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The Workplace Experts

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SAFETY

OSHA Steps Up the Pace

The federal agency has announced a number of regulatory priorities, including a request to hire 130 more OSHA inspectors. With states increasing their enforcement activities as well, HR leaders should ensure documentation and safety procedures are up to date. A safety audit could help locate deficiencies, experts say.

This year will be no time for slacking on the workplace-safety front, as the Occupational Safety and Health Administration continues an enforcement policy that's far more activist than during the Bush administration.

The Obama administration is seeking an additional \$50 million from Congress to finance the hiring of 130 additional OSHA inspectors. Meanwhile, the agency has announced a number of regulatory priorities that include initiatives to protect workers from exposure to airborne diseases such as severe acute respiratory syndrome, updated regulations for crane and derrick safety, and updated rules for protecting workers from exposure to crystalline silica dust. OSHA also plans to develop a comprehensive standard that addresses combustible dust, which was responsible for a 2008 explosion at an Imperial Sugar refinery in Georgia that killed 14 workers.

Some of the initiatives, particularly the proposed combustible-dust standard, are opposed by industry groups. Organizations such as the National Association of Manufacturers contend that a combustible-dust standard is unnecessary because existing OSHA regulations are sufficient. Ashley Brightwell, a labor and employment attorney at Alston & Bird in Atlanta who closely follows OSHA, says the Obama administration wants OSHA to become more aggressive. "There was a perception that a lot of employers didn't take OSHA seriously in terms of enforcement and standard-setting," she says. "OSHA came under a lot of criticism that it was too lenient."

The agency's recent actions may already be changing that perception, including the record-setting \$87 million fine it levied against BP last October for what it said was the company's failure to correct hazards that led to an explosion at its Texas City, Texas, refinery in 2005, killing 15 employees.

Among other activities, OSHA is also putting together a special training program for its compliance officers to focus on employers that report low injury rates in high-injury rate industries and is re-evaluating its policies, concerned that current fines and penalties are too low, says Brightwell.

Labor groups such as the AFL-CIO have long complained that the punishments levied against employers for safety violations are insufficient. Bills have been introduced in the U.S. House and Senate that would amend the Occupational Safety and Health Act of 1970 (the law that created OSHA) to substantially increase the penalties for violations.

Welcome

New Members

Chemical Distributors

Renewal

Aqua Jet Sewer Services
Aries Chemical
Binghamton-Johnson City
Joint Sewage
Erie County Ag Society
Nick Orso Auto
Norampac Industries

Small Business Safety Assoc.
*Compliance...
affordable & accessible*

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ENVIRONMENTAL

EPA Tallies '09 Enforcement Results

The U.S. Environmental Protection Agency has released enforcement results for fiscal year 2009. In FY2009, EPA concluded enforcement actions requiring polluters to invest more than \$5 billion on pollution controls, cleanup, and environmental projects. Civil and criminal defendants committed to install controls and take other measures to reduce pollution by approximately 580 million pounds annually once all required controls are fully implemented.

The EPA has developed a new Web-based tool and interactive map that allows the public to get detailed information by location about the enforcement actions taken at approximately 4,600 facilities. The maps show facilities where civil enforcement actions were taken for environmental laws for air, water, and land pollution, and a separate map shows criminal enforcement actions.

For the past 10 years, EPA has described annual enforcement results by focusing primarily on two measures, the estimated pounds of pollutants reduced and estimated cost of commitments made by defendants to control or reduce pollution. These measures vary significantly from year to year and are dependent upon the number of large cases that settle in a given year. The agency noted that while these large cases are a vital part of its work to protect public health and improve compliance, they do not reflect the totality of the annual environmental enforcement activities, and do not capture the number and variety of enforcement actions taken to help clean up local communities. The new mapping tool is designed to help increase transparency, improve access to data, and provide the public with the bigger picture of enforcement activity occurring in communities around the country.

Source: *ohsonline.com*

*Enforcement actions
requiring polluters to
invest more than
\$5 billion*

In late 2008, the EPA released changes to the Spill Prevention, Control, and Countermeasure (SPCC) regulations. The changes were to take effect in February 2009, but the effective date was extended to January 14, 2010, creating compliance confusion for employers and others.

The SPCC regulations require owners and operators of facilities that use, store, transfer, or consume oil or oil-based products (including animal fats and vegetable oils) to develop and implement SPCC plans, certified by a professional engineer, to prevent releases of oil to waters of the United States. SPCC plans generally are required for a broad cross-section of facilities with aboveground storage capacity of 1,320 gallons or underground capacity in excess of 42,000 gallons of oil or oil-based products.

OSEA can assist with the development and implementation of SPCC plans and other environmental issues.



