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OSHA Issues Final Standard On Hexavalent Chromium

OSHA published a final standard for occupational exposure to hexavalent chromium, or Cr(VI), in the February 28 *Federal Register*.

In April 2003, the U.S. Court of Appeals ordered the agency to promulgate such a standard in response to a lawsuit by the group Public Citizen. Cr(VI) is a natural metal used in a variety of industrial activities, including the manufacture of stainless steel, welding, painting and pigment application, and electroplating.

The standard lowers OSHA's permissible exposure limit for the metal and related compounds from 52 to 5 micrograms of Cr(VI) per cubic meter of air as an 8-hour time-weighted average.

The rule also includes provisions relating to preferred methods for controlling exposure, respiratory protection, protective work clothing and equipment, hygiene practices, medical surveillance, hazard communication, and recordkeeping.

Acting OSHA Chief Jonathan Snare said the change significantly reduces health risks for exposed employees and added, "Our new standard protects workers to the extent feasible, while providing employers, especially small employers, adequate time to transition to the new requirements."

For details click on <http://www.osha.gov>. [52,5, 78, 177]

Wal-Mart Urges States to Fight Burdensome Legislation

Wal-Mart's top executive, H. Lee Scott Jr., is asking U.S. governors to say no to legislation that would require the giant retailer to spend more on employee health insurance.

According to the *New York Times*, Scott said that such bills "may score short-term political points, but they won't solve America's healthcare challenges."

Addressing the National Governors Association meeting in Washington, D.C., Scott spoke out against laws like those introduced in more than 20 states

this year. Although he acknowledged that Wal-Mart's healthcare plans are imperfect, the company is committed to improvements in health care like expanding benefits and opening affordable, in-store clinics for workers and the public, he added.

An internal memo that surfaced last year indicated that Wal-Mart employees, who earn about \$20,000 annually, spend more than twice the national average on health care. The memo also said nearly half of employees' children are uninsured or are on Medicaid. [81, 96]

Band Leader Pleads Guilty on 100 Counts

The tour manager of the rock group Great White has pleaded guilty to 100 counts of involuntary manslaughter in connection with a pyrotechnics display that sparked a deadly fire at a Rhode

Island nightclub in 2003. The manager, Daniel M. Biechele, was accused of lighting the pyrotechnics, an act that led

(continued on page 2)

to the death of 100 concertgoers and the injury of another 200. The fire was the fourth deadliest in U.S. history.

Biechele faces up to 10 years in prison, according to Rhode Island Attorney General Patrick C. Lynch.

In late 2003, Biechele and club owners Michael and Jeffrey Derderian were each indicted on 100 counts of misdemeanor manslaughter and 100 counts of criminal negligence by a state grand jury.

In August, OSHA had fined Great White and the Derderians for safety violations. The club owners were also cited for failing to provide workers' compensation insurance. [34, 56, 160, 5]

Guess Where Workers Can Still Puff in Peace?

A report by the *Los Angeles Times* says the U.S. Congress is "one of the few and possibly the most famous indoor workplaces in the country where it's still legal to light up." Smoking is said to be limited to members' offices, the Rayburn Building cafeteria, and the Speaker's Lobby where reporters and lobbyists try to catch members on their way to vote.

The article details the tribulations of Representative Charlie Norwood (R, Ga.). According to a Norwood aide, a smoker passed so close to the congressman while he was using oxygen that the assistant worried about a possible fire.

According to the *Times*, various efforts to ban smoking for the Capitol have been unsuccessful. Cigarettes continue to be sold from unregulated vending machines and in congressional snack shops at a reduced price.

American Lung Association lobbyist Paul Billings said Congress is on the wrong side of history in this case. "There is an opportunity to provide a safe and healthy environment to all workers at the Capitol," he suggested. [27, 175]

TV Station Makes Safety News

NBC 10 WJAR in Cranston, Rhode Island, has earned the OSHA VPP Star for leadership in worker protection. Noted the agency's New England Regional Administrator Marthe Kent, "This honor spotlights NBC 10's outstanding job of safety and health management. The station has established itself as a leader in television news health and safety."

NBC 10 developed an Electronic News Gathering (ENG) safety program, which trains field personnel such as reporters, drivers, and photographers on risks like weather, electrocution hazards, telescopic-mast safety precautions, and carbon monoxide poisoning prevention. One outcome of the initiative was installation of OSHA-compliant guardrails on the roofs of satellite-broadcast trucks to prevent employee falls.

An All Hazards Team at the station conducts reviews following coverage of significant events like storms or fires, and introduces new safety procedures if needed.

As well, best practices and lessons learned are shared with other NBC affiliates and area stations. Certified safety professionals and industrial hygienists support these programs. [14, 160, 5, 199]

'Do' Campaign Encourages Minnesota Workers to ... Do!

Minnesota workers can no longer claim pushing paper as their most

strenuous exercise during the workday. An online resource at <http://www.do-groove.com> provides information and encouragement to get workers moving.

Sponsored by Blue Cross and Blue Shield (BCBS) of Minnesota, the "do" campaign, as it is called, encourages the health and cost benefits of regular physical activity.

BCBS points to research showing that workers who exercise during the day perform better on the job, including improved time management, mental performance, and ability to manage competing demands.

The research, by Leeds Metropolitan University in England, also found that exercise of any length, duration, or intensity resulted in the same productivity and mood benefits.

