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## Nutrition Products Co. Facing \$1M Plus in OSHA Fines

OSHA has cited Milk Specialties Co. in Whitehall, Wisconsin, with violations of safety and health standards and has proposed \$1.1 million in penalties. The agency began a December 2008 inspection in response to a complaint alleging a variety of hazards at the company's whey processing plant. Milk Specialties develops protein and fat products for nutritional applications. The company has been inspected 15 times since 1974.

Willful citations were issued for Milk's failure to comply with confined space

entry and control of hazardous energy requirements. The agency found untrained employees entering confined spaces and performing maintenance on powered equipment without protection.

"I am committed to ensuring workers return home to their families safe and healthy at the end of every shift," said Labor Secretary Hilda L. Solis. "Employers must fully address hazards, properly train their employees, and plan their work in a safe manner."

## OSHA Reasserts Commitment to Federal Worker Safety

A nationwide inspection program targeting federal workplaces remains in force, OSHA confirmed in a statement last month. The agency announced that it is continuing its nationwide program begun last year to protect federal workers and contractors whose work is supervised on a daily basis by federal agency personnel.

The Federal Agency Targeting Inspection Program targets agencies with a large number of lost time injuries based on data from 2008 reports. The program began in response to a GAO audit report. Last year, field inspectors conducted 109 inspections of high hazard federal worksites and found multiple violations of OSHA safety and health standards.

## Healthiest Companies in America Address Issues Early

Measurable progress in reducing medical costs and encouraging employee health through prevention has led 82 firms to be named the Healthiest Companies in America for 2008. The distinction is awarded by Interactive Health Solutions, Inc. (IHS), which provides health management programs to companies nationwide.

like Tootsie Roll Industries, Gallatin Steel, and Takeda Pharmaceuticals. IHS data show that companies with the least healthy employees have higher workers' compensation and short-term disability costs.

The award is based on clinical evaluations of employee participants across an index of health indicators. Winners were selected from more than 1,000 organizations and include well-known businesses

"The Healthiest Companies winners provide true preventative care because employers and employees take an active role in their own health care through our program, allowing them to assert added control over costs," says IHS Chief Executive Jim Banks.

## Researcher Finds Link Between Physical, Psychological Well-being

A Kansas State University professor says that employee well-being was a "significant predictor" of cardiovascular health. The measurement used by study author

Thomas A. Wright is what is known as *pulse product*. It is defined as an efficiency-based ratio calculated by the

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difference between systolic and diastolic blood pressure, multiplied by pulse rate, and divided by 100. Employees with higher levels of psychological well-being appeared to have lower or more efficient pulse product scores.

The research, published in the *Journal of Organizational Behavior*, noted that employee cardiovascular health can have costly effects on individuals and organizations. Wright says some employees hesitate to have their blood pressure taken because they fear the findings may be used against them in the workplace. He recommends that employers provide employees with the opportunity to anonymously access BP-monitoring equipment at work.

## Railroad Must Pay for Alleged Whistleblower Retaliation

OSHA whistleblower investigations have found that the Metro North Commuter Railroad Co. retaliated against four employees who reported work injuries. OSHA ordered the railroad, which provides commuter service in New York, New Jersey, and Connecticut, to take corrective actions and pay back wages. A total of \$300,000 in punitive damages was assessed as well.

The employees, who suffered injuries in 2007 and 2008, filed whistleblower complaints. They alleged that the railroad disciplined them for reporting injuries, interfered with medical treatment plans, and/or reclassified injuries. OSHA found that the complaints had merit.

Metro North has been ordered to take actions including expunging the disciplinary action from the employees' records, compensating the workers, ensuring that work-related sick leave will not be considered in assessing unsatisfactory performance, and

ensuring that reporting injuries or illnesses does not disqualify employees from transfers or promotions.

## Safety Exec Says Protection Programs Are Good Business

American manufacturers are increasing market share in the marketplace due, in part, to maintaining effective job safety and health programs.

That was the message of Michael Coleman, manufacturing practice leader with the American Society of Safety Engineers (ASSE). Coleman, safety manager for Rockline Industries' Arkansas Division, noted in a recent address that sustained competitive edge is tied to *not* cutting safety and health programs during a down economy.

Coleman told fellow safety professionals that if companies believe they will save money by reducing or ignoring safety, they are mistaken. "Not only does their bottom line benefit positively," he said, "but their company reputation stays intact, employees stay safe and healthy...." The results include savings on health care, workers' compensation, training, and turnover costs.

## Boat Maker Feels Wind in Its Sails: Reaches 1M Safe Hours

For the second time, Jeffboat, a manufacturing division of American Commercial Lines Inc. (ACL), reached the goal of working a million hours without a lost time injury. Jeffboat is the nation's largest inland shipbuilder and repair facility. Jeffboat and its Teamsters local received the award from the University of Louisville Labor-Management Center.

They were cited for cooperation between management and labor with

the goal of improving safety, productivity, employee performance, efficiency, and cost effectiveness.

ACL Vice President Jacques Vanier credits corporate commitment, employee involvement, and accountability for the company's safety success. The company is headquartered in Jeffersonville, Indiana, and has approximately 3,400 employees.