Occupational Safety & Environmental Assoc., Inc. serves construction, industrial, manufacturing clients, municipalities and Health care agencies in the U.S. and abroad For more information, contact the Buffalo office

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The reader should continue to seek the services of competent professionals when required.

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CONSTRUCTION

Falls Kill 3 High-Rise Workers

OSHA is proposing penalties against four contractors for alleged safety violations following a scaffolding incident that killed three workers at a high-rise luxury apartment construction site.

The contractor was cited with three serious violations including failing to develop and implement a safety and health program and failing to provide a competent person to inspect the scaffold prior to its use. The company also was cited with two repeat violations for failing to provide adequate fall protection systems and failing to adequately train workers to recognize scaffolding hazards. Proposed penalties total \$36,400.

The agency also cited the owner and installer of the scaffolding system, with a willful citation for not having scaffolds designed by a qualified person and constructing and loading the scaffold in accordance with that design. OSHA also cited the company with eight serious violations including failing to provide scaffolding capable of supporting four times the maximum intended load, failing to have a competent person inspect the scaffolding and its components, and failing to repair or remove damaged scaffold parts. Proposed penalties total \$86,800.

The general contractor and the prime contractor each were cited with four serious violations for failing to have scaffolding and its components inspected by a competent person, failing to provide adequate fall protection systems on scaffolds, and failing to train employees on the use of scaffolding systems. Proposed penalties were \$14,000, and \$22,400.

Source: *ohsonline.com*

Violations including failing to develop and implement a safety & health program

OSHA Steps Up the Pace *(continued from pg. 1)*

OSHA is also becoming increasingly reluctant to bargain with employers over the violations, she says. "In the past, employers have often been successful in getting 'willful violations' downgraded to 'unclassified,' which makes the settlement much more palatable for the employer," says Brightwell, because fines are usually reduced and criminal charges are not filed. "But OSHA has gone on record as saying that from now on, unclassified violations will be granted much less frequently than in the past," she says.

Greg Dale, a partner at Baker & Daniels in Indianapolis, says state safety agencies are also stepping up their enforcement activities due, at least in part, to federal pressure. "There's been quite an increase in compliance enforcement and less focus on cooperative programs between safety agencies and employers," he says.

Considering that stepped-up enforcement by OSHA and its state counterparts will be a fact of life for the foreseeable future, Dale advises HR leaders to ensure their organizations' safety and training records are updated regularly. HR leaders should also require periodic reviews of safety processes as well as safety audits. "Having a mock OSHA inspection, in which an outside safety consultant comes in and reviews their operations, will ensure companies get an independent viewpoint on their safety processes," he says.

Brightwell agrees that HR would be wise to prepare for stepped-up OSHA inspections. In addition, HR should ensure that key employees understand the importance of updating required documentation and know who to call should an OSHA inspector have additional questions. "Make sure your employees are prepared for when those compliance officers walk through the door," she says. "Lots of employers don't think about OSHA until they're actually there."

Source: *hreonline.com*

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OSEA February Training**Buffalo**

5 8-Hr Hazwoper Refresher
8 Fall Protection
11 10-Hr Construction Safety
22 NFPA 70E/Arc Flash

March 25-29
24/40-Hr Hazwoper

Syracuse

8-12 24/40-Hr Hazwoper
11 Trenching & Excavation
11 Confined Space
12 HazMat Transportation
26 NFPA 70E/Arc Flash

March 12
8-Hr Hazwoper Refresher

Charlotte

5 First Aid/CPR/AED
16-18 10-Hr Construction Safety
18-19 10-Hr General Industry Safety
22 NFPA 70E/Arc Flash

March series
Supervisory Safety Strategies

Call us at 716-821-0091
800-867-OSEA (6732)
Or online at www.osea.com

HIGHLIGHTS

One Stress Management Strategy

Adapt to the stressor

If you can't change the stressor, change yourself. You can adapt to stressful situations and regain your sense of control by changing your expectations and attitude.

- **Reframe problems.** Try to view stressful situations from a more positive perspective. Rather than fuming about a traffic jam, look at it as an opportunity to pause and regroup, listen to your favorite radio station, or enjoy some alone time.

- **Look at the big picture.** Take perspective of the stressful situation. Ask yourself how important it will be in the long run. Will it matter in a month? A year? Is it really worth getting upset over? If the answer is no, focus your time and energy elsewhere.

Adjust your standards. Perfectionism is a major source of avoidable stress. Stop setting yourself up for failure by demanding perfection. Set reasonable standards for yourself and others, and learn to be okay with "good enough."

- **Focus on the positive.** When stress is getting you down, take a moment to reflect on all the things you appreciate in your life, including your own positive qualities and gifts. This simple strategy can help you keep things in perspective.



Source: www.helpguide.org