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News from Oklahoma, West Virginia, California, Georgia, Arkansas, Connecticut, and Massachusetts



Illinois Manufacturer Cited for Asbestos Exposure

AMD Industries, a Cicero, Illinois, display design company, is facing penalties of \$1.2 million. The citations and fines were issued after five unprotected and untrained workers were allegedly required to conduct asbestos removal, which exposed them to the cancer-causing material.

OSHA levied 19 willful and 8 serious health citations following an inspection at AMD facilities in December 2010.

The action came in response to a referral from the Illinois Environmental Protection Agency.

“AMD failed in its duty to protect the health and safety of its workers,” said Secretary of Labor Hilda L. Solis. “Such disregard will not be tolerated by the Labor Department. No one should risk serious illness or death to earn a paycheck.”

Minneapolis-St. Paul Tops List of Fittest Cities

The American College of Sports Medicine’s annual *American Fitness Index (AFI)* found Minneapolis-St. Paul the healthiest, fittest metropolitan area in the United States.

According to the most recent report, the Twin Cities took the lead due in part to a reduction in the percentage of smokers. Washington, D.C., was second on the list of 50 municipalities.

The area also boasts an above-average percentage of residents who exercise

and moderate-to-low rates of chronic concerns like obesity, asthma, cardiovascular disease, and diabetes.

Walter Thompson, chair of the *AFI* advisory board, noted that communities that wish to improve their level of health and fitness need to conduct a regular, scientific evaluation of infrastructure, community assets, policies, and opportunities that encourage fitness.

To see the full report, go to www.acsm.org.

Study Shows Lower Injuries, Fatalities At Unionized Mines

Researchers at Stanford Law School have found a “substantial and significant decline in traumatic mining injuries and fatalities” at underground mines where employees were members of the United Mine Workers.

The report, by Alison D. Morantz and John A. Wilson, identified particular disparities among larger mines.

“My best estimates imply that overall, unionization predicts an 18 to 33 percent drop in traumatic injuries and a 27 to 68 percent drop in fatalities,”

stated Morantz. However, she notes that unionization is also associated with higher total and nontraumatic injuries. That suggests that injury reporting practices differ substantially between union and nonunion mines.

The Stanford study used updated methodology to examine the relationship between unionization and underground coal mine safety from 1993 to 2008. The report is available on the union’s website at www.usw.org.

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Washington Watch

OSHA Announces Final Rule To Simplify, Streamline Standards

OSHA has announced a final rule “that streamlines and simplifies standards while reducing employer burdens.” The agency says it will help keep OSHA standards up to date and better enable employers to comply with regulatory obligations.

The updates are in line with an Executive Order issued January 18 to improve regulation. The new rule will result in several changes to OSHA’s respiratory protection standard, including aligning air cylinder testing requirements for self-contained breathing apparatuses with U.S. Department of Transportation (DOT) regulations. It will also clarify that aftermarket cylinders meet NIOSH quality assurance requirements.

Other changes include updating the term “potable water” to be consistent with current EPA standards and deleting requirements that required employers to transmit exposure and medical records to NIOSH. The institute says that will save significant costs to store and maintain the information.

OSHA estimates that the final rule, the third in the standard improvement initiative, will save up to \$43 million without reducing employee protection and with significant reductions in employee paperwork burdens.

New Trucker Screening Program Improving Road Safety

Federal DOT says commercial carriers and truck drivers conducted 380,000 preemployment driver safety record searches during the first year of a new, secure online search program.

The Department’s Federal Motor Carrier Safety Agency (FMCSA) launched the Pre-Employment Screening Program (PSP) in May 2010 to provide access to drivers’ inspection and crash records as part of the hiring process. The idea is to help carriers better assess the potential safety risk of prospective driver-employees. The program also permits drivers to verify the data in their driving history.

“Safety is our number one priority,” said Transportation Secretary Ray LaHood. “Our preemployment screenings

program is helping us put safe drivers behind the wheel of large trucks and buses.”

PSP provides access for up to 5 years of crash data and 3 years of inspection data. This includes serious safety violations in areas including unsafe driving, hours of service, drugs and alcohol, and valid medical qualifications. It also gives users access to driver safety records. Details of the initiative are at www.psp.fmcsa.dot.gov.

OSHA Slide Presentation Shows How to Prevent Falls

OSHA has published a new compliance assistance tool to help employers prevent fall-related injuries and deaths among residential construction workers. The presentation is available on the OSHA website, www.OSHA.gov. Search for “fall protection construction.”

The presentation is one of many strategies OSHA is using to reach out to the residential construction industry and provide information and assistance.

In December 2010, the agency announced a new directive withdrawing a former interim directive that allowed residential builders to bypass fall protection requirements.

The presentation describes safety methods and includes techniques in use like safety nets, guardrails, and personal fall arrest systems such as body harnesses, lanyards, and lifelines. It is part of OSHA’s residential fall protection page, which also includes a fact sheet and questions and answer about fall-related requirements.

Watchdog Group Criticizes Federal Rulemaking Process

In the wake of a Senate hearing on how to improve federal regulations, the consumer advocacy group Public Citizen has published a new report showing that “the current rulemaking process is already cumbersome and lengthy for agencies.”