## European Agency Anticipates Future Hazards

The European Agency for Safety and Health at Work has published a series of expert forecasts of emerging risks in the world of work. Among the top 10 are nanoparticles and ultrafine particles, diesel exhaust, and manmade mineral fibers.

Although nanoparticles (NPs) are currently being used in many applications, there is a need for further study into health and safety concerns.

NPs can have very different properties from those that the same materials possess at normal size. Scientists know that NPs can enter the human body; however, the degree of danger is not known at this time.

There are indications that they can cause cardiopulmonary effects, toxicity, autoimmune effects, modification of protein structures, and be carcinogenic. At this time, there is sufficient data to begin to develop work practices of reduce workplace exposure.

## Solis Headlines Annual Safety Engineers' Meeting

On June 29, U.S. Secretary of Labor Hilda L. Solis addressed attendees at the American Society of Safety Engineers' (ASSE) Professional

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Robert L. Brady, J.D., *Publisher*; Peggy Carter-Ward, *Editor in Chief*; Judith A. Ruddy, *Managing Editor*; Carolyn Leese, *Editor*; Evelyn Sacks, *Associate Editor*; Corinne Weber, Sandra Fisher, *Proofreaders*; Agnes D. Franks, *Marketing Manager*; Rebecca MacLachlan, *Graphic Designer*; Sherry Newcomb, *Layout Production*. Contact Customer Service for reprints at 800-727-5257, ext. 2301. OSHA Compliance Advisor is issued by BUSINESS & LEGAL REPORTS, INC. Editorial and business offices are located at 141 Mill Rock Road East, P.O. Box 6001, Old Saybrook, CT 06475-6001. ©2009 Business & Legal Reports, Inc.

Issued 24 times per year. Subscription price: \$349.95 annually. Periodicals postage paid at Old Saybrook, CT 06475-9998.

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# Compliance Report

## Industrial Strength Safety and Health Manufacturing Businesses Push for Protection

Despite market challenges, the manufacturing sector continues to deliver innovative, successful worker protection programs. Sure, employment is down (due to the recession and to higher productivity), but that's not stopping many businesses from going beyond OSHA requirements to identify and eliminate hazards from production jobs. In many cases, including several profiled in this *Compliance Report*, they're doing it in partnership with their employees—the people most familiar with shop floor hazards.

Find out how world-class companies like Johnson & Johnson and Kimberly-Clark are making manufacturing safer. Share the insights of experienced safety consultants. And get inspired by impressive case studies of smart, cost-conscious problem solving.

*If employees don't understand the why, not just the how, they'll never get beyond a certain point. You need to motivate them by reminding them that the reason to work safely is to protect their lives and their families ...*  
—Fred Rine

### VOICE OF EXPERIENCE

Fred Rine is founder and CEO of FDRSafety, a full-service consulting group headquartered in Brentwood, Tennessee. Rine is an OSH veteran with nearly 4 decades of experience in manufacturing, steel, and transport. Over the years he's developed strong views about what works in worker protection. Asked what differentiates average from excellent when it comes to manufacturing safety, Rine says the difference is the engagement of personnel at all levels.

**Senior management.** He believes in the adage, "What interests my boss fascinates me." So if a leader is highly engaged in safety, employees will likely follow suit. Rine recalls his experience as the safety director

of a company with 3,000 employees. The CEO stated consistently that he would not compromise safety, a belief that trickled down to everyone under him. But commitment isn't enough—leaders must also be involved.

**The supervisory force.** Positioned between employees and managers, frontline supervisors are the "meat" of the sandwich in manufacturing plants. That, says Rine, makes theirs the toughest job of any organization. Their concern for employees and active involvement in safety is essential to success.

**Hourly employees.** Safety professionals need to find ways to make hourly workers part of the process. When frontline employees are asked to contribute to making the job safer for others, they're more likely to work safely themselves.

Rine anticipates that the next several years are likely to bring a greater emphasis on compliance. "President Obama is going to put more strength into OSHA, which is not necessarily a bad thing. But it means that we're going to see a lot of enforcement and increased penalties," he says. The Bush administration, by contrast, was more interested in cooperation between business and government.

With that shift in mind, he recommends that manufacturing employers get back to the basics. That means steps like ensuring that records are accurate, facilities are in compliance with OSHA standards, and the management team fully understands what's required. Rine also emphasizes motivating production employees to work safely. But he's not referring to gift cards and baseball caps. "You need to motivate them by reminding them that the reason to work safely is to protect their lives and their families," says Rine.

"If employees don't understand the why, not just the how, they'll never

get beyond a certain point." And when it comes to accountability, employees should understand that enforcing the rules is not about penalizing them. "We're enforcing the rules not to punish, but so that employees get home to their families. You have to keep the message positive."

### RX FOR MANUFACTURING SAFETY

At Noramco Inc.'s Athens, Georgia, headquarters, just under 200 people produce medical devices and bulk pharmaceuticals—the active ingredients that go into medications. Noramco, a division of Johnson & Johnson, has been a member of OSHA's VPP since 2003. Environment, health, and safety (EHS) Manager Steven "Tim" Smith and staff process safety manager (PSM) engineer Reid Holbrook agreed to share best practices.