The campaign encourages people to "groove" for 10 minutes a day three times a day. Free workplace-oriented posters suggest employees hand-deliver e-mails, take the stairs, and jog in place as the copier warms up. A variety of other resources can be purchased from the site. [80, 81, 121, 157]

Flu Guidance for Healthcare Workers Issued by CDC

The Centers for Disease Control and Prevention (CDC) last month announced enhanced recommendations to increase flu vaccination coverage for healthcare personnel as a way to protect patients and staff from the disease.

The new guidance includes strategies to make vaccine more accessible to affected workers and to help facilities better determine coverage rates and reasons their staff have not gotten vaccinated.

Among the recommendations:

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Compliance Report

Got Safety Culture at Your Workplace?

What It Is and Why You Should Want It

After a good bit of research and numerous interviews we've concluded that safety culture has much in common with chocolate cake. It's highly prized, there are many different recipes for it, and people tend to be quite partial to their own. Similarly, safety culture comes in many varieties, and while some approaches to achieving it are precise, others succeed with fewer rules and more innovation.

Without advocating a particular approach, this article presents a sampling of several favored by consultants and in-house safety professionals. The emphasis on culture appears to be eclipsing behavior-based safety as the preferred direction for many businesses seeking a way to manage and improve worker protection.

What Does It Mean?

According to a British engineering institute, the term "safety culture" was first introduced by the International Nuclear Safety Advisory Group following the Chernobyl accident in 1986. The British Health and Safety Commission offers this definition:

The safety culture of an organisation is the product of the individual and group values, attitudes, competencies, and patterns of behaviour that determine the commitment to, and the style and proficiency of, an organisation's health and safety programmes.

Among other definitions and descriptions we found:

- "A general term for the degree to which the culture of an organization promotes and cooperates with safe and healthy work practices."
- "The way we do things around here."
- "Organizations with effective safety cultures share a constant commitment to safety as a top-level priority, which permeates the entire organization."
- "The corporate attitude or culture is the barometer that will predict the "weather"—the incidence rate, the workers' compensation mod factor, and the safety performance."

The last is a quote from Don Eckenfelder, chairman and CEO of Social Operating Systems (<http://www.culturethesos.com>). Eckenfelder, a former president of ASSE, corporate safety professional, and now consultant, believes it's not compliance or technology, but culture, that determines how safe a company will be. "What this means for the average safety professional is that the key to long-term success is tied up in changing the culture of the organization as it relates to loss prevention." He believes that for many organizations, "culture is achieved unconsciously and by default; it should be done consciously and by design."

Make It Measurable

Much like Sumo wrestlers or women gymnasts, according to Eckenfelder, companies with strong safety cultures resemble one another. In fact, he's quantified those similarities into a list of attributes that includes:

- Each employee takes responsibility for safety.
- Safety is integrated into the management process.
- It is seamlessly integrated into job training.
- There is an off-the-job safety effort.
- Leadership always sets the example.
- There is a recognizable safety culture.
- The focus is more on process than statistics.
- Negative findings are treated expeditiously.

Using tools he's developed, Eckenfelder helps client companies determine where they are in their quest for the values that lead to these attributes. And he's created exercises

Recipe for a Strong Safety Culture

There's agreement among the experts on the basic ingredients for a successful safety culture. Among them:

- ◆ An abiding concern for employees and their well-being, both on and off the job,
- ◆ Authentic expressions of management commitment,
- ◆ A willingness to go beyond compliance to achieve lasting success,
- ◆ The existence and articulation of corporate values that translate into action, *and*
- ◆ Appropriate recognition for achievement.

that help lagging companies get closer to the culture they desire.

Consider the example of accident investigation. Most efforts, maintains Eckenfelder, "are emotion-driven and driven by witch-hunting and blame." They rarely, if ever, succeed. One of his exercises is to review the past 10 to 20 accident reports and analyze them to determine if they were guided by logic and the search for root causes, or guided by emotion. The idea is to fault the process, not the people, relentlessly pursue real causes, and install universal solutions.

Culture Profile

What distinguishes Eckenfelder's approach is that the process and the results can be quantified. He's developed a culture profile that uses perception audits to measure a company's level of maturity in a variety of beliefs and values. The more mature the company, the better its safety culture.

For example, a business scores high when personnel at all levels are asked, "Who's responsible for safety at your organization?" and they respond "I am" or "we all are." This yields a higher rating than the answer, "the safety manager is responsible." And it reveals a more intact safety culture.

(continued on page 4)

Similarly, a mature company is one in which management works to proactively improve safety, rather than reacting with quick fixes to problems once they occur. The profile also gauges whether a business emphasizes people over things. More mature organizations focus on employee involvement; culture and attitude are more important than physical defects. At a less mature company, safety is gauged by inspection and compliance.

Eckenfelder's system also measures culture indicators like safety expenditures, qualifications and performance of safety managers, and integration of safety into overall business functions.

Confessions of a Convert

Today's emphasis on safety culture is relatively new. Jack Dobson is a nearly 40-year veteran of the safety profession. He serves as current president of ASSE and is manager of occupational safety and health for Simplicity Manufacturing, maker of yard, garden, and snow-removal equipment. "I've been described in the past as a sort of 'meat-and-potatoes' kind of safety guy," Dobson reflects. Coming up through the ranks and teaching at the OSHA Training Institute gave him a strong compliance orientation.

But today he acknowledges that *merely* following the rules will lead, at best, to mediocre safety performance. A positive safety culture is the other big ingredient needed for lasting change. "You have to go above and beyond, and I'm finding now that 'above and beyond' has to do more with culture and not with regulatory compliance."

