Needlesticks Down Dramatically Thanks to 2001 Rule

The federal law enacted to protect healthcare workers from being stuck by needles has significantly reduced the number of such injuries. According to researchers from the University of Virginia (U.Va.) School of Medicine, fewer injuries reduce the possibility for exposure to bloodborne pathogens.

While other factors may have contributed, U.Va. researcher Elayne Kornblatt Phillips called the effect of the Needlestick Safety and Prevention Act “very significant.” She and colleagues examined 10 years of injuries.

OSHA Whistleblower Program Gets Higher Profile

OSHA is undertaking a major restructuring of the Whistleblower Protection Program. The office will now report directly to the Assistant Secretary, Dr. David Michaels, who heads OSHA. The whistleblower initiative was formerly under the Directorate of Enforcement Programs.

The restructuring was first announced last August as part of the agency’s plan for bolstering enforcement of 21 whistleblower laws under its jurisdiction. In addition to the change at the national office, OSHA has launched pilot projects to evaluate changes in 10 field regions that could further enhance whistleblower protection.

Michaels says the changes “demonstrate the agency’s steadfast commitment to strengthening a program that is critically important to the protection of worker rights.”

New Hours-of-Service Rule Spawns Lawsuits

The new federal rule for driver hours of service (HOS) has not made adequate improvements, according to some safety organizations. A lawsuit has been filed by two truck drivers and the groups Advocates for Highway and Auto Safety, Public Citizen, and Truck Safety Coalition.

They seek judicial review of the rule, issued in December by the U.S. Department of Transportation’s Federal Motor Carrier Safety Administration (FMCSA). The parties claim the final rule did not reduce the 11-hour limit on consecutive driving to 10 hours, despite FMCSA’s acknowledgment that 10 is a preferred option.

Another legal challenge to the rule has been issued by the American Trucking Associations (ATA), which has asked the D.C. Court of Appeals to review the law.

Said ATA President Bill Graves, “The rules that have been in place since
**Washington Watch**

**Things Are Getting Sticky For Hershey Logistics Contractor**

OSHA has cited Exel, Inc., for nine violations—including six willfuls—at the Eastern Distribution Center III. The Palmyra, Pennsylvania, site is owned by the Hershey Company and operated by Exel. Proposed penalties total $283,000.

OSHA has also cited SHS Group, LP, doing business as SHS Staffing Solutions, for one violation with a proposed penalty of $5,000.

An inspection was conducted in response to a complaint filed on behalf of a group of foreign students working summer jobs under a Department of State J-1 visa program. According to OSHA, the complaint alleged a number of abuses of the visa program as well as exploitative and unsafe workplace conditions.

Exel is an Ohio-based contract logistics company. Under an arrangement with Exel, SHS hired the students to work at the Palmyra site repackaging Hershey candies for promotional displays. Exel was responsible for recordkeeping in the Palmyra facility. The willful citations include a failure to record injuries and illnesses on the OSHA 300 log for 4 years.

**DOT Proposes Guidelines To Reduce Vehicle Distractions**

U.S. Secretary of Transportation Ray LaHood has announced the first-ever federally proposed guidelines to encourage carmakers to limit the distraction risk for in-vehicle electronic devices. The proposed voluntary guidance would apply to communications, entertainment, information gathering, and navigation devices not required to operate the vehicle.

“Distracted driving is a dangerous and deadly habit on America’s roadways—that’s why I’ve made it a priority to encourage people to stay focused behind the wheel,” said LaHood. “These guidelines are a major step forward in identifying real solutions to tackle the issue of distracted driving for drivers of all ages.”

The guidance was geared toward light vehicles such as cars, pickup trucks, and minivans. The first phase of the proposal includes recommendations to reduce complexity and task length required by devices.

The changes would also limit:
- Operation to one hand only
- Individual off-road glances to no more than 2 seconds
- Unnecessary visual information in the driver’s field of view
- The amount of manual inputs required to operate the device

The proposal recommends disabling several “visual-manual” operations by drivers. Among these are text messaging, Internet browsing, social media browsing, destination entry by address, 10-digit phone dialing, and displays to the driver of more than 30 characters unrelated to driving.

More information is available at [www.distraction.gov](http://www.distraction.gov).

**U.S. Sentences Former Exec In Big Branch Mine Disaster**

Hughie Elbert Stover, the chief of security at the former Massey Energy Upper Big Branch Mine, has been sentenced to 3 years in prison in connection with the April 2010 explosion at the West Virginia site. U.S. Attorney Booth Goodwin II made the announcement.

Stover led security at Big Branch and at least two other operations at the time of the accident, which killed 29 miners and injured two others. He was convicted in October of making false statements to federal agents and obstructing a federal investigation.