Smith says the top causes of injuries are ergonomics; chemical contact; and slips, trips, and falls. Many material handling-related injuries have been eliminated at Noramco by installing mechanical lift devices. Instead of manually adding the contents of a large drum into the reactor (a process known as "charging"), devices that lift and move the drums perform this taxing chore.

Solving this ergonomic challenge also helped mitigate employee exposure to chemicals. "There's a lot more exposure if the charging is done haphazardly," notes Smith. In this case, an industrial hygiene solution goes hand in hand with an ergonomic fix.

In order to determine who's hurting and where, Noramco asks employees to take an annual discomfort survey. Each worker completes a form with questions about their duties, material handling requirements, repetitive motion, and any discomfort/conditions that may not be work related but are worsened by job duties. "The premise," says Holbrook, "is that early intervention or even minor first aid can help

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avoid significant discomfort, or even time away from work.” The survey findings are reviewed by an onsite nurse and the plant ergonomics team, which helps prioritize and make needed changes.

In between annual surveys, the ergo team operates a Red Flag program, a “simple but innovative” early warning system. Any time employees sense discomfort or even an atypical twinge, they can request a risk assessment by a member of the team. Members—specially trained fellow workers—respond quickly so that the requestor does not have to wait for a member of the safety department to show up.

### Checking It Twice

Another way Noramco beats back injuries on the plant floor is by building safety into its management of change and prestart-up safety review processes. Holbrook explains that before any altered piece of equipment (or new equipment) is turned over to employees as “ready to use,” an ergonomics team member evaluates the change for its potential impact on safety. Depending on the complexity of the alteration, it could also require review by other teams that specialize in machine guarding, confined space entry, etc.

Speaking of teams, the facility has several others, all employee led, that address slips and falls, first aid, emergency response, and behavior-based safety. One with a unique name and a familiar purpose is the “right-to-exist” team. According to Smith, it was born of the company’s philosophy that in order for the business to even exist, it has a responsibility to meet basic safety, health, and environmental standards. The team is a general OSH committee, meeting monthly to assess plant activities from an EHS standpoint, and to share successes and challenges.

### Better Behaviors

The Athens Noramco location has run a successful behavior based safety (BBS) program for about 6 years. Although there were observation quotas when the program started,

that’s no longer the case. Voluntarily, employees and managers now deliver a total of about 200 observations each year.

The traditional observation and feedback principles are in place, but they have been updated in innovative ways. For example, the checkoff card common in BBS programs is based all on internal data, rather than off-the-shelf criteria. That means the behaviors being observed are specifically related to the tasks performed at the plant. Despite initial resistance to the behavioral initiative, employees now like it. Some have observed that conducting the observations helps improve their own awareness.

Another innovative aspect is collecting the feedback from the observations into a data bank. When an accident or incident does occur, the data bank is used to conduct an error analysis. The analysis asks what hazards contributed to the accident, if the related behaviors match those observed, if corrective actions are being taken to address identified hazards, and whether training is aligned with the hazards.

For example, the data collection effort helped site leaders recognize that more accidents were occurring around holidays than at other times. Now, after July 4 and other days off, everyone takes a “safety time-out” before production is begun. During this brief work stoppage, safety rules and process hazards are reviewed. One tool Smith uses is *YouTube* videos. He searches the site for clips of specific hazards he wants to illustrate. “It’s very affordable and often the videos posted are quite dramatic,” says Smith.

### Other Strengths

A robust process safety management (PSM) program is essential at Noramco, where potentially hazardous materials and processes are in constant use. Holbrook says an integrated change control process sets the stage for all PSM activities. Process hazard analysis, risk assessment, and a mechanical integrity process are also critical, he says. When it comes to permitting, the company prides itself on exceeding OSHA requirements. Permits are required not just for hot work and confined spaces, but also for

excavation, electrical safety, lockout/tagout, working at heights, and line breaking, which refers to the process of opening a pipe or process in which chemical energy is stored.

The industrial hygiene (IH) process of PSM is another best practice. The goal of Noramco’s engineering and administrative controls is to create an environment in which employees can work in shirtsleeves rather than in chemical suits. “It’s an ongoing pursuit,” says Holbrook. “We do significant medical surveillance and IH monitoring for all those with exposure to chemicals, noise, and heat.”

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## SHARING WHAT HE KNOWS

Scott Gaddis is a pedigreed safety professional who started his career with GE, then joined Kimberly-Clark Professional (KCP), a business segment of Kimberly-Clark Corporation (KCC). Over the years, his career progressed and he eventually took on the role of North American safety leader for KCC. But, as he tells it, Gaddis was never totally comfortable in the executive office. His real love is getting out in the field and implementing the strategies that keep people safe, which he has successfully done for years at Kimberly-Clark manufacturing sites.

He did it so well that the company has now dispatched him across the globe to share what he knows with others. Gaddis is one of those “this is my mission” safety professionals who believe strongly in prevention and protection. Describing his role as “an army of one,” Gaddis continues to reach out to KCC manufacturing sites as well as some of its customers.

“We’re past the idea of selling something,” he explains. “I have the privilege of going around the world to add value by facilitating change—we’re actually giving away our own best practices.” At the end of the day, a pair of safety goggles is a pair of safety goggles,” says Gaddis. “But it’s about what else we can do to promote safety beyond products.” He consults to industries including petroleum, general manufacturing, retail, and service businesses.