Public Citizen researchers looked at what it called a “relatively uncontroversial rule” to boost safety for

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Compliance Report

Employers Are ‘Driving Out’ Distractions *Their Number One Rule? Put Down the Cell Phone!*

In 2009, 5,500 people were killed as a result of distracted driving accidents. Twenty percent of injury crashes involved reports of distracted driving, resulting in a half million injuries. Despite a slight drop in the rates from the previous year, distractions continue to kill and injure Americans in alarming numbers. What really is the problem, and what can you as a concerned employer do about it?

We sought answers from organizations leading the charge, including the U.S. Department of Transportation (DOT) and the Network of Employers for Traffic Safety (NETS).

We also talked with employers who say their “tough love” policies didn’t win them friends initially, but over time, employees came to understand the benefits of just saying no.

Read on for the latest statistics, case studies, and best practices.

Driven to Distraction

Distracted driving is any activity that has the potential to distract an individual from the primary task of driving and increase the risk of crashing. Drivers are distracted in three primary ways: *visual distraction* involves taking one’s eyes off the road; *manual distraction* means taking one’s hands off the wheel; and *cognitive distraction* is anything that takes one’s mind off the task at hand.

There are many types of distractions, such as using a cell phone, eating and drinking, talking to passengers, grooming, reading, using a PDA or GPS, watching a video, or changing the radio station or MP3 player.

But the experts say that the most troubling is texting because it is at once visual, manual, and cognitive.

Drivers using handheld devices are four times more likely than others to get into crashes serious enough to injure themselves.

Although younger drivers are most associated with distracted driving, they aren’t the only culprits. “Everyone is guilty to a certain extent,” according to the National Highway Traffic Safety Administration (NHTSA). At a given moment during daylight hours, some 800,000 vehicles are being driven by someone using a handheld cell phone. And people of all ages use phones, PDAs, GPSs, and other devices while behind the wheel.

Possible Solutions

States are responding to the distracted driving issue in various ways. These include passing laws banning handheld cell phones and texting, or restricting their use among specific groups, such as teens or bus drivers. Indiana was the most recent state to pass a texting ban.

According to the Insurance Institute for Highway Safety (IIHS), current bans include the following:

- 9 states and the District of Columbia prohibit talking on a handheld cell phone.
- 30 states and the District of Columbia restrict the use of all cell phones by novice drivers.
- 19 states and the District of Columbia prohibit the use of all cell phones while driving a school bus.
- 32 states and the District of Columbia ban text messaging for all drivers.
- 8 states ban novice drivers from texting.
- 3 states ban school bus drivers from texting.

Many localities have also enacted their own bans on cell phones or text messaging.

The Governors Highway Safety Association (GHSA) has been out in front with a strong recommendation to all drivers: Put down the cell phone or other electronic devices while driving, regardless of the current law.

GHSA has called on private sector employers to ban the use of phones and texting by all employees driving for business purposes.

GHSA has not endorsed bans of handheld phones because it maintains “there is no clear indication that hands-free use is any safer than handheld.”

The association points to a Virginia Tech study suggesting that hands-free systems may be beneficial, while other university and government studies suggest that *all* cell phone use is distracting.

According to GHSA, the federal government should:

- Fund research to determine the nature and scope of the distracted driving problem.
- Fund research to develop effective methods to enforce text and cell phone bans.
- Fund a media campaign to alert the public to the dangers of distracted driving.
- Develop model policies for employers that wish to ban cell phones and texting.
- Provide financial incentives for states that pass comprehensive graduated licensing laws that include cell phone/texting bans for new drivers.
- Support technological solutions that minimize distractions.

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Inside the Beltway

Although legal changes come from the states, the federal government has gotten involved in other ways. Secretary of Transportation Ray LaHood has hosted two distracted driving summits and the agency has launched a comprehensive website and a campaign it calls *Faces of Distraction*.

The project, at www.distraction.gov/faces, is an effort to make the victims of distracted driving accidents real. This is achieved through short, personal videos featuring images and narrative from friends and family who have lost loved ones to distracted driving.

The project came about after the second DOT summit in 2010. Department officials sought to learn more about the impact of accidents by interviewing victims' families. They saw the power in their stories and their potential to communicate the risks.

Faces launched in November 2010, and DOT reports a tremendous response including over 100,000 views on the website, *YouTube*, and other media. The videos have been used in schools and by employers as part of training programs. People who have lost a loved one to distracted driving are encouraged to post their own videos. Details are available at the site.

DOT officials note a slight recent drop in the number of distracted driving fatalities and believe this could be the beginning of a trend. They note that continuous effort over the past 15–20 years has led to a dramatic rise in the use of seatbelts. They believe that focusing on distractions will have a similar result.

Responding to a request for an update on DOT activities, Secretary LaHood told BLR, “Distracted driving is a deadly epidemic on America’s roadways and combating this problem is a key part of our safety agenda at the Department of

Employers Doing Their Part

The Network of Employers for Traffic Safety (NETS) is a public/private nonprofit organization founded in 1989 by the U.S. Department of Transportation (DOT).