He, like others, believes culture development is taking over where behavior-based safety left off, giving practitioners a large, flexible arena in which to manage. Asked what safety culture means, Dobson offers, "To me, it is the deep-seated belief that one's personal safety is an important aspect of everyday life, whether at work or off the job. It's something that has to be taught, and has to be ingrained into people. You realize that this is for your own good, rather than

somebody standing over you saying, 'Thou shalt.'"

Eye protection provides an illustration. Culture is the difference between a workplace where employees quickly shove their safety glasses down on their noses when the safety guy walks in, and one where PPE is consistently worn because workers understand and internalize the consequences of not wearing it.

Clarifying Culture

We asked Dobson to describe the vibrant safety culture he's helping build at Simplicity, which was recently acquired by equipment giant Briggs & Stratton. Among the characteristics he listed:

- A system of **Key Results Areas** (KRA) that encourage supervisors to pay attention to *leading* indicators (like safety meetings, audits, and training) rather than *trailing* indicators (like statistics describing incidents and losses). KRA performance is serious at Simplicity and counts for 20 percent of a senior manager's compensation. The relatively new emphasis is paying off, says Dobson. The manufacturer logged a 47 percent reduction in workers' compensation costs from 2004 to 2005; he credits the focus on leading indicators and active involvement.
- Strong **employee awareness**, a classic element in safety programs and an important part of culture, according to Dobson. Keeping safety in front of his people is key, and he does it in diverse ways. A weekly safety tip is e-mailed to every employee with computer access. For those without it, the message is communicated directly by supervisors. Topics include worker protection basics like hazard communication, first aid, injury reporting, and use of PPE.
- Keeping **off-the-job safety** in the mix. Dobson reviews product-safety recalls and informs his employees of any that might affect them, such as those involving camping gear or baby equipment.
- A well-developed **hazard reporting program** based on a system Dobson developed while with the U.S. Navy. Five reporting stations are located

What Safety Culture Isn't

Sometimes it's easier to describe something by its absence. Simplicity Manufacturing Safety Chief Jack Dobson recalls a company for which he briefly consulted that was a poster child for a nonexistent safety culture. He explains:

When I would begin to work with a client, I'd first make sure we had top management involved. A couple of times I was told this would be the case, then we started the relationship and I wound up working only with mid-management with no corporate leaders involved. One client especially shielded me from top management. This was a company that also needed to be running fire drills and simply would not do it. I told them this and the HR person said to me, 'There's no way we are going to have fire drills because I'm not going to give the union 15 minutes off.' Obviously I didn't keep them as a client.

throughout the plant. Employees complete forms (anonymously if they prefer) and submit them in locked boxes. Dobson checks these daily and, if there is an imminent hazard, takes quick action. The program has resulted in some excellent improvements. "Any issues I can't immediately resolve I get out to supervisors," he says.

- **Leadership involvement**, considered essential to creating and maintaining safety culture. Dobson points to indicators such as attention to safety at key corporate meetings, and involving the safety managers in major business decisions.

Can Culture Be Motivated?

Dobson believes motivational strategies can play a role in an evolved safety culture. But like many safety pros, he urges caution in choosing and using them. "I'm not a real huge fan of incentive award programs because I've seen too many that inhibit reporting of incidents and then you end up with a more serious situation." He's currently looking into some possibilities for Simplicity,

including initiatives that award points for safe behaviors, but deduct points for failure to report incidents.

Dobson emphasizes that incentives don't have to be flashy or pricey to succeed. While with the Navy, he developed the Golden Hard Hat award, a gold-painted wooden hard hat given each month to an inter-departmental team that demonstrated exceptional safety performance. The cost was low, but the esteem in which people held the award was high. It was a simple, yet authentic expression that safety mattered, a key ingredient in culture.

Batteries Included

Another take on culture is offered by consultant Michael Melnik, president and owner of Prevention Plus, Inc. (<http://www.preventionplusinc.com>). Melnik is an occupational therapist who has developed a successful speaking and consulting business with a big focus on culture. "For years I was 'the back guy,' and they would bring me in to show proper lifting and I would do it, then walk away. Then I'd hear back from the client that nobody was doing what I'd recommended and would I come back and show them again." He concluded that the content wasn't the problem; rather, something organizational was preventing the message from getting through.

Melnik eventually determined that the key to improved culture is energy. "We found that in the area of quality, for example, there are many things that energize the equation—like being fired, getting docked in pay, or getting more money because you met a deadline. But in safety, the energizing source is getting hurt, which makes it reactionary." His approach seeks ways to energize people to work more safely before injury occurs.

He's developed a culture-boosting process known by the acronym REP. Melnik asks safety pros to consider if what they're asking of employees is rational (R), provides an emotional connection (E), and is supported by the physical environment (P).

He explains, starting with the "R" factor. "For example, I get invited into a workplace to teach back

classes. I'm introduced as 'Michael, who's going to teach you how to lift.' But that's not logical, because these are people who have been lifting successfully for 40 years. I've never had anyone tell me they were glad to see me because they've had something on the floor for the last 20 years that they've had no idea how to pick up!" More rational is to acknowledge with employees that strains and sprains are occurring in the workplace and to ask for their opinions about what's missing in the culture or environment that could turn the situation around.

As for the "E" in his formula, Melnik believes employees will only make changes if they have an emotional connection to what's being asked of them. Another way of putting it is "What's in it for me?" For example, if you ask workers to attend a training session and offer nothing more than a talking head in front of the room, you're not likely to get them to connect to the person or material. If, however, you offer coffee and pastries in the back of the room, you're more likely to strike an early emotional connection. It's a simple way for managers to show they care about people.