Gaddis cites recent work with a large cable and wire company. "I toured the facility, talked with the safety team, and did a gap assessment, looking for fractures in their safety process. Then I came back with a list of ways they could improve, applying exactly what we've applied within our own business." It's about being part of an integrated global economy, says Gaddis—sharing corporate values and best practices.

In manufacturing as in other industries, leadership may not always value safety in the same way safety professionals and their teams do. Also, Gaddis thinks that for too long safety people have concentrated on "fixing the environment," focusing on removing physical deficiencies in a workplace. Getting to world-class safety also requires building employee capability and commitment through training, mentoring, and personal ownership.

### Strategies for Success

In his work with manufacturing businesses, Gaddis helps safety professionals get more of what they want from employees, and what they need from leadership. He recommends that, sometimes, it's wise to bring in an external source to validate what the internal safety pro is advocating. Similarly, he encourages safety people to speak the language of business—to emphasize the benefits and dollars saved over the emotional imperative for protection. Another best practice is to always have a "Plan B" when meeting with a decision maker. For example, a safety manager trying to secure funding for a costly machine guarding system needs to present his or her case strongly, but should also have a less costly alternative to present.

"There are lots of ways to mitigate hazards," Gaddis notes. "Sometimes, in making our requests, we box in our leaders, which doesn't help us get what we need." He offers the example of a KCC prevention strategy known as the Safe Operator Access (SOA) program, which goes beyond guarding equipment by controlling access to areas of potential danger. The idea is to establish layers of protection between people and potentially hazardous equipment.

## Good Ideas!

Eliminating the hazards from work processes is a persistent challenge in manufacturing. Despite automation, millions of employees encounter energized equipment, repetitive motion, amputation hazards, chemical exposure, and other risks. Smart employers and their employee teams are making work safer with cost-effective changes. Check out the following examples collected by OSHA and NIOSH:

**At Saddle Creek Corporation** (a warehouse and logistics business), employees who drove forklifts and golf carts were exposed to eye hazards from dust and other flying debris. Several years ago, the company enhanced its eye-protection policy to emphasize the importance of wearing safety glasses. Saddle Creek demonstrated the commitment by purchasing prescription safety glasses for employees who needed them and by providing standard safety eyewear for others. An expenditure of less than \$6,000 helped drop the total of eye injuries from 49 to 18 over 2 years. Two years later, there was just one injury. *Could an easy fix like this work at your place of business?*

**The Kalmar Rough Terrain Center, LLC (KRTC)**, manufacturer of specialized container-handling equipment, turned to the Texas OSHA consultation program as it ramped up to produce vehicles for the U.S. Army at a new plant in Texas. The consulting service, which is free to qualifying employers and separate from OSHA enforcement, brings a trained specialist on-site to identify potential problems.

The consultant identified 16 items that would constitute violations of OSHA standards. They included problems with lockout/tagout, breaker boxes, and eyewash stations. Working with the consultant, KRTC developed a written safety and health program. Also, supervisors implemented 26 internal recommendations to ensure compliance. *Have you considered OSHA consultation? Get contact information from your area office or search online.*

**Rynone Manufacturing Corporation**, headquartered in Sayre, Pennsylvania, is a family-owned business that manufactures marble and granite vanity tops and other products. With the goal of making work easier and safer, the employer implemented improvements including eliminating the need to lift and manually clamp a heavy hood to the vanity top mold. The new process mechanically places the mold, resulting in less lifting, less repetitive action, less air dust, and a quieter process.

Another change involves the transport of finished vanity tops. In the past, handcarts were used to manually move the tops from the finishing area to the warehouse, which required employees to lift, push, and walk. A new electric-cart system lets workers drive the heavy pieces to storage locations. This and other changes led to a significant drop in recordable and DART rates at the site. *Assess your operations with the specific goal of eliminating lifting, repetition, and noise.*

A complete SOA solution would involve an electronically controlled barrier system around operating equipment. But sometimes that degree of protection is not in the budget. An alternative would be a system of guards at the actual hazard points—less costly, but still highly protective, and more likely to be funded when budgets are tight.

### Encouraging Conversation

Like Smith and Holbrook at Noramco, Gaddis believes manufacturing businesses must go beyond the typical behavior-based strategies to achieve sustained success. He acknowledges that observing behaviors and checking them off lists is important. But real

behavioral change is more likely to result from thoughtful conversation between the observer and the observee.

At some point, adds Gaddis, you throw out the cards and engage in productive dialogue about how an employee is working and how the work could be performed more safely.

"Many companies that have implemented a behavioral process reach a stopping point," says Gaddis. "We try to move beyond that by encouraging ongoing conversation that emphasizes the fundamentals to help employees better manage their risk."

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Gaddis goes further, advocating not only helping every employee become an observer but also equipping them with tools to assess and manage their own hazards.

“At most businesses, management teams aren’t getting any bigger these days,” he says. But creating employee risk managers lets workers do more to protect themselves and one another.

At Kimberly-Clark, where 57,000 employees are employed worldwide, corporate guidelines require an annual one-on-one safety discussion between employees and team leaders.