According to Executive Director Jack Hanley, its mission is “to provide safety programs and services to non-regulated business drivers.” That means those that do not require a special license and are not regulated by DOT.

One of the primary services NETS delivers to its member businesses is a fleet safety benchmarking program. A detailed annual report reflects information about where, when, and how crashes have occurred. It also offers details about the strategies members are using to mitigate crashes, such as cell phone policies and post-incident reports.

NETS assesses diverse metrics to calculate a crash-per-million-mile rate for each member company. The results are discussed at an annual conference at which “there is a dynamic exchange of ideas and sharing of best practices.”

The organization is also a sponsor, along with DOT, of *Drive Safely Work Week*, which has in recent years focused on distracted driving. The annual event takes place during the first week of October.

Get the Job Done!

Hanley has seen an explosion in opportunities for distraction in recent years. “Number one, there are great demands on employees to improve their productivity. So there is an implicit pressure to take advantage of every opportunity available to get the job done.” Many employees view their time in the car as a default opportunity to catch up on calls.

Another concern is the increase in unemployment over the past 3 years. Those who still have a job are taking on more work, which means increased pressure.

Hanley says that employers represented in the annual NETS survey frequently ban use of cell phones and other digital devices while driving. And they tend to have significant consequences for noncompliance. Overall, these businesses have a strong safety ethos championed by their CEO.

Unlike some national organizations, NETS does not endorse a total cell phone ban. Rather, it encourages employers to ensure that they and their employees are complying with local and state laws.

Transportation. I applaud all of the companies across the country that have adopted policies prohibiting their employees from texting and talking on the phone while driving. This makes good sense for both safety and business.”

Policies and Process

A successful distracted driving strategy is composed of three key elements, according to NHTSA.

1. Tell them to quit. Convincing drivers to put down devices while driving is key to ending distracted driving. Drivers simply cannot pay full attention to the road while using these devices or engaging in other distracting activities.

2. Use messages that work. NHTSA has identified three messages it says are most likely to lead to action.

—**Deadly behavior.** Thousands of people die and hundreds of thousands of injuries occur because people were not paying attention to the road. Whatever it is can wait. The chance of causing a crash that could ruin lives is just too great.

—**Young drivers are at great risk.** Drivers under 20 years old are most at risk. Their lack of experience can contribute to critical misjudgments if they become distracted, yet they text more than other age groups.

—**Everyone has a role.** Everyone has a stake in the problem and everyone is part of the solution. Drivers must be good role models for their peers, their children, and their communities and should insist that others they ride with do the same.

3. Implement a three-part strategy.

Three simultaneous tracks offer the best chance for success:

- Public education** to generate awareness about the idea of “put it down.”
- Legislation** to encourage primary antitexting/handheld cell phone bans.
- Enforcement** of local laws.

◆ CASE STUDY: Sunoco

About 6 years ago, a senior vice president at Sunoco, Inc. was watching a weekend television news magazine. According to Senior Safety Specialist Bill Sanicky, the subject was distracted driving, and the impact was significant. “On Monday we were instructed to put together a policy to get rid of cell phones.”

The essence of that policy is simple, says Sanicky. “While you’re driving, you’re a driver, and all your attention needs to be on that aspect of your job.” That goes for drivers transporting Sunoco fuel across the country, sales people driving passenger cars (their own or the company’s), and anyone else conducting company business.

“We think of ourselves as sales people, engineers, marketers, what have you,” explains Sanicky. “But when we get behind the wheel, we are drivers. It’s not a time to think or talk about one’s next step or next customer. It’s a time to drive with full concentration.”

As well as prohibiting use of cell phones, Sunoco bans putting in CDs, changing the radio, or typing into a GPS.

There was plenty of grumbling when the policy was first announced, says Sanicky. Salespeople were especially concerned about getting their jobs done without talking in the car. But over time, they came to realize that many calls they were taking and making were more personal than business in nature. And once customers understood that their sales reps would not be answering the phone while driving,

the calls they made became more important.

Many employers like the idea of controlling the distraction of cell phones. “But many are sort of giving and taking on this,” says Sanicky. “They allow hands-free phone use, but that’s as far as they go.” He points to studies suggesting the hazards are not just in the cognitive act of talking, but also in placing the calls from a Blue Tooth or other hands-free device.

Sanicky considers the distraction policy one of the most powerful safety statements that Sunoco has ever made. He says it sends a strong message to employees that their employer actively cares about their well-being.

Asked how he would advise other employers, Sanicky recommends that a policy driven from the top has the best chance for success. And he cautions against getting so many people and departments involved that nothing gets done.

◆ CASE STUDY: KCI Technologies, Inc.

KCI Technologies, Inc. is an employee-owned, multidisciplinary engineering firm headquartered near Baltimore. According to CEO Terry Neimeyer, the firm employs around 850 people, operates 28 offices, and has a fleet of 192 vehicles driven by survey crews, construction inspectors, and others.

Regular monitoring revealed that the bulk of KCI’s vehicle accidents were related to distracted driving, especially cell phone use. So in 2006, leaders decided to take action.