The "P" refers to a physical environment that supports what's being asked of employees. Are you asking people to lift more safely without giving them the necessary tools? If you're recommending that workers stretch periodically, are you providing the time and opportunity for them to do so? Putting a poster on the wall isn't enough—it's a matter of creating a culture that makes change possible, claims Melnik.

He believes that if safety is not at the level it should be, energy sources that drive culture are not receiving the attention they should. Among these: commitment, communications, respect, accountability, creativity, and recognition. As well, Melnik adds *fun* to the list. He's a firm believer that fun can and should be an important ingredient in a successful safety culture. He also shares his overall approach with clients like General Mills, The Home Depot, Northwest Airlines, and Best Buy.

The Soft-Tissue Dilemma— A Cultural Approach

Consultant Don Eckenfelder believes that preventing soft-tissue or repetitive motion injuries is neither a technical nor a behavioral problem, as has long been suggested. Rather, he points to culture as a primary factor. Eckenfelder cites an initiative in the early 1980s in which a well-known Maine shoe manufacturer experienced a surge in such injuries that spiked workers' compensation costs.

An ergonomic process was developed, but it wasn't enough. What ultimately got this employer back on track was a cultural approach that not only addressed improved processes, but included a return-to-work program, early intervention, employee and management education, and aggressive claims handling. In a word—culture change. Within 2 years, workers' compensation expenses fell from a high of above \$10 million to below \$1 million.

According to Eckenfelder, attitudes and beliefs changed the safety culture. "The onset and proliferation of soft-tissue injuries is more often related to the characteristics or culture of the work environment than to the actual physical exposures, profile of the workforce, or other easily quantifiable factors," he states.

Got Culture?

Based on the views of experts consulted for this article, the smart money is on culture. It's an imprecise yet essential safety component that goes beyond compliance, commitment, programs, and individual efforts. When it's present, a strong culture is easy to spot, much like a well-run restaurant or retail establishment, suggested one expert. Within minutes of entering the eatery or store, "you just get the feeling" that people respect one another, care about their work, and want to do things right. And when the end result is worker protection, culture can also make the difference between working safely and getting injured or even killed on the job. ^[33]

How to Avoid a Painful Pinch:

Use a Pinch or Two of Safety Savvy

Odds are that at least once you have been the victim of a painful pinch, whether at home or at work—perhaps from a pliers that slipped, or the falling lid of a waste bin, or a heavy package being carried too close to a door frame.

Hopefully, you have been lucky enough that it was not a severe injury. But it can be, and that is why employers should, and generally do, provide workers with some training on pinch points (sometimes called nip points) and how to avoid them.

The first thing is to understand what pinch points are. You can easily visualize the concept by thinking of a wrench, a pair of tweezers, an opposed thumb and forefinger, a lobster's claw. These are all pairs of surfaces that can catch an object between them. Often, that catching is intended, as with the use of a wrench or tweezers—not so, however, with a lobster's pincer (except, of course, by the lobster). Thus, there are many

desirable uses for tools and mechanisms that grasp, clutch, squeeze, etc., and workers are taught how to use them and how *not* to.

Knowing the Dangers

Some of them are pretty obvious, such as machinery with oscillating or reciprocating parts. Generally, these will have guards, and workers are cautioned never to bypass the guards, as very serious injury—even amputation—can result.

Others are less obvious and can cause injuries of varying severity, from a blood blister to death!

For example:

- The rungs of an extension ladder can catch fingers, hands, or feet when sliding past each other.
- Closely stacked or stored crates or drums can pinch fingers or hands between each other or between themselves and a dolly.
- Haphazardly stacked material or clutter on workstations can fall and “pinch” a foot against the floor.

Office workers can pinch their fingers when closing a file drawer.

- There have been cases of a backing-up vehicle crushing a person against a wall!

Notice that these injuries are unlikely to be the fault of the ladder, the crate, the file drawer, or even the vehicle. Rather, they occur because a person has been careless—in the misuse or mishandling of tools, in failing to use appropriate protective equipment like gloves or safety shoes, or in not being constantly on the alert against potential hazards.

Frequent Reminders

Whenever a pinch point injury occurs in the workplace, it serves as an opportunity for supervisors to remind employees about the importance of avoiding similar dangers.

Training sessions might, for example, focus on the hazards present in the company's particular operations.

Also helpful could be encouraging trainees to report minor off-the-job dangers they have encountered or occasions on which, at home or work, their alertness enabled them to sidestep injury. ^[94]

What's on Your 'Must Read' List?

Consider Adding These OSH Titles

Keeping up with professional reading is an ongoing challenge for safety and health people. We've got information on a few titles you may wish to add to your list. No endorsement or review, just some possibilities to investigate “for further reading.”

Introduction to Risk Analysis

by Daniel Byrd and Richard Cothorn

Published by Government Institutes and available at <http://www.Amazon.com>

Introduction to Risk Analysis examines risk and its analysis. According to the publisher, the book is self-contained and suitable for self-study

or classroom use. The authors cover the qualitative nature of risk and explore quantitative topics, including graphing data, logarithmic thinking, and risk estimation.

It emphasizes human health risk as a primary example of risk assessment and covers:

- Exposure assessment,
- Dosimetry,
- Epidemiology,
- Toxicology, *and*
- Risk characterization.

Other chapters provide a discussion of functions, models, and uncertainties; the regulatory process; comparative risk assessment; and risk management, among other topics.

The volume also includes several case studies and figures.

Introduction to Risk Analysis emphasizes the policies of regulatory agen-

cies concerned with safety, health, and environmental risks, including OSHA, EPA, DOT, NRC, and others.