“It’s an hour or two behind a closed door,” says Gaddis. The employee shares concerns and what he or she needs in order to work more safely. “The other half of the conversation is the supervisor discussing what the company could do to provide a safer workplace.”

### Own It

The real synergy in industrial safety lies in teams, Gaddis suggests. “I started my career years ago and eventually built a team of capable safety professionals. They worked hard and we had ‘OK’ results.

“Over time, however, I realized that it was only once we gained the synergy of the employee population that we could get to world-class results.” Giving people responsibility helps elevate their level of capability and keeps them motivated, he says.

At KCP’s Owensboro mill, Gaddis oversaw workplace safety for manufacturing employees. Each belonged to a team or had another safety responsibility.

“We had a crane and hoist safety person on every crew to ensure cranes were inspected on a daily basis, and applied the same process for fork trucks, housekeeping, and training,” recalls Gaddis.

“We also had a safety leader who was the point person for safety on each crew. I transferred my level of understanding to that person so he or she could own the process—extending my responsibility and passion for safety throughout the workforce.”

The Owensboro plant enjoyed a nearly 10-year safety streak—6 million hours worked before sustaining a lost-time injury in 2008!

Gaddis sees the emphasis on training and skill development, which he defines as “capability,” as a positive evolution. When the OSH Act was new in the 1970s, the focus was on compliance. The role of behavior emerged a decade later and continued through the 1990s.

Today, sustainable improvements are linked to employee training, capability development, and individual involvement.

### ROBUST SECTOR

The manufacturing sector is alive and well in the United States, and smart employers are seeing the value of

maintaining investments in safety and health.

According to *Forbes* magazine’s recent special report, *Made in America*, “12 million adults make something for a living in the United States.” Their efforts account for \$1.6 trillion, a fifth of world manufacturing, which is more than any other country.

Yet, manufacturing jobs are shrinking, which *Forbes* says will continue as a result of greater global productivity. But the sector is sound and will remain so for the foreseeable future. And with it comes an ongoing need for innovative protection strategies.

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## Nail Gun: Essential Tool or Lethal Weapon?

As with most labor-saving devices, nail guns decrease the amount of labor while increasing risk. The tool’s ability to fire several nails per second at a velocity of more than 1,000 feet per second presents obvious hazards.

Pneumatic nail guns are common tools now readily available to consumers, extending to the public what had been primarily a potential work-related hazard. To characterize nail-gun injuries in work and nonwork settings, CDC studied data on patients with nail gun injuries treated in U.S.

hospital emergency departments during 2001–2005. The results indicated that an average of 37,000 patients were treated for nail gun injuries each year, with 40 percent of injuries occurring among consumers.

The most common type of nail gun firing mechanism is the “contact-trip” trigger, which requires that the manual trigger and nose contact element both be depressed for a nail to be discharged. However, once the trigger is depressed, the gun will fire whenever the nose comes into contact with a

surface, whether that is construction materials or a human body.

A safer, although slower, firing mechanism is the “sequential-trip” trigger, and it requires the nose contact to be depressed before the manual trigger, rather than simultaneously with the trigger, in order to discharge a nail. This makes the unintentional discharge of nails less likely.

Even if the tools have built-in safety devices, you must follow safety precautions as well.

(continued on the next page)



# Trainer's Corner

## Make Sure Your Workers Get To and From Work Safely

**Talk up these safety tips for traveling by car.** Encourage employees to take these precautions when commuting by car so that they arrive at work safely and get home safely, too:

- Keep vehicles in safe operating condition.
- Wear seat belts and require passengers to wear theirs, too.
- Keep your mind on your driving and your eyes on the wheel.
- Stay 2 to 4 seconds behind the vehicle in front.
- Obey traffic rules, signs, and signals.
- Adjust speed to suit road and weather conditions.
- Keep alert when going through intersections and when passing other vehicles.
- Be careful in parking areas, especially when it's dark.
- Keep vehicles locked when parked, and keep doors locked while driving.

**Explain how to keep safe on the street.** Remind workers to be careful when coming to work on foot as well. Suggest these precautions:

- Watch where you're walking, and wear sensible walking shoes if you have a long way to walk.
- Take extra caution if sidewalks are slippery and in the dark when visibility is limited.
- Be careful crossing streets, using crosswalks or crossing at traffic lights.

- Stay with the crowd on well-traveled streets, and stick to well-lit streets when it's dark.
- Walk to and from work with a friend or co-worker if you're concerned about safety.
- Avoid shortcuts through tunnels, alleys, parks, etc.
- Walk briskly and confidently, head up, and alert to what's around you.
- Watch out for people stepping out from doorways or parked cars.
- Avoid wearing expensive jewelry (or at least keep it out of sight).
- Avoid carrying large amounts of cash or discussing your destination or daily routine in public.

### Offer these tips for commuting safely on public transportation.

When employees take public transportation to and from work, they should:

- Watch their step getting on and off.
- Have their fare ready so that they don't have to take out their wallet.
- Stand well back from the edge of a subway or train platform.
- Avoid entering an empty train or subway car.
- Sit near the driver when there are few people on the bus.
- Sit up straight, and stay awake and alert while traveling.
- Hold on to their purse or briefcase securely.