“We’re engineers, and we like to solve problems, so we said, ‘Let’s figure this out.’” At the same time KCI was launching a self-insurance program, which provided a strong financial incentive to reduce accidents.

The first step was easy, recalls Neimeyer: “We said there would be no cell phone use in cars. End of conversation.” Those who needed to take or make a call would have to

pull off the road safely into a parking lot. Employees said the business would suffer. “We thanked them for their concern, but we said *our* business was getting them home safely to their families. And we had documented proof to show the impact.”

The second step also elicited some “screams and wails,” according to Neimeyer. Every KCI employee found to be at fault in a vehicle accident would be required to pay half the price of repairing the vehicle, up to \$1,000.

The third action was a required review of employees’ motor vehicle records before letting them drive for the company. Any who show dangerous or reckless behavior are required to take an online defensive driving course.

The policy also states: *Employees will avoid using the cell phone or other electronic devices while driving. Allow voice mail to handle your calls, and if you must use a cell phone, safely pull off the road and stop the vehicle. Suspend conversations during hazardous situations such as bad weather. Stay focused on driving the vehicle in a safe manner.*

The company made other changes, including installing GPS systems that can detect unsafe driving. “When you have 192 vehicles it’s hard to monitor everyone’s driving habits.”

Neimeyer says some considered the onboard systems intrusive. But his thinking is that an employee who is driving safely and following the rules has nothing to worry about. KCI monitors accidents quarterly and takes careful note of trends.

Neimeyer is confident that the investment in reducing distractions is money well spent.

In 2007, the year the changes took effect, KCI logged 21 at-fault accidents and averaged around 180,000 miles between accidents. In 2009 there was considerable

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improvement—9 at-fault accidents with 339,000 miles per accident.

Ready to Make the Call?

Employers waiting for states and municipalities to take action to stop behind-the-wheel distractions may have to wait a long time. And it may be too late if an employee, passenger, or other driver is injured or killed in a distracted driving accident.

Here are resources that offer guidance on developing a policy, procedures, and communications around distracted driving:

- Network of Employees for Traffic Safety: <http://trafficsafety.org>.
- U.S. Department of Transportation Distracted Driving site: <http://www.distracted.gov>.
- National Highway Traffic Safety Administration: <http://www.nhtsa.gov>.

Follow us on Twitter at
[Twitter.com/BLR_EHS](https://twitter.com/BLR_EHS) and
[Twitter.com/SafetyDailyAdv](https://twitter.com/SafetyDailyAdv)

- Governors Highway Safety Association: <http://www.ghsa.org>.
- Insurance Institute for Highway Safety: <http://www.ihs.org>.

OSHA, NIOSH Heads Field Questions on Past, Present, and Future of Worker Safety, Health

OSHA Secretary Dr. David Michaels and NIOSH Director Dr. John Howard both fielded questions from the audience about the past, present, and future of workplace safety at the ASSE 2011 Professional Development Conference held recently in Chicago.

Injury and Illness Prevention Program

Does OSHA's proposed rule for an Injury and Illness Prevention Program (I2P2) open the door for a new or expanded General Duty Clause?

Secretary Michaels responded that I2P2 would “not open the door to anything” in a regulatory context. He said that, on the contrary, an [organization's implementation of a written] I2P2 would help an organization better meet their compliance goals.

For example, if a company violates the lockout/tagout regulatory requirements, it would be cited under the lockout/tagout rule and not under I2P2.

In this case, a written, comprehensive injury and illness prevention program could have helped the organization identify and correct the potential violation before the citation, and help the organization prevent future violations.

He added that OSHA plans to publish a “white paper” about I2P2.

Regulatory Review Process

How is the regulatory review process going?

Secretary Michaels said the Standards Improvement Program Phase 3 was published, with several provisions to make recordkeeping easier for small businesses.

The requirement to retain training certification records for PPE will be removed because OSHA inspectors can tell from interviews with employees what level of training has been achieved, and that the paperwork requirement is not of any real value.

Director Howard added that NIOSH removed the regulatory requirement for companies that go out of business to send their employee medical records to NIOSH. The rule was fine when it was created, but now businesses are sending all kinds of records with the medical information in truckloads to NIOSH, causing a storage nightmare. Also, there is no way to effectively evaluate the records if the agency wanted to do so. The provision of the rule is no longer valuable.

NIOSH Focus on Safety Issues

Will NIOSH add more focus to safety issues to its more dominant focus on health issues?

Yes, for example NIOSH is working with the Gallup Poll and encouraging

the addition of safety issues to its surveys. NIOSH has also added more information and statistics about the business value of safety to its website.

'Balanced Strategy' for Small Businesses

Concerning small businesses, how will OSHA balance enforcement versus assistance?

Secretary Michaels said OSHA has a “balanced strategy” concerning small businesses. He said OSHA continues to support the consultation programs in partnership with the states, special education and awareness campaigns—such as heat stress and distracted driving—and, of course, enforcement.

Director Howard added that homeland security agencies need staff who are academically trained in safety and health to integrate their worker safety and health expertise into their enforcement and assistance activities.