The agents were investigating allegations that security guards routinely notified mine personnel when MSHA inspectors arrived at the mine. Stover falsely denied such practices and, according to the U.S. Department of Justice, personally instructed security guards to let mine personnel know whenever inspectors arrived.

**Soldiers Will Participate In Fed Study of Supplements**

Soldiers will be the subjects of the first U.S. government study of the health impact of the popular body-building supplement DMAA (1,3-dimethylamylamine). The goal, according to the army news source Stars and Stripes, is to determine whether DMAA exposure is associated with the observed increase in Soldiers’ cardiovascular symptoms.
Safety culture has been described in many ways, including how an organization operates when no one is watching. All organizations have some degree of safety culture. The challenge for leaders is to determine that level, decide where they want to take it, and chart a path to get there.

This Compliance Report examines two very different paths to a culture of safety. One is the robust safety and health process at a global metal manufacturing company. The other is an innovative idea for improving safety performance by training employees to become more mindful of how they work.

KENNAMETAL:
100% Safe

Kennametal, Inc., is a global supplier of tooling, engineered components, and advanced materials used in manufacturing. The metalworking giant employs nearly 12,000 people and operates in more than 60 countries around the world. The business was founded in 1938 by metallurgist Philip M. McKenna, who created a tungsten-titanium alloy for cutting tools.

Kennametal’s patented process produces tough materials for demanding applications including mining. Kennametal is a leader in the development of quick-change tooling systems known for their versatility, speed, and accuracy.

According to EHS Manager Zan Persichetti, the company’s safety approach has been taken to a higher level over the past few years. She explains, “That change occurred when our senior leadership took control of safety and established an executive level committee that sets direction, goals, and targets.”

Another important factor was the adoption of the concept 100% Safe. Like many business leaders, the Kennametal team talked often about striving for zero injuries. But in one meeting, the discussion centered around the idea that aiming for zero is a negative approach because it focuses on incidents.

Why not focus instead on becoming a company that operates in a 100% Safe manner? “From that day forward that’s what we’ve done and we’ve never looked back,” says Persichetti.

Management-Based Safety

The Kennametal safety culture is rooted in an evolving process called management-based safety, or MBS. It provides a variety of tools and activities to help build a consistent, standardized safety culture.

Required MBS activities are conducted by leaders, managers, supervisors, and employees. The program has been introduced in all regions in order to ensure that Kennametal employees speak the same safety language. That includes those who work in sales, administration, and other nonmanufacturing settings. MBS tools include safety tours, safety talks, safety reviews, stand-downs, stand-ups, and more.

For example, all managers are required to prepare and deliver a monthly safety talk. When this requirement was introduced a few years ago, Persichetti says it was a new concept to many. But leaders got on board enthusiastically. They also participate in site-safety events and conduct training.

Maximizing Metrics

One hallmark of a strong safety culture is the push for continuous (continued on page 4)
improvement. Kennametal uses a variety of metrics to ensure that its safety program is moving in the right direction. One was a recent safety culture assessment to capture employees’ opinions of safety at the company.

“This was definitely one of the most valuable exercises we’ve ever conducted,” says Persichetti. “One thing we learned is that we were expecting our employees to identify hazards and eliminate or manage them, but we must give them the tools in order to do that.”

Another finding from the assessment was that the focus on trailing safety indicators might have a negative effect on behavior. Persichetti says paying attention to DART and recordable rates could make employees less enthusiastic about safety.

Kennametal saw that some site leaders were putting a positive spin on safety, getting employees involved, and successfully recognizing their participation in upstream safety activities.

Today, the company is using those practices to develop a leading indicator program. The goal is to institutionalize the focus on positive safety activities over trailing indicators like incident rates.

Another way Kennametal uses metrics is to study the habits of world-class companies—both competitors and peers—and benchmark safety performance against theirs. They use criteria developed by the National Safety Council to gauge progress toward best-in-class safety performance.

One common practice among the world’s safest companies is to address worker protection at every executive-level meeting. So Kennametal developed a simple template to help leaders report on what they’ve done to be 100% Safe within their departments. Persichetti and others believe that keeping the message front and center has helped change outcomes throughout the organization.

Benchmarking also revealed that organizations with a strong safety commitment apply the same level of resources to solving safety problems that they apply to other areas.

“I believe Kennametal does well at this. The same degree of detail and focus is applied to a safety incident as any other type of business upset,” says Persichetti. Information about the incident is immediately communicated through the proper channels, and a search for root causes is launched.