### Why It Matters...

- ✓ Someone dies in a motor vehicle accident every 11 minutes, and someone is injured every 18 seconds.
- ✓ In parking areas, especially when it's dark, employees might be struck by vehicles or assaulted, especially after dark.
- ✓ When walking to and from work or using public transportation, employees may be at risk of being struck by cars, buses, or trains; being mugged or assaulted; or tripping and falling.
- ✓ Training employees to take simple precautions can prevent accidents and injuries, and ensure that employees arrive safely at work and get home safely, too.

- Be alert at bus stops or when walking to or from public transportation, especially at night.

### 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.

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For example:

- Always wear safety glasses or a face shield and a hard hat plus hearing protection.
- Never leave nail guns unattended or point them at yourself or anyone else.
- Bring the tool into position against the surface; then pull the trigger.

- Check the surface that you are nailing into to be sure that the receiving surface is thick and sturdy enough that the nail, stud, or pin cannot go completely through it. There have been accidents when a nail went completely through a wall and killed a worker on the other side.
- Don't fire into a very hard surface such as cast iron, rock, or glazed tile—the nail, stud, or pin might just bounce off.

- Do not permit other workers close enough that they could be injured by a fastener bouncing off a hard surface or a flying chip of loosened material.
- Post warning signs for anyone coming into the area.
- Read the operating instructions before using a new tool—similar tools may have different features.

# Washington Watch

## GAO: Improved Oversight Yields Better VPP Program Quality

The Government Accountability Office (GAO) has conducted an assessment of OSHA's Voluntary Protection Programs (VPP), concluding that "improved oversight and control would better ensure program quality."

The assessment was in response to a congressional request to review VPP worksites and the factors that have influenced growth; the extent to which OSHA ensures that only qualified worksites participate in the program; and the adequacy of OSHA monitoring and evaluation.

The report notes that VPP has grown steadily since it began in 1982—from 1,039 sites in 2003 to 2,174 in 2008.

But according to GAO, OSHA's internal controls are insufficient to ensure that only qualified worksites participate.

The report states that the lack of a policy requiring documentation of follow-up in response to incidents (such as fatalities and serious injuries) limits the ability of the national office to ensure that the required actions have been taken. As a result, some sites that no longer met the criteria for the program remained in VPP.

Also of concern was a lack of metrics. Although OSHA claims that low injury and illness rates are effective measures of performance, these may not be the best. That's because GAO found discrepancies between the rates reported by worksites annually to OSHA and the rates the agency noted during its on-site reviews.

Also, OSHA has not assessed the impact of VPP on worksites' injury and illness rates.

GAO recommended that the Secretary of Labor:

- Develop a communication policy for information on actions taken by OSHA's regions in response

to fatalities and serious injuries at VPP sites.

- Establish internal controls that ensure consistent compliance by its regions with VPP policies.
- Develop goals and performance measures for VPP.

Meanwhile, OSHA says it will address problems identified in the report, including conducting a comprehensive evaluation of its VPP and alliance programs.

## U.S. Airlines & FAA Agree to Improvements In Safety and Training

Senior officials from U.S. airlines, pilot unions, and the Federal Aviation Administration (FAA) have agreed on several major steps to improve safety programs and pilot training at the nation's airlines.

The *Call to Action* was hosted by FAA Administrator Randy Babbitt and Secretary of Transportation Ray LaHood. Their aim was "to identify immediate steps to strengthen and improve pilot hiring, training, and testing practices."

The participants agreed on best practices that would result in a more expansive search for all records available from a pilot's career. It would include all records the FAA maintains on pilots as well as records airlines receive from past employers.

Also, the airlines and unions will review existing pilot-training programs over the next several months to see how they can be strengthened.

The parties recommended mentoring programs that will expose less experienced pilots to the safety culture and standards of more senior peers. And to address concerns about pilot fatigue, Babbitt said FAA will start rulemaking to rewrite regulations for pilot flight and duty time.

The changes will incorporate scientific research about the factors that lead to fatigue.

The representatives agreed to hold as many as 10 similar meetings throughout the country.

## OSHA Seeking Applications for Millions In '09 Training Grants

OSHA is seeking applications for nearly \$7 million in Susan Harwood Training grants from nonprofit, community, and faith-based organizations. The grants provide training and education for workers and their employers.

For fiscal year 2009, the Harwood program identified 24 targeted topic areas, including:

- Crane safety,
- Combustible dust,
- Emergency preparedness and response, *and*
- OSHA recordkeeping.

The grants will be awarded for a 24-month period.

Applications are due July 24 and can be submitted electronically using the government website, <http://www.grants.gov>.

There's additional information at <http://www.osha.gov/dcsp/ote/sharwood.html>. The Web page includes tips on how to improve a Harwood grant submission.

The program is named in honor of the late Susan Harwood, a former director of the OSHA's office of risk assessment. During her 17-year tenure with the agency, Harwood helped develop OSHA standards to protect workers exposed to blood-borne pathogens, cotton dust, benzene, formaldehyde, asbestos, and lead in construction.