Construction Safety Management and Engineering

Published by American Society of Safety Engineers and available at <http://www.asse.org>

Designed as a tool and reference text for safety practitioners, project engineers, workers, and students, this book offers five sections that cover:

- Preconstruction tasks,
- Key components of the safety process,
- Emerging issues in construction safety management,
- Legal aspects, *and*
- Technical construction issues.

Thirty-seven experts in the field developed the text.

(continued on the next page)

Trainer's Corner

Heart Attacks: What You Need to Know

Make sure they understand the risk factors. Employees most at risk of having a heart attack include smokers, overweight workers, those with high cholesterol levels, people with high blood pressure or diabetes, and workers with a family history of heart attacks.

Although men are generally at greater risk of having a heart attack, heart disease is still the leading cause of death among women. More than 250,000 women die each year from heart attacks, which kill six times as many women as breast cancer.

Spend some time on the symptoms. Everybody should be able to recognize the signs of a possible heart attack—whether in themselves or in a co-worker. Common symptoms include:

- **Chest discomfort**, mainly in the center of the chest, that lasts for more than a few minutes or goes away and returns. The discomfort might feel like an uncomfortable pressure, squeezing, fullness, or pain.
- **Discomfort** in other areas of the upper body, including pain or

discomfort in one or both arms, the back, neck, jaw, or stomach.

- **Shortness of breath** often accompanies chest discomfort, but it can also occur before chest pains.
- **Other symptoms** may include breaking out in a cold sweat, nausea, or light-headedness.

Be sure to warn employees not to ignore any possible symptoms. *Even if they're not sure it's a heart attack, they should still have it checked out.* Fast action saves lives.

A delay in getting treatment can result in permanent heart damage—damage that can greatly reduce the ability to perform everyday activities—or even death.

Emphasize prevention. Taking a few simple steps can help anyone reduce the risk of heart attack.

Here's what to tell your employees:

- **Don't smoke.** It doubles your risk of heart attack. But after you stop, your risk soon drops to that of a lifelong nonsmoker.

- **Eat a healthy diet.** Choose nutritious foods low in cholesterol and saturated fat. Eat fresh fruits and vegetables, whole grains, and low-fat and nonfat dairy products. Avoid junk food, fried food, and sugary snacks.
- **Get some exercise.** Find an activity you enjoy and do it regularly. ^[79]

Why It Matters...

- ✓ Heart disease is the number 1 killer of both men and women in the United States.
- ✓ More than 1 million Americans have heart attacks every year, and half of them don't survive the attack.
- ✓ Many sufferers don't even know they have heart disease.
- ✓ About half of all heart attack deaths occur within 1 hour of the start of symptoms and before the person gets to a hospital.

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Among technical issues addressed in the publication are:

- Crane safety,
- Electrical hazards,
- Fall protection compliance,
- Steel-erection guidelines.
- Safety requirement for constructing electrical power lines, *and*
- Requirements during excavation, shoring, and trenching.

The book's focus is on proven principles and practices. The experts describe the approaches used by successful owners, contractors, and subcontractors operating in today's challenging business environment.

Safe Practices for Motor Vehicle Operations

Published by American Society of Safety Engineers as secretariat for the American National Standards Institute

Available at <http://www.asse.org/z15> within the next months

The Z15.1 standard provides guidelines for developing a motor vehicle safety programs for employers with one vehicle or a huge fleet.

Approved by ANSI on February 15 of this year, the new standard provides organizations with minimum requirements for developing driver safety policies and procedures, applying to both owned and leased vehicles.

Z15.1 addresses factors within the operational environment that may increase the likelihood of crashes, such as impaired, distracted, or aggressive driving practices.

As well, it provides driver requirements such as qualifications, recordkeeping, incident reporting, and data analysis.

It also offers motor vehicle safety guidelines for inspections and maintenance as well as safety considerations when purchasing or modifying motor vehicles.

The website listed here offers information about the standard although the final version is not yet available. ^[29, 122, 151, 162]

Washington Watch

OSHA Sends BP Matter To Department of Justice

Acting OSHA Chief Jonathan Snare calls sending the case of a fatal blast at a BP refinery to federal prosecutors “one of our more significant accomplishments.”

The Department of Justice will consider whether to pursue investigation and possible prosecution. Speaking during a budget briefing, Snare said the safety agency “entered into pre-citation settlement talks [with BP] but we did not compromise on reclassifying the penalties” downward “or on our ability to send this to the Justice Department for criminal prosecution.”

The accident, which took place last March 23 at a Texas City refinery, killed 15 people and injured 170. It resulted in a record \$21 million OSHA fine against the oil giant.

According to the International Labor Communications Association (ILCA), BP’s efforts to blame workers for the accident did not hold up. Labor groups sent in their own special investigators and found management lapses were largely responsible for the tragic accident.

Adds ILCA in a February statement, “OSHA’s decision to send the case to the Justice Department appears to refute BP’s claims.” Labor claims that BP management failed to identify and correct antiquated equipment and permitted flammable hydrocarbons to overflow a drum that lacked automatic shutdown devices.

In September 2005, OSHA announced that BP would pay the full fine (nearly twice the next largest in OSHA history), abate all hazards, and improve its safety measures. Among terms of the agreement, BP said it would hire process safety experts and would submit logs of illnesses and injuries for OSHA and internal review every 6 months for a period of 3 years. ^[34, 48, 56]

Agency Updates Construction Assist For Spanish Speakers

OSHA says Spanish-speaking workers in the construction industry will benefit from information featured in the update of its *eTool de Construcción—La Prevención de Fatalidades*, posted on the OSHA website, <http://www.osha.gov>.

OSHA’s eTools are stand-alone, interactive, Web-based training modules. They are highly illustrated and use graphic menus.