UNIVERSITY OF CALIFORNIA, IRVINE: Mindfulness

It’s well known that workers who perform the same tasks day after day tend to lose focus on the hazards because the work becomes routine. Marc Gomez has some innovative ideas about how to turn that around by training employees to become more conscious about what they’re doing and the attendant risks.

Gomez is assistant vice chancellor for facilities management and environmental health and safety at the University of California, Irvine (UCI). The university is known for a strong commitment to undergraduate education and top research and graduate programs. Its new school of law graduates its first class this year.

According to Gomez, safety is increasingly integrated into campus culture. One means to do this is to identify an on-site safety representative within each of the approximately 800 work units on the vast campus. The EHS staff works with these individuals to help them improve safety at their sites.

Another valuable resource is the university’s EHS academic coordinators. These are staff members funded jointly by academic departments and the EHS office. The coordinator combines knowledge of safety and health with insight into the work of the department to make recommendations about procedures. Gomez says this model has contributed to UCI’s status as the campus with the lowest injury and severity rates in the UC system.

Like other organizations with a strong safety culture, UCI is committed to excellence in training. At the University of California Learning Center employees receive training—both online and live—required by Cal/OSHA and by the university. The center is a single source of training and a repository of who has been trained on what.

There’s a special emphasis on training for the campus’s 450 labs whose employees routinely work with biological, radioactive, chemical, and other types of hazardous materials.

Lab training is structured around a 12-module core safety curriculum. The EHS department partners with site safety representatives to create training procedures specific to the work of individual labs. A new course called Creating Safety Culture in Your Lab was developed to meet
the specific needs of principal investigators—individuals who lead research projects.

A separate curriculum with eight modules has been developed for other (nonlab) workers. All employees can log onto the training site and take a quick self-assessment that determines what training is needed to safely perform their jobs.

**A Mindful Approach**

As a 30-year veteran of the safety profession, Gomez has given plenty of thought to the causes of injuries. “We do follow-ups and look closely at the root causes. And we see the main cause of accidents is inattention and a lack of mindfulness about one’s circumstances and surroundings. Workplace safety is a state of mind.”

He believes part of the problem is the barrage of incoming information from digital and nondigital sources. “It made sense to me that if we could get people to be more mindful, and in the moment, it would reduce accidents.”

He evokes the image of an individual walking through the parking lot glued to the cell phone. A trip and fall keeps the worker off the job for weeks.

The idea of applying mindfulness to safety caught the attention of clinical psychologist Jessica Drew de Paz. She joined the EHS department about 9 years ago. “The reason I was hired demonstrates Marc’s outside-the-box thinking,” she says.

Gomez had a staff of highly competent safety professionals, but he was looking for someone who could help the department find new and better ways to reach people. He hired Drew de Paz to oversee safety and health training.

She had always been interested in the concept of mindfulness. Learning that inattention was a top cause of safety accidents inspired Drew de Paz and Gomez to secure funding for research into this new and promising area of training. They are currently developing a mindfulness curriculum.

“I realized that we offer 60 safety training courses and none of them address this idea of staying in the moment,” says Drew de Paz. “To me it’s akin to physical exercise—you can be physically fit, but a trainer really shows you how. We need to be shown how to be mindful.”

**Why It Matters**

A guideline produced by the American Institute of Chemical Engineers (AICE) answers the question, “Why is safety culture important?” with:

*Management systems and their associated policies and procedures depend upon the actions of individuals and groups for their successful implementation…. The values of the group (e.g., corporation, plant, shift, team) help shape the beliefs and attitudes of the individual, which in turn, play a significant role in determining individual behaviors. A weak safety culture can be (and likely will be) evidenced by the actions and inactions of personnel at all levels of the organization.*

For example, the failure of a critical interlock might have been caused by the mechanic who failed to calibrate the pressure switch and falsified the maintenance records. Alternatively, it might have been caused by the plant manager who denied the funding request to address staffing shortage in the instrument department.”

AICE notes key attributes of a sound safety culture:

- Espouse safety as a core value.
- Provide strong leadership.
- Establish and enforce high standards of performance.
- Maintain a sense of vulnerability.
- Empower individuals to successfully fulfill their safety responsibilities.
- Provide deference to expertise.
- Ensure open and effective communications.
- Establish a questioning/learning environment.
- Foster mutual trust.
- Provide timely response to safety issues and concerns.
- Provide continuous monitoring of performance.