Leading Indicators

What are good leading indicators of safety and health?

Near-miss investigations are good leading indicators, according to Secretary Michaels. He cautioned that company safety incentive programs are not good indicators of safety when they prevent injury and illness reporting. He said a large

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Trainer's Corner

Outdoor Summer Safety

June is "UV Safety Month" and a great time to help raise awareness of the risks of sun damage and how your employees can take action to reduce the risk of Ultraviolet (UV) damage. UV radiation is the main cause of skin cancer, and it can also damage your eyes.

UV rays can permanently harm both skin and eyes. There's nothing wrong with enjoying a warm, sunny day, but employees should know that whether they are working or playing, too much exposure to sunlight can have serious health effects.

Many employees probably know that too much sun can cause skin cancer and aging of the skin. But they may not realize that sunlight also can cause eye damage—it has been linked to cataracts and other eye ailments. It's also possible for eyes to become "sunburned"—not necessarily a serious condition in itself, but one that could contribute to eye problems later on in life.

Remind employees to take proper precautions. Virtually all sources of information about skin and eye health agree on basic precautions that everyone should take when they are out in the sun:

- Wear a brimmed hat and sunglasses that filter out UV rays.
- Apply sunscreen rated at 15 SPF (sun protection factor) or higher.
- Try to avoid sun exposure between 10 a.m. and 2 p.m., when UV rays are strongest.
- Recognize that even on a cloudy day, UV rays still get through and present skin and eye hazards.
- Protect against glare from sunlight reflecting off water—"wraparound"-type sunglasses provide the best protection.

Don't forget other risks of outdoor exposure. Strenuous physical activity on a hot, sunny day creates other hazards besides sun exposure. Most of these fall into the category of "heat stress" and include dehydration, fainting, nausea, and (in extreme cases) heatstroke—which can be fatal.

Why It Matters

- ✓ Every year, more than 50,000 people in the United States are diagnosed with malignant melanoma, the most serious form of skin cancer.
- ✓ More than 1 million people in the U.S. are diagnosed with less serious forms of skin cancer each year.
- ✓ According to OSHA, the General Duty Clause of the OSH Act has been used to cite employers that expose employees to excessively hot work conditions.

Commonsense tips for avoiding heat stress include:

- Wear light-colored clothing. Light colors reflect heat away, while dark colors absorb the heat.
- Stay hydrated by drinking plenty of fluids. Water is best; juice and soda are OK, but avoid caffeine and alcohol.
- If you feel too hot and start to get woozy, don't try to "tough it out." Get into the shade or go indoors!

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number of injuries are never reported in the OSHA logs; he sees evidence of this when there are any workers' compensation cases that never made it into the logs.

He added that the safety profession needs to bring risk assessment into the practical business world and not just in the regulatory arena.

Director Howard said safety professionals should measure the risk attributes of work tasks rather than just the injury and illness numbers. Risk assessment is a leading indicator.

He discussed the example of nanotechnology, where NIOSH is researching the potential risk to workers by developing risk

assessment methodologies before workers are exposed to nanoparticles.

Silica

What is happening with silica?

Secretary Michaels said a proposed rule is coming soon. There have been difficult barriers to overcome, such as finding a common way to effectively and consistently measure exposure.

Future Initiatives

Are there any other initiatives in the works?

Secretary Michaels said a national discussion about worker safety and

health is needed, but that it is not happening.

He cited the great concern about contaminated eggs last year. Everyone was rightly upset about the threat to the public, but little was said about the injuries and illnesses and poor working conditions of workers at the facilities.

He added that the Triangle Shirtwaist Factory fire created a national discussion that elevated workplace safety to the forefront. It was unique, not because of the number of people that died, but because it galvanized social organizing around the issue of workplace safety.

Ask the Experts

Material Safety Data Sheets

Q. Are companies required to update their MSDS sheets every 2 years? If not, when?

A. You must update or replace the MSDSs when the chemical manufacturer or distributor from whom you purchased the chemicals sends you an updated MSDS. There is no requirement to update them every 2 years.

For example, OSHA's hazard communication rule says that distributors must ensure that MSDSs are provided with their initial shipment and with the first shipment after an MSDS is updated.

Therefore, according to OSHA's interpretation of its hazard communication rule, the law "places the duty of providing updated MSDSs on manufacturers, importers, and distributors." (OSHA Interpretation Letter dated April 18, 2008)

"The user of the product, therefore, is in no way liable for the contents

of an MSDS due to an alleged "lack of diligence" on behalf of a distributor to update the data sheet." (OSHA Interpretation Letter dated February 7, 1997)

However, if you stopped purchasing the chemical, and the MSDS was later updated by the manufacturer, it probably will not send you the updated sheet until you repurchase the chemical.

In such a case, it would be prudent (but not required) to periodically "audit" your chemical list in your written hazard communication plan for chemicals that you no longer purchase and request MSDSs for those chemicals from the manufacturer.

Forklift

Q. If an employee does the book work part of the training to operate a forklift, is he or she allowed to operate the forklift before doing the driving part of the training?

