguish between incidents regular employees should respond to and those that require a response from a qualified emergency response team.

[Read this story online](#) 

Who Got Fined & Why



Alloy manufacturer fined \$69K for exposing employees to beryllium

A Massachusetts manufacturer who fabricates alloys for the F-35 Joint Strike Fighter program was fined \$69,251 by OSHA for failing to adequately protect its employees from beryllium exposure.

OSHA inspectors found that the company overexposed workers to airborne concentrations of beryllium as they performed handheld grinding and parts fabrication operations on aerospace components in the plant's foundry and grinding room.

The company is based in Franklin, Indiana with facilities in Indiana and Wilmington, Massachusetts.

Fine: \$69,251

Company: IBC Engineered Materials Inc., doing business as IBC Advanced Alloys Inc, Wilmington, Massachusetts

Business: Non-ferrous metal die-casting foundry

Reasons for fine:

11 serious violations for failing to:

- ensure that no employees were exposed to excessive airborne concentrations of beryllium across an eight-hour period
- ensure that employees weren't exposed to an excessive airborne concentration of beryllium over a sampling period of 15 minutes
- perform follow-up testing after exposure monitoring indicated that airborne exposure was above safe levels
- establish and maintain a written exposure control plan
- use engineering or work practice controls to reduce employee airborne exposure to safe levels
- ensure employees stored and kept beryllium-contaminated PPE and clothing separate from street clothing and that storage facilities prevented cross-contamination
- ensure that all required re-usable PPE and clothing were cleaned, laundered, repaired and replaced as needed to maintain effectiveness
- provide changing rooms for employees who are required to use PPE and protective clothing while exposed to beryllium
- maintain all surfaces in beryllium work areas and regulated areas as free as possible of beryllium
- dispose of materials contaminated with beryllium in properly labeled, sealed and impermeable containers
- provide medical examinations at least every two years to employees exposed to beryllium

Continued on next page

Who Got Fined & Why

Alloy manufacturer fined \$69K for exposing employees to beryllium (continued)

One other-than serious violation for failure to:

- ensure warning signs had required notifications regarding beryllium



OSHA fines contractor \$1.8M for exposing workers to trench hazards at multiple worksites

A Minnesota construction contractor was fined \$1.8 million for exposing its workers to trenching hazards at multiple worksites in North Dakota.

OSHA found that the contractor endangered its employees as they worked to replace a residential water main and 20 separate curb stop valves for house connections in a Minot, North Dakota neighborhood.

The contractor had signed a settlement agreement with OSHA in 2021 that included a promise to protect its employees from trenching and excavation hazards, according to the agency. This agreement included a commitment to make significant changes, including employee training on trench hazards and the hiring of a full-time safety and compliance manager.

However, the 2023 violations have brought those pledges under scrutiny because of their “egregious nature and frequency” which resulted in multiple instance-by-instance repeat and serious violations.

Fine: \$1,862,284

Company: Wagner Construction Inc., International Falls, Minnesota

Business: Water, sewer line and related structures construction

Reasons for fine:

16 repeat violations for failing to:

- ensure protective helmets were used in areas where there was a possible danger of head injuries
- include safe means of egress in trenches 4 feet or more in depth
- protect employees working within trenches from being struck by objects falling or rolling into the trench
- protect employees working within trenches from cave-ins by using an adequate protective system

One serious violation for failing to:

- ensure ladders weren't used for purposes other than those for which they were designed

about ^{News & Training} SafetyAlert

Safety News & Training Alert, part of the *SuccessFuel* Network, provides the latest Safety and employment law news for Safety professionals in the trenches of small-to-medium-sized businesses.

Rather than simply regurgitating the day's headlines, Safety News Alert delivers actionable insights, helping Safety execs understand what Safety trends mean to their business.

But we don't stop there.

Our editors read and vet hundreds of sources and hand-select the most relevant, practical content. Then we add our seasoned perspective and deliver actionable insights to help you understand what today's trends mean for your business.

Meet Our Editors



Merriell Moyer

Merriell researches and writes about occupational health and safety. He was an investigative and breaking news reporter for the Lebanon Daily News - part of the USA Today Network.



Scott Ball

Scott is the Senior Staff Writer for Safety News and Training Alert with more than 20 years of experience writing for working professionals. He served as editor-in-chief for the trade publications: Facility Manager's Alert, Environmental Compliance Alert and Supervisors Safety Bulletin.

Get In Touch

Phone:
484-207-6261

Email Customer Support:
support@safetynewsalert.com

Mailing Address:
660 American Avenue, Suite 203
King of Prussia, PA 19406

About

at *SuccessFuel*, we equip professionals to do great work with news and analysis, online workshops, step-by-step training guides, digital newsletters, and much more. Our sister brands include:

RESOURCEFUL
FINANCE PRO
Powered by *SuccessFuel*

HR MORNING
Powered by *SuccessFuel*

 **Better Buys**
Powered by *SuccessFuel*

 Premier Learning Solutions
Convenient. Affordable. Actionable.

Resourceful Compliance
Powered by *SuccessFuel*

resourcefulmanager
Powered by *SuccessFuel*

SWAG ENVY
Powered by *SuccessFuel*

Not an SNA INSIDER yet?

This monthly newsletter is just one of the benefits of being an Safety News Alert INSIDER. Find out more at www.safetynewsalert.com/join-insider

become an Insider 