Some also use expert-system modules that permit the user to answer questions and receive specific advice about how OSHA regulations apply to their work environment.

The new tool uses safety and health terms from the agency’s English-Spanish and Spanish-English dictionaries. It includes a construction-oriented glossary and a list of topics relevant to developing and maintaining a safe workplace.

OSHA anticipates the eTool will help employers and workers identify and avoid hazards that commonly cause the most serious injuries in construction. Among these are electrical, fall, struck-by, and trenching hazards.

OSHA has a variety of Spanish-language publications, including QuickCards, fact sheets, and posters. For a list of these items, click on the Spanish publications page on the website or call 202-693-1888.

Editor’s Note: BLR, publisher of this newsletter, has a Spanish safety training product, *7-Minute Safety Trainer Spanish/English Edition*. For more information, go to www.blr.com or call 800-727-5727. ^[85, 98, 187]

Contractor Facing Fines in 2005 Trenching Accident

OSHA has issued citations against Birmingham utility contractor

O’CET and proposed penalties totaling \$210,000.

The enforcement action followed investigation of a fatal accident last August at a Clay, Alabama, construction site.

Noted Area Director Roberto Sanchez, “When an employer chooses speed and not safety, tragedy follows. Safe work practices would have prevented this accident.”

OSHA began an inspection at the Steeple Chase subdivision after being notified that an O’CET employee was trapped in a collapsed trench. Rescue attempts failed. Agency investigators determined that employees had been working in an 18-foot-deep trench with excavated soil piled 10 feet high at the edge of the trench walls.

The contractor was issued four willful citations with proposed penalties of \$196,000 for allowing workers to ride on an excavator bucket and then jump into trenches.

Other citations were issued for failing to provide proper means of entering and exiting the trench, inadequately shoring and sloping trench walls, and improper inspection procedures.

Four serious citations were issued, including for failing to provide employees with hard hats, drinking water, and bathroom facilities. ^[48, 56, 189]

MSHA Will Overhaul Penalty Assessment Rules

The Mine Safety and Health Administration (MSHA) has announced plans to modernize decades-old regulations that govern penalty assessment for violations of the Mine Act.

The Department of Labor agency says it will initiate new rulemaking to propose revision to the penalty structure, including increases.

MSHA attracted national headlines earlier this year following a tragic explosion in a West Virginia mine that left 12 miners dead and another with serious injuries.

Agency inspectors reportedly have issued hundreds of violations since that mine's opening in 1999, including some related to failure to prevent or monitor the buildup of explosive gases.

Deaths of three more miners occurred in two additional January incidents, one in Kentucky and another in a second West Virginia location.

Congress sets the maximum level of penalties MSHA can assess for violations of the Mine Act. Legislation to raise the maximum penalty from \$60,000 to \$220,000 for flagrant violations has already been sent to Congress.

Fines below the maximum are determined by applying MSHA regulations that have remained largely unchanged since 1982.

Criteria used to determine the penalty include the appropriateness of the penalty to the size of the business, history of previous violations, possible negligence, gravity of the violation, good faith, and the effect of the penalty on the operator's ability to remain in business.

In a press release, Acting Agency Administrator David Dye stated, "MSHA's current penalty structure is 25 years old and needs updating to strengthen incentives for compliance. Mine safety violations put workers at risk, so the penalties for those violations need to be serious and straightforward."

There's more information on the agency's penalty structure at <http://www.msha.gov/30CFR/100.3.htm>. [47, 52, 56]

Top Execs Lend Credibility to Job Wellness Programs

The value of workplace wellness initiatives is being recognized increasingly by business leaders who are experiencing the benefits firsthand and encouraging others.

Employee Benefit News quotes Dr. Cedric Bryant, chief exercise physiologist for the American Council on Exercise, who says: "Rank-and-file staff might worry that taking time out to go to work out will be frowned upon by superiors. But then they see the top executive going to work out and everything changes."

Bryant points to research suggesting concrete rewards from workplace wellness programs, including reduced absenteeism, improved alertness, better stress management, enhanced productivity, and reduced healthcare costs. "When a leader of an organization is a promoter and practitioner of fitness and health activity, many employees desire to emulate the boss. Seeing the boss work out, the employee follows suit, hoping the emulation will lead down a similar path to success in all things."

The Washington-based nonprofit Partnership for Prevention has created a program called Leading by Example. It seeks to improve health policy and practices with the aid of CEOs.

Leaders of companies including Johnson & Johnson and Xerox are among those working to encourage their executive peers to emphasize improved health.

Learn about the partnership at <http://www.prevent.org>. [202]

Study: Policy Changes Could Reduce Injuries

A NIOSH-funded survey of Hispanic poultry workers in western North Carolina suggests that management steps like encouraging job rotation and creating worker-safety committees could result in fewer job injuries.

"Policy changes are needed to improve the health and safety of workers," said Dr. Joseph Grzywacz of the Wake Forest University School of Medicine. "Poultry processing has among the highest occupational illness and injury rates of any private industry."

The recommendations follow a report issued in September from the same survey that showed almost half had

pain in their hands or arms during the previous month, and a quarter reported an incident in the past year.

In this second report, the researchers address how management policies, such as the way jobs are designed or performed, may influence worker health. Among their recommendations:

- Worker-advocacy groups and community agencies that work with plants to help build a culture of safety. [Ed.: also see Compliance Report on page 3.]
- Employer-created safety committees that include workers from across the company.
- Job-rotation program that increases job variety and reduces the incidence of injury.