Says OSHA Acting Chief Jordan Barab: "The Susan Harwood Training Grant program welcomes organizations that can serve as extensions of our agency to educate workers and their employers on reducing injuries and illnesses and saving lives."



## MSHA Publishes Final Rule for Underground Coal Rescue Teams

The Mine Safety and Health Administration (MSHA) published a final rule in the June 17 *Federal Register* for mine rescue teams regarding underground coal mines.

It amends an existing standard published February 8, 2008, in accordance with the Mine Improvement and New Emergency Response (MINER) Act of 2006.

The United Mine Workers of America challenged that rule and, on February 10, 2009, the U.S. Court of Appeals for the District of Columbia Circuit issued its decisions.

The court's recent action vacated three portions of the final rule, which allow:

- Mine-site and state-sponsored teams to train at small mines annually rather than semiannually
- State employees who are members of state-sponsored teams to substitute certain job duties for participation in one of the two mine rescue contests required annually
- State employees who are members of such teams to participate in mine rescue contests by serving as judges

The final rule requires that these teams train semiannually at small mines, rather than annually, and that state employees participate in two mine rescue contests each year.

There's additional information at <http://www.MSHA.gov>.

## EPA Releases New Findings on Toxic Air Pollutants in U.S.

The Environmental Protection Agency (EPA) has released the latest version of a state-of-the-science tool that estimates health risks from breathing air toxics in the United States.

The National Air Toxics Assessment (NATA), based on 2002 emissions data, helps federal, state, and local governments better understand the pollutants and the risks.

EPA found that more than 2 million people are living in areas of the United States where pollution elevates the risk of contracting cancer to unacceptable government levels.

According to the assessment, those living in counties around New York City and Los Angeles face elevated health risks. But some rural areas in Kentucky and Mississippi also scored poorly.

The assessment found an average cancer risk of 36 in 1 million if exposed to the 2002 levels over a lifetime.

EPA says air toxics are concerning "because they are known to or are suspected of causing cancer and other serious health problems, including birth defects."

The report assessed some 180 air pollutants. Since 1990, according to EPA, air-toxic emissions have decreased by 40 percent from all sources. The NATA data can help reduce that figure, the agency claims.

## Army Said to Be Winning War on Accidental Deaths

A battle being waged by the United States Army to decrease the number of accidental deaths among its members is achieving its goals.

According to the *Army News Service*, fatalities due to off-duty activities like motorcycling are declining.

Tad Davis, army deputy assistant secretary for environment, safety, and occupational health, says considerable progress has been made in the last several years.

After combat operations began in 2001, says Davis, the number of accidents resulting in deaths climbed steadily, peaking in 2005 with 299 accidental fatalities.

In 2008, the number was down to 209. An army strategic plan for safety and occupational health is credited with some of the improvement.

Areas of greatest concern are related to personally owned vehicles and motorcycles.

Last year, according to Davis, the army lost 51 soldiers to motorcycle accidents, but this year's figures appear to be lower.

The Army has established online and hands-on programs for motorcycle certification.

Mentoring programs and motorcycle clubs also promote safe riding.

The army uses the Travel Risk Planning System, or TRiPS, to help soldiers plan travel for vacations and extended "pass."

The system helps service members understand the risks associated with off-duty activities.

## Oil Refineries Hear from OSHA on Compliance With PSM Rules

OSHA has sent letters to oil refineries nationwide emphasizing the need to comply with all applicable standards, particularly the Process Safety Management of Highly Hazardous Chemicals (PSM).

Letters went to the management of more than 100 refineries, along with data on compliance issues found under OSHA's national emphasis program (NEP), now in its second year.

"We initiated this NEP to ensure that refineries develop and fully implement a safety management system that protects workers from serious incidents," said Acting OSHA Chief Jordan Barab.

OSHA teams found consistent problems at refineries and determined that it is necessary to remind employers of the importance of lifesaving compliance measures.

During the first year of the emphasis program, OSHA issued nearly 350 PSM citations to 14 refineries.

In 2005, one of the worst refinery disasters in history took place at the BP Texas City, Texas, refinery. Fifteen workers died and 170 were injured in an explosion and fire.

# From the States

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## MISSISSIPPI

### DOJ Intervenes in Lawsuit Regarding Disabled Riders

The U.S. Department of Justice (DOJ) has intervened in a lawsuit filed in federal court in Jackson challenging inaccessibility in Jackson's public transportation system.

The suit, filed by 11 residents of Jackson with disabilities and two nonprofit groups, alleges violations of the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973.

The DOJ claims that the city of Jackson failed to properly maintain the wheelchair lifts of the city's fixed route bus system.

Also, DOJ says that Jackson failed to adequately train personnel to properly assist passengers with disabilities and "otherwise denied individuals with disabilities benefits to which they are entitled under the law."

According to DOJ, several injuries were caused by inaccessible public transportation.

The lawsuit also cites frequent instances in which people who use wheelchairs were forced to wait while multiple city buses with inoperable lifts passed them by, often leaving them stranded as they attempted to get to work, medical appointments, and other destinations.

"The decision of the department to intervene in this matter indicates our commitment to protect the rights of all Americans and advance the ability of every individual to fully participate in society," said Acting U.S. Attorney Stan Harris.