AICE recommends the following steps to address safety culture issues:

- **Create awareness**. Learn about available tools and exercises (such as a culture survey) to identify issues that need to be addressed. Involve both corporate and site leaders in your efforts.
- **Identify a champion**. While every member of the organization should be part of the culture-building process, a champion can help lead the charge, especially if the transformation will be significant.
- **Perform a gap analysis**. Learn how your culture stacks up against the attributes listed above. Identify the gaps and develop a risk-based response to closing them.
- **Steward cultural change**. Culture change cannot be mandated. The role of leaders is to inspire, enable, nurture, and model acceptable behaviors and practices. Reinforce positive actions, link them to benefits they bring, and relate the benefits to beliefs about why they are important.
- **Keep the organization focused**. In some cases, culture change is fueled by a loss. Hopefully that is not the case at your place of business. Find positive ways to keep the focus on the daily work of building and growing an effective safety culture.
Was Failure to Attend Half of Training Classes Grounds for Termination?

Employees may be required to participate in a certain number of training classes each year, but what happens if they don’t? A veteran firefighter in Ohio, who thought the department’s training classes were not worthwhile and attended only a fraction of required classes, was terminated for gross neglect of duty.

What Happened

“Christopher” worked as a firefighter/paramedic for the Canton Fire Department for 11 years before being hired by the Nimishillen Township Fire Department, where he was employed in the same position for 12 years.

The Nimishillen Township department required its firefighters to attend at least 50 percent of all trainings offered annually, but Christopher was not meeting that requirement.

In July 2009, the chief and assistant chief spoke to Christopher about his deficiency. Christopher admitted both his knowledge of the requirement to attend at least 50 percent of training sessions and his failure to do so.

He told the chief and assistant chief that he did not feel that he should have to attend the sessions because they were not worthwhile in his mind.

Meanwhile, the chief considered Christopher’s lack of training to be a dangerous safety liability.

By the end of 2009, Christopher had attended only 11 of the 47 training sessions offered that year, which amounts to only 23.4 percent.

The Board of Trustees of Nimishillen Township held a disciplinary hearing on September 23, 2010, regarding Christopher’s failure to comply with certain training classes, as stipulated in the Nimishillen Township Fire Department Handbook. The Board concluded that his conduct amounted to gross neglect of duty, and it terminated his employment.

In reaching that decision, the Board noted that Christopher was frustrated with the content of the training classes and that he only attended trainings where he would receive a certificate for attending.

In addition, the Board acknowledged that, although he had received prior training from the Canton Fire Department, the training requirements and equipment used by the Nimishillen Township and the city of Canton were different.

Christopher appealed the Board’s decision, but the trial court upheld the decision.

He then appealed to the state court of appeals, contending that the trial court erred in concluding that the Board had followed the disciplinary procedure included in the employee handbook and in finding that Christopher’s conduct constituted gross neglect of duty.

What the Court Said

The appeals court also upheld the trial court’s decision. It noted that the employee handbook provides a disciplinary process for severe violations. “Disciplinary actions will be in direct relationship to the offense. All disciplinary actions will be documented in the employee’s permanent personnel file,” the handbook states.

The handbook then lists how violations will be handled under the step process: first offense—verbal warning; second offense—written and verbal warning—possible probation; third offense—30- to 90-day suspension; and fourth offense—dismissal.

However, the handbook also states, “Severe violations may require severe disciplinary actions and may bypass any of the above.”

The court concluded that statutory provisions and the wording in the handbook gave the fire chief sufficient power to bypass the step-disciplinary process. As a result, the court upheld the trial court’s conclusion that the Board did not violate the disciplinary procedures outlined in the employee handbook.
Trainer’s Corner

Good Housekeeping Practices for the Warehouse

Good housekeeping is a foundation of safety in every area of a workplace—especially in a warehouse. Here’s a brief overview of the different housekeeping concerns in the warehouse.

Aisles, Walkways, Stairs
- Keep aisles unobstructed. Cluttered aisles may block evacuation routes.
- Clean up floors that are slippery, wet, or icy floors that could cause falls.
- Report unstable or uneven walking surfaces for repair.
- Report broken lights or burned-out bulbs so aisles and stairwells are well lighted.

Storage Areas
These areas should have sturdy shelving appropriate to the items to be stored to prevent injuries from falling items or shelving collapse.
- Store common items at heights that do not require excess stretching or bending by workers.
- Follow required special storage procedures for hazardous materials.
- Ensure that all containers are clearly labeled with necessary warnings and instructions.

Forklifts
Forklifts must be operated only by authorized and trained employees.
- Be aware of forklift traffic and driving lanes when walking in the warehouse.
- Make sure the forklift operator sees you.
- A forklift steers from the rear, so the back swings wide when making a turn, so give it plenty of room if you are walking near it.
- Be especially careful when the forklift is on a ramp or uneven surface; tipovers are the most common cause of serious forklift accidents.