The survey involved face-to-face interviews with 200 Hispanic poultry workers. Results indicated that poultry jobs require frequent awkward postures and repetitive movements. [94, 147]

Subscribers: Have a Safety Question? Answer Hot Line

If you have a question or need additional information about any safety-related topic, call our no-charge answer hot line at:

800-727-5257 #2205

8:30 a.m.–5:00 p.m. Eastern Time.

Or you can fax the OCA editor at 860-510-7224 or e-mail jruddy@blr.com.

This is part of your subscription, and our editor/experts are standing by to help solve your problems.

From the States

TEXAS

Sentencing Set for Ex-OSHA Official In '02 Bribery Scheme

Sentencing is scheduled for March 29 in the case of Mario Martin Solano, Jr., the former OSHA El Paso area director who pleaded guilty to one count of conspiracy to accept bribes. Appearing before a U.S. district judge, Solano admitted that in 2002 he directed employers seeking to reduce their OSHA fines to a company run by co-defendant Jose Campos for employee job-related training.

In return for the referrals, Solano collected approximately \$30,000 from Campos, according to the office of U.S. Attorney Johnny Sutton. Elias Casillas, an OSHA employee under Solano, and Campos's former stepson, found and referred offending companies to Solano and received money from Campos for such referrals. In January of this year, Campos and Casillas pleaded guilty to conspiracy to pay a gratuity. They each face up to 2 years in federal prison when they are scheduled to be sentenced April 14.

Stated Sutton, "It is always shocking to find public servants who are willing to take bribes. These crooks betray the people they are supposed to serve. Solano's conviction reminds us that no public official is above the law." [34, 48, 186]

OSHA Education Center Ranked Tops in Nation

OSHA's Southwest Education Center has set a record for the centers by providing safety and health training to 5,503 people in 2005. The facility, which is run by the Texas Engineering Extension Service (TEEX) and headquartered in Mesquite, trains workers and employers in Oklahoma, New Mexico, Arkansas, and Louisiana, as well as Texas.

The Southwest center is one of 19 across the United States that were created as an extension of the original OSHA Training Institute in Illinois. The satellite program was begun in 1992, and the number of students who attend courses at the sites has steadily increased since that time, according to OSHA.

This was the second consecutive year that the TEEX site was ranked number one by OSHA; it served a quarter of all students trained last year. As well as racking up large numbers, the facility received an "outstanding" rating in its annual performance appraisal. Commented TEEX Training Director David Milligan, "We are pleased with the recognition, but our true reward comes from our students who are making an impact in the workplace by reducing accident injury and property losses."

For more information, click on: <http://www.osha.gov/fso/ote/training/edcenters>. [186, 187]

ARIZONA

Meth Reportedly Taking Toll on AZ Businesses

The drug crystal meth is said to be a serious problem for Arizona employers, according to a report by *The Business Journal of Phoenix*. The publication states, "The illegal methamphetamine trade is linked to increased property crimes, shoplifting rings, and identify theft. Businesses also are seeing lost productivity, increased insurance costs, and diminished worker performance." Methamphetamines are often produced in home-based labs with ingredients that can be easily purchased from drug stores and other retailers.

The problem is complex, according to the publication, with meth addicts often targeting their own employers by stealing equipment or embezzling money to fund their habit.

Shoplifting and other types of theft by meth rings have become so commonplace that major retail chains have locked up cold medicines containing pseudoephedrine behind counters. The journal says the Arizona Retailers Association is working with law enforcement and retailers to share information on meth-related shoplifting rings.

Governor Janet Napolitano has spoken out on the problem in recent months. She has also attracted attention with her proposal for a tax credit for small businesses that provide health insurance to their employees.

[10, 34, 42]

ILLINOIS

Furniture Maker Nailed with Violations, Proposed Fines

OSHA has proposed \$218,000 in fines against steel-frame furniture manufacturer Dehler Manufacturing Co. following an inspection at the company's Chicago facility. The agency launched a follow-up inspection at Dehler after the employer failed to show it had corrected safety violations involving power press brakes and mechanical power presses identified in a February 2005 inspection.

The most recent inspection, opened in August 2005, found continuing problems with power presses and resulted in one serious, three willful, and five repeat citations. The willful and serious charges involved lack of guarding on mechanical power presses and press brakes, failure to conduct safety inspections on the machines, and using an incorrect type of drive-motor starter. The repeats dealt with unmet requirements in training, isolating energy sources, equipment inspection, and other issues.

"Any one of these violations has the potential to cause serious harm, even death, to workers," noted OSHA

Area Director Diane Turek. "Amputations [and] crushed hands and fingers are far too often the tragic consequence of operating mechanical power presses when employers shirk their responsibility to keep the workplace safe."

The site has been inspected five times in as many years, says OSHA. [48, 89, 111]

CALIFORNIA

Smaller Bins = Fewer Injuries Concludes UC Research Study

Back injuries and related musculoskeletal disorders (MSDs) among grape-harvest workers were reduced when they used smaller bins to collect the crop. A study published in the January-March 2006 issue of the University of California's *California Agriculture* research journal discusses the benefits of the simple engineering solution. According to the publication, MSDs are the most common and costly job-related injuries in agriculture. Workers who harvest grapes by hand are especially at risk. They constantly turn, twist, and lean forward to remove grapes from the vine, while routinely carrying up to 80 pounds, then lifting to dump the grapes into gondolas.

"It may seem obvious that lightening the load would reduce back injury risk, but the problem is more complicated in that workers handle heavy loads differently than lighter loads," explained UC Berkeley's James M. Meyers. Lighter loads may be moved with more bending, velocity, and twisting, exposing workers to other risk factors.