A. The employee may not operate a forklift until the practical hands-on training and evaluation of performance on the forklift is completed.

Training must include a combination of formal instruction (e.g., lecture, discussion, interactive computer learning, videotape, and written material), practical training, and testing of the operator's performance in the workplace.

Illness and Injuries

Q. If a maintenance employee is cleaning the parking lot or an access road and is injured as a result, is the case work-related and recordable on the OSHA 300 log?

A. Yes, the case is work-related because the employee is injured as a result of conducting company business in the work environment. If the injury meets the general recording criteria of Section 1904.7 (death, days away, etc.), the case must be recorded.

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crane and derrick workers. The report details the steps OSHA had to take to pass the rule and how many lives were lost during the long process.

According to Public Citizen, the crane and derrick measure "spanned a dozen years and three presidential administrations—and more than 750 construction workers died from crane-related incidents during that time."

Taylor Lincoln, one of the authors of the report, noted that the regulatory process also gave business concerns a higher priority than the lives of workers.

The organizations say that despite the slow pace of regulation, some

U.S. lawmakers are working to slow it down even further with "wasteful, time-consuming analysis and reporting before they can write new rules."

The report is available at www.citizen.org/cranes-and-derricks-report.

NIOSH Issues Guidance On Handling Titanium Dioxide

NIOSH has issued a new intelligence bulletin on occupational exposure to titanium dioxide (TiO₂). This is the first time NIOSH has released two separate guidelines for the same chemical based on size.

Titanium dioxide is an insoluble white powder used in commercial

products, including paint, cosmetics, plastics, paper, and food.

In the new publication, NIOSH examines data regarding the potential that exposure to TiO₂ by inhalation may result in adverse health effects.

The document makes recommendations for exposure limits and suggests techniques for monitoring and controlling worker exposure. And it addresses lab data showing that ultrafine TiO₂ particles showed greater potency in laboratory rats than fine particles, when the dose was expressed by particle surface area.

The document is *NIOSH Current Intelligence Bulletin 63* (www.cdc.gov/niosh/docs/2011-160).

Featured Resource

Take Steps to Halt Hearing Loss

The roar of a jet, the blare of a siren, and even the blast of music are putting people at risk for developing noise-induced hearing loss (NIHL).

It is estimated that 15 percent of Americans between the ages of 20 and 69 have some degree of hearing loss from exposure to excessive noise at work, or the community.

“Most people experience some degree of hearing loss as they age, but exposure to significant levels of noise over time can accelerate that process,” explains Caryn Graboski, MS, CCC-SLP, of the Kessler Institute for Rehabilitation in West Orange, New Jersey.

“We know that NIHL results from regular exposure to intense sounds of about 85 decibels (dB), which include lawn mowers, power tools, motorcycles, and even hair dryers.

“And while hearing loss cannot be reversed, steps can be taken to protect your ears and minimize damage.”

Studies show that hearing loss impacts the ability to communicate and can have a profound effect on people’s lives.

Such loss can impact personal and professional relationships, as well as academic achievement and career advancement.

To help minimize the effects of Noise Induced Hearing Loss, Kessler Institute offers these tips:

- Understand the types of noises that can cause damage, particularly those above 85 dB.
- Avoid situations where noises are too loud, too long, or too close.
- Wear protective earplugs when attending sporting events or music concerts, or when using certain machinery or equipment such as lawn mowers, motorcycles, machinery, and leaf blowers.
- If necessary, use specially designed earmuffs or earphones in the workplace.
- Be alert for hazardous noises in the environment. If necessary, plug your ears with your fingers.
- Take a “quiet” break, particularly when in noisy or loud places.
- Lower the volume of iPods, MP3 players, radios, TVs, or other electronic devices. You should still be able to hear people or street noise above the music.

- When purchasing headphones or ear buds, look for models with volume limiters and noise cancellation features.

“Symptoms of NIHL can increase gradually over time, so it’s important to be aware of any changes in your ability to hear things clearly,” said Monica Bucenec, MS, CCC-SLP, of the Kessler Saddle Brook, New Jersey, campus.

You may have a hearing loss if you:

- Ask people to repeat themselves or misunderstand what people are saying.
- Understand people better when you look directly at their face.
- Have trouble hearing when on the phone in a noisy room.
- Experience ringing in your ears.
- Keep the radio and TV at a volume level that others think is too loud.

If hearing loss is suspected, it is recommended that you have a medical examination and see an otolaryngologist or audiologist for a hearing test.

For more information, visit <http://www.kessler-rehab.com>.

From the States

OKLAHOMA

Food Business Cited for Confined Space Hazards

OSHA has cited Shawnee Milling Company with 25 alleged serious violations. The enforcement action follows an inspection at the facility that revealed multiple safety and health hazards.

Proposed penalties total \$146,000. The Oklahoma City area office

began its investigation November 23 at the site, where about 276 workers produce products including flour, cornmeal, and animal feed.

The violations address failing to properly classify confined spaces from permit-required to non-permit-required.

The operation also lacked required confined space entry permits and did not provide adequate respirators to employees for emergency evacuation.

“An employer’s failure to effectively implement OSHA’s regulations exposes workers to potential hazards that could lead to serious injuries or death.