Manual Material-Handling Equipment
Even simple warehouse equipment such as hand trucks, dollies, and manual pallet jacks can be hazardous if not used properly.
- Choose the right hand truck for the job.
- Stack the load so that you can see over it. Place the largest, heaviest items on the bottom so that the load is stable.
- Secure the load. Strap it in place so that it can’t shift position or fall off.
- Always push; don’t pull—keep the load under control and in front of you (unless going up a ramp).

Lifting
Every warehouse involves at least some manual moving and lifting. As a result, the majority of warehouse injuries involve back problems.
- Your legs, not your back, should do the work when lifting.
- Ask for help if you need to move a heavy load.

Of course, each of these areas merits its own training sessions. Conduct separate sessions as needed, especially if there is an incident in one of the areas.

Why It Matters
✓ Lack of proper segregation in the storage of a wide range of hazardous chemicals caused a fire and subsequent explosions that destroyed a warehouse and required the evacuation of nearby residents.
✓ A customer visiting a warehouse to collect stored items had both legs broken when he was run over by a forklift moving in reverse.
✓ A warehouse worker was killed after falling 9 feet from a forklift platform. The worker was standing on the loaded platform as it was being raised to a warehouse rack.
✓ An employee was crushed under a 4,000-pound crate that fell from a forklift. The worker was spotting the unsecured crate, which fell when the forklift passed over an uneven docking plate.

Similarly, the appeals court said the trial court did not err in finding that Christopher’s failure to attend 50 percent of the training courses, as required, amounted to gross neglect of duty.

Christopher had argued that the record does not establish gross neglect of duty, that the decision to terminate him was far removed (by 8 months) from his failure to attend training, and that the chief considered him to be “a member in good standing” before termination.

Meanwhile, the chief had testified that Christopher was not singled out for termination. In fact, the chief had met with all of the individuals who had not complied with the training requirements, and Christopher was the only firefighter who fell far short of the requirements who did not voluntarily resign.

The appeals court concluded that there was credible evidence that Christopher’s failure to attend at least 50 percent of the training sessions amounted to gross neglect of duty.

Todd v. The Board of Trustees of Nimishillen Township (No. 2011CA00057) (Court of Appeals, Stark County, Ohio, 5th Appellate District, 11/21/11)
Contractor Safety

Q. Is it a mandate to have subcontractors follow every safety policy that our company uses, or can they deviate and our company be indemnified? If I require hard hats and glasses, and they don’t use them, should I force them?

A. There is no mandate from OSHA about contractor/subcontractor policies, but the agency has a long history of fining both the contractor and subcontractor for violations of rules broken by the subcontractor.

Because OSHA’s policy for issuing citations at multiemployer worksites is complicated, it is best to set out a clear, written safety policy that subcontractors must follow that describes the responsibilities for worker safety—and enforce it.

OSHA has developed a directive to guide OSHA enforcement staff concerning multiemployer worksites. The directive is worth your time reading. You can access it on the BLR® safety site at http://safety.blr.com/reference.aspx?id=77864.

Here is an excerpt from the directive:

**Multiemployer worksites.** On multiemployer worksites (in all industry sectors), more than one employer may be citable for a hazardous condition that violates an OSHA standard. A two-step process must be followed in determining whether more than one employer is to be cited.

**Step One.** The first step is to determine whether the employer is a creating, exposing, correcting, or controlling employer. The definitions in paragraphs (B)—(E) below explain and give examples of each. Remember that an employer may have multiple roles (see paragraph H). Once you determine the role of the employer, go to Step Two to determine if a citation is appropriate. (Note: Only exposing employers can be cited for General Duty Clause violations.)

**Step Two.** If the employer falls into one of these categories, it has obligations with respect to OSHA requirements. Step Two is to determine if the employer’s actions were sufficient to meet those obligations. The extent of the actions required of employers varies based on which category applies. Note that the extent of the measures that a controlling employer must take to satisfy its duty to exercise reasonable care to prevent and detect violations is less than what is required of an employer with respect to protecting its own employees.

Medication in The Workplace

Q. What does OSHA have to say about medication in the workplace?

A. OSHA doesn’t say anything specific about medication unless it is prescribed for a workplace injury. In that case, if medication is a prescription or prescription strength, the injury would be recordable on the OSHA 300 log.

However, employers need to be aware if employees are taking prescription or over-the-counter medication that may impair their ability to drive or operate machinery. Employers are required to provide a safe and healthful workplace under OSHA’s General Duty Clause.

(continued from page 2)

Stripes, is to determine if there is a link between DMAA, an amphetamine-like substance, and dangerous health effects.

The publication quoted this army statement, “We are evaluating adverse health event cases possibly linked to DMAA products through a series of provider and patient interviews and are applying established algorithms commonly used to assess side effects associated with drugs.”