Meyers and his colleagues conducted a 3-year study among grape harvesters in Napa and Sonoma counties. They provided workers with a smaller tub that reduced the average load from 57 to 46 pounds. Based on a reduction in risk, the companies involved in the study all adopted the smaller tub.

UC researchers have found that in the case of agricultural workers, training by safety professionals is generally

less effective than engineering interventions. [4, 15, 19, 157]

Nursery Agrees to Huge Fine in Asbestos Exposure Case

Color Spot Nurseries Inc. of Salinas has agreed to pay more than \$600,000 in health and safety penalties in connection with improperly handling and disposing of asbestos. The agreement was reached with the Monterey County district attorney's office. Color Spot distributes plants, vegetables, and herbs.

According to the *Bay City News Wire*, the company directed its employees to illegally handle and dispose of deteriorating asbestos covering pipes and equipment at a facility on Espinoza Road. The news service quoted the district attorney's office: "The violations put workers, neighbors, and the environment at risk and the conduct gave Color Spot an unfair advantage over those businesses that comply with California laws." No injuries were reported in connection with the violations.

Under the settlement agreement, the county health department reportedly will receive \$5,000 to train other businesses to better comply with applicable state laws. Additional funds will go toward cleaning up the site and maintaining compliance. Also, according to the settlement, Color Spot was ordered to ensure that employees receive proper training and follow hazardous waste laws. The case was M78066. [12, 19, 48]

PENNSYLVANIA

Insurance Plan Revived, Says Keystone State Exec

The health insurance plan covering state employees, their families, and retirees is back on sound financial footing, according to Pennsylvania Budget Secretary Michael J. Masch. The plan is known as the Pennsylvania Employees Benefit Trust Fund (PEBTF). Masch credits Governor Edward Rendell for the improvements, noting that previous administrations had failed to increase state contributions to the fund as healthcare costs rose in the 1990s.

PEBTF board members pursued a number of initiatives to return the fund to solvency, including insisting that healthcare providers guarantee that fees charged are equal to or less than those charged to similar customers. And there was an emphasis on negotiating competitive costs with suppliers for certain benefits, such as prescription drugs and medical equipment.

A statewide initiative known as "Get Healthy" has also played a role. It offers financial incentives to plan members who take a health-risk assessment and become involved in managing their own health. The plan serves 300,000 people, among them 140,000 state employees. Learn more about the plan and "Get Healthy" at <http://www.pebtf.org>. [81, 143]

FEDERAL REGISTER DIGEST

SAFETY AND HEALTH

OSHA STANDARDS

Hexavalent chromium (Cr(VI)) final rule. OSHA is amending its existing standards for general industry (1910.1000 and 1910.1026), construction (1926.55 and 1926.1126), and shipyards (1915.1000 and 1915.1026), lowering the permissible exposure limit (PEL) from 52 to 5 micrograms of Cr(VI) per cubic meter of air as an 8-hour time-weighted average. The standard also includes provisions relating to preferred methods for controlling exposure, respiratory protection, protective work clothing and equipment, hygiene areas and practices, medical surveillance, hazard communication, and recordkeeping. **Effective date:** May 30, 2006. **Start-up date for all provisions, except engineering controls:** November 27, 2006 (May 30, 2007 for employers with fewer than 20 employees). **Start-up date for engineering controls:** May 31, 2010. **Contact:** Kevin Ropp at 202-693-1999. **Source:** 71 *FR* 10100 (February 28, 2006).

Roll-Over Protective Structures. OSHA is confirming the effective date (February 27, 2006) of its direct final rule reinstating its original construction and agriculture standards that regulate the testing of roll-over protective structures to protect employees who operate wheel-type tractors. **Contact:** Kevin Ropp at 202-693-1999. **Source:** 71 *FR* 9909 (February 28, 2006).

- Vaccine should be offered at the workplace, during all shifts, and at no cost to employees.
- Hospitals should use strategies proven to improve vaccination coverage such as education to combat fears and misconceptions about influenza, use of reminders to staff, and having leadership set an example by getting vaccinated.
- Facilities should obtain a signed form from staff who decline vaccination for reasons other than medical. This tool is designed to help facilities better monitor who is offered vaccine, employee concerns, and barriers to vaccination coverage.

Since 1984, CDC has recommended that all healthcare personnel be vaccinated. The protection has been shown to improve patient outcomes, reduce absenteeism, and decrease influenza infection among staff. However, vaccination coverage among healthcare workers still remains low, about 40 percent annually. [22, 73, 93.5, 194.2]

Labor Group Posts Data on 60,000 Companies

Job Tracker, a new online database launched by the group Working America, lists safety and health violations and related data on more than 60,000 U.S. companies. Visitors can use the site to bring up details about a company's injury rate and specific violations cited by OSHA, as well as information on any workplace fatalities or catastrophic incidents.

The database was culled from OSHA records, documents obtained via the Freedom of Information Act, and other sources.

Working America also tracks companies that have been contacted by OSHA to inform them that they have high rates of injury and illness and should take action to reduce risk. Working America is an affiliate of AFL-CIO. The site is at <http://www.workingamerica.org/jobtracker>. [98, 104, 179, 196]

Did You Know:

- ✓ Workers are most at risk of injuries during their first month on the job?
- ✓ The typical job injury can cost your company \$4,000 or more?
- ✓ The orientation period is a golden opportunity to get new employees off on the right foot and to develop safe, responsible workers?

Coming Up

- On-Site Health Clinics—
A Growing Trend
- Time to Focus on MSDs Again
- Incident Response—
How to Do It Right

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