“Such safety and health violations will not be tolerated,” said Oklahoma City Area Director David Bates.

(more States on page 10)

WEST VIRGINIA

Big Branch Report To Lead to Reg Actions

West Virginia Governor Earl Ray Tomblin is reviewing a comprehensive report on the Upper Big Branch mine disaster and hopes the findings will reveal the cause and identify potential reforms.

The report was prepared by J. Davitt McAteer, a former Mine Safety and Health Administration (MSHA) official.

It describes conditions before and after the massive explosion that killed 29 miners in early April 2010.

McAteer was highly critical of mine owner Massey Energy, concluding the accident could have been avoided if Massey had provided adequate ventilation and limited explosive coal dust.

“The company broke faith with its workers by frequently and knowingly violating the law and blatantly disregarding known safety practices,” wrote McAteer.

Massey officials said they believe the cause was “a massive flood of methane rich natural gas, not accumulated coal dust.”

Tomblin says his administration will use this and other reports to develop regulatory and statutory changes to improve mine safety in the state. He says the state has already taken several steps toward improvement, including addressing inspector staffing.

Meanwhile, MSHA is looking at concerns raised about its handling of the situation. The agency may issue its own report on the accident this fall.

CALIFORNIA

Contractor, Foreman Sentenced for Fatality

A referral of a fatality investigation by Cal/OSHA has led to the prosecution of Sam Hyung Goo Shim,

the owner of a San Francisco roofing company. The case involves the January 2008 death of Shim’s employee, Antonio Martinez. Shim and his foreman, Jwa Young Kim, were sentenced late last month to a year in county jail.

On January 16, 2008, Martinez was among several employees working on a roofing project at a four-story apartment building in the Twin Peaks region of the city.

Martinez was working along the roof’s edge when he fell 38 feet to the sidewalk below, according to Cal/OSHA. The agency says there were no safety measures in place at the site, in violation of Cal/OSHA standards.

“This is a case where an employer and supervisor ignored basic safety and health requirements, which resulted in the death of a worker. Cal/OSHA will hold employers like this accountable, as is evidenced by this criminal conviction,” said Cal/OSHA Chief Ellen Widess.

The agency’s investigation resulted in three citations and penalties. The case was referred to the San Francisco district attorney’s office by Cal/OSHA, and the defendants were indicted by a grand jury in April 2010. Shim was also convicted of workers’ compensation fraud and tax evasion.

GEORGIA

Employees, Patients Warned Of TB Exposure at Hospital

More than 100 employees and more than 600 patients at Emory University Hospital in Atlanta have reportedly been exposed to tuberculosis (TB) after coming into contact with an infected hospital employee.

According to CNN, the hospital and the state’s Department of Community Health notified affected people after the exposure was diagnosed in April.

In a statement, Emory Healthcare spokesman Lance Kelly said all

those involved were provided proactive screening instructions and will be provided postexposure follow-up free of charge.

“The TB-infected employee was proactive in seeking and obtaining additional tests, including a chest x-ray, when a persistent cough would not subside,” added Kelly.

He noted that TB is an airborne infectious disease that is only passed person-to-person and spread by droplets through the air.

“TB is not spread by shaking someone’s hand; sharing food or drink; or by touching bed linens, toilet seats, door handles, telephones, or other hard surfaces,” he said.

Atlanta Braves Step Up To the Plate to Assist Returning Veterans

The Atlanta Braves and Emory University have launched *BraveHeart: Welcome Back Veterans Southeast Initiative*.

The screening, assessment, and service program is designed to provide veterans of the wars in Iraq and Afghanistan access to mental health and counseling services.

The program was created with a \$1 million grant from Major League Baseball and the Robert R. McCormick Foundations. It will provide online services, educational outreach, clinical care coordination, anonymous online screenings, and a referral service.

“Our goal is to make it easy for veterans to find help through services that are available universally,” said program leader Barbara Rothbaum.

“We are pleased to have the support of the Atlanta Braves for outreach and education, and to aid in reducing the stigma that so often keeps individuals from getting help.”

There’s more information on the initiative at www.braveheartveterans.org.

ARKANSAS

Blue Cross and Blue Shield Opens On-site Employee Health Clinic

Arkansas Blue Cross and Blue Shield (BCBS) is joining the growing number of employers opening on-site health clinics for employees and dependents covered under their health benefit plan.

The goal is to improve worker health and reduce associated costs. The organization hopes to serve as an example of how other Arkansas employers can benefit from health management programs.

With about 2,700 employees, Arkansas Blue Cross and Blue Shield is one of the state's largest employers.

The company has selected Healthstat to manage the facility, which will be located at BCBS headquarters in Little Rock.

The clinic will provide disease management, health counseling, and acute and urgent care services.

Healthstat anticipates that after 36 months Arkansas BCBS will save \$3 in healthcare claims costs for every dollar invested in the clinic. That return on investment is expected to come from a combination of savings on healthcare services and increased productivity.