DMAA is sold as a natural supplement and reportedly has not undergone government testing. It has been banned by Major League Baseball and the World Anti-Doping Agency. Makers of the substance say it is a natural extract of geranium flowers.

The military has logged cases of kidney and liver failure, seizures, and other conditions possibly linked to DMAA.

Labor Dept. Survey Would Assess Employee ‘Voice’

The U.S. Department of Labor (DOL) has proposed conducting a survey that would gather the views of workers about occupational safety and wage regulations. The goal is to assess workers’ “voice.”

DOL describes “voice” as the degree to which regulated employees have the ability to access information on workplace rights, understand those rights, and exercise them without fear of reprisal.

The department is currently reviewing comments on its proposal. It plans to conduct a pilot study of 800 employees, followed by a larger assessment of 4,000 employees in general employment.

According to the Federal Register notice, the proposed study will also examine the relationship between voice and outcomes such as perceived workplace safety, fair compensation, and employer noncompliance.

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Featured Resource

Are Pests Getting Pesky? Protect Your Workplace

They say that cockroaches could survive a nuclear holocaust, so is it any surprise that they sometimes defy our best efforts to keep them out of our workplaces?

Fruit flies, fungus gnats, ants, spiders, and other pests—even bedbugs—can periodically find their way in as well. However, the situation goes from bad to worse when employees take matters into their own hands, bringing in cans of insect-killing chemicals.

Pesticides are toxic and should not be brought into the workplace or used without the employer’s knowledge and approval. Help employees work with you to prevent and control pest invasions with these nontoxic strategies, adapted from a California Department of Pesticide Regulation fact sheet. (Find the full fact sheet at http://bit.ly/y0oK12.)

Prevent Pests from Invading
Building managers are responsible for filling holes and applying pesticides in the building, but all employees can help make the workplace less attractive to pests if they will:

- **Be fruitless.** Many pests are attracted to fruit. Workers should not leave fruit in or on their desks overnight; rather, they should take it home or store it in the refrigerator.
- **Put a lid on it.** Nonperishable or dry snacks should be kept in sealed plastic containers, not in plastic bags.
- **Do the dishes.** Dishes and utensils soiled by food attract pests. Dishes should be washed after each lunch break or shift.
- **Clear the decks.** Dirty surfaces also attract pests. Counters should be wiped down at the end of lunch or a shift.
- **Bag it.** Food wastes should be disposed of in compost or garbage cans that have plastic liners. These cans should be emptied each night.
- **Pick up.** Clutter provides hiding and nesting places for pests, including rodents. Employees should keep their workplace clutter-free and store items off the floor.

Dealing with Pest Problems

Rather than treating pest problems on their own, employees should let their supervisor or building manager know about pest problems or sanitation issues as soon as they are discovered.

- **Tell.** Workers should report spills, plumbing leaks, or areas that need cleaning.
- **Take note.** When reporting a pest, workers should make a note of evidence they’ve seen, including droppings, damage by the pest, or the pest itself, as well as where and when they made the observation. The more information employees can provide, the more effectively the problem can be dealt with.

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From the States

**MICHIGAN**

**MSU Research Links Deaths To Paint-Stripping Chemical**

The deaths of at least 13 workers who were refinishing bathtubs have been linked to a chemical used in products to strip surfaces of paint and other finishes.

An investigation launched by researchers at Michigan State University (MSU) revealed that the 13 deaths, including three in Michigan, involved the use of paint-stripping products containing methylene chloride. This is a highly volatile, colorless, and toxic chemical widely used as a degreaser and paint stripper.

According to MSU, the chemical is available in many over-the-counter products sold at home improvement stores, as well as in industrial settings.

“To use products containing methylene chloride safely, work areas must be well-ventilated, and when levels of methylene chloride exceed recommended exposure limits, workers must use protective equipment,” noted Kenneth Rosenman, chief of MSU’s Division of Occupational and Environmental Medicine.

He added that the hazards of using the chemical in bathtub refinishing need to be communicated to employers, workers, and the general public. “Safer methods using alternative products should be recommended.” MSU recommended that manufacturers note on products containing methylene chloride that they should not be used in applications such as bathtub refinishing.

(Inner text continues from page 9)
NEW JERSEY
Monthly Stand-Downs Help Protect Motor Pool Staff

The motor pool at Joint Base McGuire-Dix-Lakehurst has operated for more than 1,100 days without a lost-time accident. The 322nd Regiment located there is responsible for servicing and repairing all tactical vehicles used by mobilizing units on the base.

According to a base press release, safety is especially important in a motor pool where soldiers work on heavy vehicles with potentially dangerous machinery.

The centerpiece of the motor pool’s worker protection program is a regular safety stand-down. For a half day once a month, all vehicle maintenance comes to a halt. Soldiers gather to discuss topics like the army’s Composite Risk Management (CRM) system, driving distractions, and at-home safety practices. The material is presented in an open forum to encourage discussion.

“It is too easy to assume a young soldier knows about CRM just because I know about it,” said Staff Sgt. Richard Yusko, who leads battalion safety. “We have people here with a lot of different experiences from a lot of different units, so we have to get everyone in line if we’re going to be successful.”

Outside agencies are invited to participate in the stand-downs and share best civilian practices. The fire department, police, and equipment manufacturers have participated.

“We really try to keep the safety stand-downs interesting,” said Yusko. “It’s more effective than repeating the same information the same way over and over.”

Safety stand-downs are one best practice among many in use at the base. A strengthened hazard communication program, daily visual inspections, and an improved ventilation system have also contributed to a safe working environment.

CALIFORNIA
Food Processing Plant to Pay Heavily for Toxic Releases

South San Francisco food processor Columbus Manufacturing, Inc., a wholly owned subsidiary of Columbus Foods, LLC, has agreed to pay a penalty and make significant upgrades to settle Clean Air Act violations.

The announcement was made by the federal Environmental Protection Agency and the U.S. Department of Justice.

The case stems from two releases of anhydrous ammonia that occurred in 2009 at the Columbus Foods manufacturing plant. As part of the agreement, Columbus will pay a penalty of nearly $700,000 and will spend about $6 million converting its refrigeration system to a safer technology. The business also agreed to improve its alarm and ammonia release notification procedures.

The first accidental release sent 217 pounds of poisonous gases into the atmosphere.

Six months later, another cloud was released. It resulted in the evacuation of all employees and several neighboring businesses. A number of people working at a nearby business campus sought medical attention.

EPA Regional Administrator Jared Blumenfeld said, “Our goal is to safeguard neighbors and workers by requiring critical improvements to the company’s plant to prevent these industrial accidents from happening again.”

New Health Center to Benefit Staff of Organic Food Maker

The natural convenience food company Amy’s Kitchen has opened Amy’s Family Health Center at its Santa Rosa production facility.

The site will provide convenient, high-quality health services.

“We’re a family here, and we want to eliminate any barriers that may prevent our employees from taking good care of themselves and their families,” noted Amy’s HR Director Cindy Gillespie. Since the facility opened in early February, employees have shown great interest.

The center offers same-day appointments, bilingual services with Spanish-speaking personnel, and a $5 copay. Services include:

- Preventive care through annual exams and immunizations
- Treatment of basic illnesses and injuries
- Management of chronic conditions like diabetes and asthma
- Health and wellness coaching
- Coordination with specialty providers

The center is operated by QuadMed, a national provider of on-site primary care clinics. While use is optional for employees, Amy’s hopes that providing convenient care will make it easier to stay healthy.

MARYLAND
Pepsi Workers Win Option To Be Treated at Hopkins

PepsiCo is offering employees the opportunity to travel to Johns Hopkins Medicine in Baltimore for cardiac and complex joint replacement surgeries. According to the soft drink giant, the travel surgery benefit will be extended to domestic employees and their dependents—some 250,000 people.

PepsiCo, which operates its own self-funded medical plans, will waive deductibles and coinsurance for those who choose to have their surgery at Johns Hopkins, a world-renowned medical center. The company will also cover travel and lodging expenses for the patient and a companion. The offer is based on an all-inclusive rate for hospital and physician charges.
Said Patricia M.C. Brown, president of Johns Hopkins Healthcare, LLC, “We’re excited about the opportunity to work with an innovative company like PepsiCo that is committed to ensuring cost-effective, higher-quality care as part of its employee health benefits.” She said the offer of top-quality care should mean fewer complications, quicker return to work, and predictability of cost.

**GEORGIA/ILLINOIS**

**Whistleblower Vindicated In Job Termination Case**

OSHA has ordered Interline Logistics Group, LLC, based in Kennesaw, Georgia, to immediately reinstate a truck driver who was terminated after reporting safety concerns about the brakes on his truck.

According to OSHA, the driver refused to violate U.S. Department of Transportation (DOT) rules for allowable driving and rest hours. Logistics Group has been ordered to pay the driver more than $190,000 in back wages, damages, and fees, and to refrain from retaliating against the employee for exercising guaranteed rights.

The driver, who was working in Illinois, filed a timely whistleblower complaint with OSHA. He claimed to have been fired after notifying his employer about the deficient brakes.