CONNECTICUT

Contractor that Exposed Workers to Falls Faces Fines

OSHA has alleged that Champion Builders of Bristol violated a number of agency standards in connection with a hotel construction site in Madison. The steel erection contractor faces a total of \$143,000 in proposed fines, chiefly for fall hazards at the site.

Inspectors found employees exposed to falls of up to 53 feet while working without protection on the

building's roof, and to falls of 7 to 25 feet from wall and window openings.

There were other fall hazards from an unguarded floor hole and missing or inadequate stair railings.

Also, a fork truck driver was not properly trained, which exposed employees to being struck or crushed by the vehicle.

"The sizable fines proposed here reflect not only the gravity of these conditions but the employer's knowledge of them and history of similar violations," said Bridgeport Area Director Robert Kowalski. He said the citations address a "failure to comply with basic construction safety requirements."

CSB Chief Praises Bill Stopping Natural Gas Blows

Rafael Moure-Eraso, who chairs the U.S. Chemical Safety Board (CSB), has commended the Connecticut House of Representatives for unanimously passing a bill to permanently ban the use of flammable gases to blow out debris and clean gas piping.

The board found that a series of natural gas blows led to a February 2010 explosion at the Kleen Energy natural gas plant under construction in Middletown.

In a statement, Moure-Eraso stated, "It was heartening to see that it passed unanimously, and I look forward to final passage of the bill in the Senate and its signing by the governor."

CSB maintains that the tragedy, which took the lives of six workers and injured at least 50 others, was preventable.

The board had made a formal recommendation to Connecticut and other states to ban the practice, concluding, "that using gas blows to clean piping is inherently unsafe and should no longer be permitted in the construction of power plants."

MASSACHUSETTS

Raytheon Cites World-Class Safety in Corporate Responsibility Report

Raytheon Company's recently released *2010 Corporate Responsibility Report* highlights the company's efforts in safety, sustainability, governance, ethics, and other areas.

"Through world-class safety and wellness programs, the company seeks to protect its people and improve the quality of life enjoyed by all members of the Raytheon community," the report notes.

Since 1999 Raytheon, a \$25 billion technology and defense company, has reportedly reduced its OSHA recordable rate by 65 percent and its lost workday injury rate by 52 percent.

The business also acknowledges locations across the United States and Canada with its annual *Healthy Worksite* award. Some 55,000 employees work at a site that has been recognized.

Raytheon received the 2011 EPA Energy Star Sustained Excellence Award for the fourth consecutive year, according to the report. It recognizes leadership in energy conservation and reduced greenhouse gas emissions.

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June Is National Safety Month; Focus Is on Prevention

The National Safety Council (NSC) is encouraging businesses and communities to participate in National Safety Month. The annual observance is aimed at increasing awareness of the top causes of preventable injuries and deaths and encouraging safe behaviors.

Themes by week include:

- Summertime safety,
- Preventing overexertion,
- Teen driving safety,
- Preventing slips, trips, and falls, *and*
- Distracted driving.

According to NSC there were 128,000 unintentional injuries and deaths in the United States in 2009, which the council calls an “unacceptable” level.

For more information about National Safety Month, visit <http://www.NSC.org>.

OSHA Launches National Survey To Guide Future Steps

OSHA has launched a survey of private sector employers as a tool for improving future rules, compliance assistance, and outreach efforts.

Up to 19,000 employers nationwide will receive the voluntary *Baseline Survey of Safety and Health Practices*, which asks questions about job safety and health management practices.

According to the agency, the survey will be sent to employers of all sizes and across all industries under OSHA’s jurisdiction. Questions include whether respondents have a safety management system, whether they perform annual inspections, who manages safety, and the types of hazards their employees face.

The survey is accompanied by a letter from assistant labor secretary Dr. David Michaels. Data collection is expected to be completed by August.

New CDC Analysis Details Crash Deaths

Over 30,000 people are killed in crashes each year in the United States. A new Centers for Disease Control and Prevention (CDC) analysis of the costs of crash deaths by state found that half of all the costs were found in 10 states.

Those are California, Texas, Florida, Georgia, Pennsylvania, North Carolina, New York, Illinois, Ohio, and Tennessee.

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Overall, during 2005 (the year studied), crash deaths resulted in \$41 billion in medical and work loss costs. That’s in addition to the toll on victims’ families and friends, says CDC.

“By showing these costs, we can really highlight that these are younger people being killed and it results in a very high loss of productivity to society,” said Gwen Bergen with CDC’s Injury Center.

The study provides recommendations by state for preventing deaths. These include tougher seatbelt laws, graduated driver’s license programs, and mandatory child safety seats.

See this issue’s related *Compliance Report* on distracted driving on page 3.

EHS

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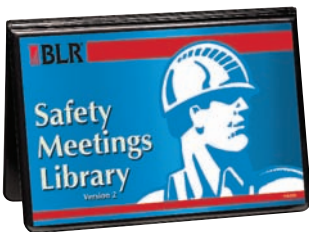
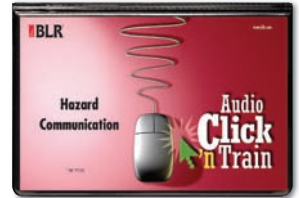
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