OSHA found the company had directed the driver to a repair shop to service the brakes. After the service call, the driver was told to proceed to his dispatch location to pick up a return load.

The driver declined, stating he was over DOT-allowed work hours; he was terminated the next day. Among reasons given was failing to follow dispatch instructions.

“This case sends a clear message that employers are simply not allowed to retaliate against workers for reporting work-related safety concerns or against drivers who refuse to violate DOT regulations that determine how many hours they are allowed to work and how much rest they receive,” said OSHA Chief Dr. David Michaels.

**NEW HAMPSHIRE**

**State Supreme Court Rules For Volunteer Firefighter Who Sued**

The New Hampshire Supreme Court has ruled in favor of volunteer firefighter Jason Antosz.

The Epping man sued a homeowner after falling on the home’s driveway during a fire call. Antosz is also a member of the New Hampshire House of Representatives.

At issue is what’s known as the “Fireman’s Rule,” which prevents firefighters from suing during active service. But the high court concluded that the rule does not prevent legal action filed “for other negligent conduct.”

The Supreme Court overturned a lower court ruling in favor of the homeowner.

The recent ruling was criticized by David Lang, president of the Professional Firefighters of New Hampshire. He argued that firefighters are already covered for such injuries under workers’ compensation laws.

The ruling could have a “chilling effect” on a citizen’s decision to call emergency services, Lang added.

**MINNESOTA**

**Change in Coverage Could Save State Millions Per Year**

The state of Minnesota will no longer provide Blue Cross Blue Shield (BCBS) health insurance to state employees and has instead chosen UnitedHealthcare.

According to the website 1Health-Insurance.Org, BCBS apparently “came up short” when negotiating prices against United.

A state official commented, “United is going to save us a substantial amount of money year after year. It’s about 5 percent, $8 million a year on average.”

Reportedly, the state had been pleased with BCBS service but made the switch based on potential cost savings.

It is believed that many state employees will be able to keep their current insurance providers because both BCBS and UnitedHealthcare accept them.

(continued from page 7)

**What You Can Do**

Although this case dealt with Ohio state law, it has implications for employers everywhere.

First, employees need to understand their training obligations, for example, which courses are mandatory and how many courses they are expected to complete within a given year. Make sure this is clearly outlined to employees.

Second, it is important to hold employees accountable for attending training. Otherwise, they might not feel obligated to attend future trainings, and their conduct—and the company’s lack of response to it—might set the stage for other employees to selectively attend training sessions.

Finally, this case demonstrates the importance of making sure learners understand how training pertains to their jobs.

While not attending training classes because he did not find them worthwhile does not excuse Christopher’s obligation, it does serve as a good reminder to trainers that their jobs will be easier—and learners will be more engaged in training—if learners understand what’s in it for them.
2004 have contributed to unprecedented improvement in highway safety.” He said the costs of the new rule outweigh the benefits, noting that speed is a greater highway concern than fatigue.

Workers Concerned About Shop Towel Hazards
Kimberly-Clark Professional, which manufactures disposable industrial towels, says four in five manufacturing workers questioned agree that cloth shop towels should be banned if they are not completely free of hazardous materials after laundering.

The results of a survey show that once the potential contamination risks of laundered towels are known, workers agree on the need to address the issue. However, says Kimberly-Clark, knowledge is limited, with less than half of workers aware of exposure risks.

A 2011 study conducted by the environmental consulting firm Gradient and sponsored by Kimberly-Clark Professional showed that toxic heavy metal residues were found on 100 percent of laundered shop towels tested. The retained metals could result in workplace exposures exceeding toxicity exposure guidelines, according to the company.

Cal/OSHA Enforcement Holds Employers Accountable
Cal/OSHA has issued 28 citations with penalties totaling $540,890 following an investigation into an August 9 explosion in Sylmar that injured three people, two of them critically.

Investigators found violations at three businesses: Rainbow of Hope AKA Rainbow of Hope Foundation; Strategic Sciences, Inc.; and Realm Catalyst.

The explosion occurred when a pressure vessel containing compressed gas exploded as two workers were transferring hydrogen and oxygen gas from one cylinder to another. The explosion took the arm and leg of one worker and seriously injured the other. A third suffered minor injuries.

The incident occurred on the day a hearing was under way for earlier citations issued by Cal/OSHA against Realm Catalyst. A 2010 explosion killed a worker in Simi Valley.

“Our investigation documented a troubling disregard for safety as the employer continued to manufacture and store gases that are known to be highly explosive without the proper safety procedures in place,” said Cal/OSHA Chief Ellen Widess. “Employers cannot place their employees at risk by skirting their workplace safety responsibilities.”
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