## IOWA, KANSAS, MISSOURI, NEBRASKA

### Regional Program Launched to Cut Lead Exposure in Workplace

OSHA's regional office in Kansas City announced a special regional emphasis program aimed at reducing occupational exposures to lead. It is, says OSHA, one of the leading causes of employee illnesses in those states.

Lead is an ingredient in thousands of widely used products, such as lead-based paints, lead solder, electrical fittings and conduits, tank linings, and plumbing fixtures.

Occupational exposure varies according to industry. Some common operations that can generate lead dust and fumes include:

- Demolition operations,
- Flame-torch cutting,
- Welding,
- Use of heat guns, sanders, scrapers, or grinders to remove lead paint; *and*
- Abrasive blasting of steel structures.

The emphasis program will set targeted inspections in industries or workplaces with a potential for lead exposure. It will also cover complaints and referrals regarding possible exposure.

Noting the prevalence of overexposure to lead, OSHA Regional Administrator Charles E. Adkins stated: "It is imperative we do all we can to reduce that exposure to workers. This special regional emphasis program will serve to amplify OSHA's commitment to ensuring the safety and health of workers in all occupations."

Find more information on OSHA lead standards at <http://www.osha.gov/SLTC/lead/index.html>.

## NEW HAMPSHIRE

### OSHA Takes Aim At Gun Maker

OSHA has proposed \$255,150 in fines against Sturm Ruger & Co. Inc. for 60 alleged violations of safety and health standards. The problems were identified during the agency's 2008 inspection of the firearms manufacturer's Newport plant.

"Our inspections identified a large number of mechanical, respirator protection, electrical, lead, fire, explosive, and other hazards that must be effectively and continuously addressed..." said New Hampshire Area Director Rosemarie Ohar.

The safety agency found that the company failed to guard rotating parts on drill presses, sanding, and polishing machines despite knowing that contact with the equipment could result in severe or fatal injuries. As a result, OSHA issued one willful citation carrying \$63,000 in proposed fines.

Additional safety and health hazards cited ranged from allowing combustible dust to accumulate, to unguarded floors and platforms, improper storage of compressed gas cylinders, inadequate lead monitoring and training, and unlabeled containers of hazardous chemicals.

The combined penalties for these conditions and for recordkeeping violations totaled \$192,150.

## OHIO

### Comp Board Releases Administrator's Performance Evaluation

The Ohio Bureau of Workers' Compensation (BWC) Board of Directors has conducted its annual review of Administrator Marsha Ryan's performance. The evaluation was presented to, and approved by, Governor Ted Strickland along with

strategic goals for the work-comp agency for fiscal year 2010.

The report rated Ryan quite favorably. It noted her chief accomplishment over the past year was to bring parity to group and nongroup premium rates. The rate reform is expected to provide a nongroup rated employer with a premium reduction of up to 25 percent. Among other strategic initiatives of the year were beginning the process of implementing consultant-recommended improvements, and superior management and fiscal leadership.

As for 2010 goals, BWC says it will continue to work to restore "operational excellence" by ensuring stable costs, better services, accurate rates, and safe workplaces.

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## UTAH

### State Emphasizes Youth Safety During 2009 Summer Campaign

Teenagers are twice as likely to be hurt on the job as their adult co-workers. Nationally, some 4 million teens start summer jobs each year and 230,000 of them sustain injuries. To combat those statistics, the Utah Labor Commission's OSHA consultation program has launched its 2009 Youth Worker Summer Safety Campaign.

The commission and consultation branches have produced two booklets on the topic. *A Parent's Guide to Youth Workers* gives parents tools to talk with their teens about safety at work. It also provides information on what jobs youth in Utah can and cannot do and how to access an employer's safety record.

The second publication, *The Youth Workers' Guide to Workplace Safety*, provides information on the rights of young workers. It covers how to identify workplace hazards, keep safe in the summer sun, and whom to contact/what to do in case of injury.

Both booklets are available via the state OSHA website, <http://www.uosh.utah.gov>. Or, you can request that they be sent electronically by e-mailing Jerry Parkstone at [JParkstone@utah.gov](mailto:JParkstone@utah.gov).

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## NEW YORK

### Report Addresses Fatality Risk Facing the New York Workforce

*Dying for Work* in New York is the title of a new report sponsored by the New York Committee for Occupational Safety and Health (NYCOSH) with the New York State AFL-CIO and the New York City Central Labor Council. The document chronicles the job dangers for immigrant, minority, and nonunion workers, who are said to be at greater risk.

Among findings, *Dying for Work* claims that:

- The rate of work-related fatalities in New York City and state remains "unacceptably high, although both saw decreases in 2007."
- Last year, 69 percent of workplace injuries in New York City involved nonunion workers, while 58 percent involved non-English-speaking immigrants.
- The number of OSHA inspectors in New York is insufficient to protect the health and safety of workers. Although the state added over 30,000 new private industry workplaces between 2001 and 2007, OSHA had fewer inspectors in New York in 2007 than in 2001.
- OSHA's concentration of enforcement resources in the construction industry, while justified as an efficient use of its scarce resources, results in inadequate coverage of other sectors of the economy.

Go to <http://www.nycosh.org/> and click where indicated to get the full report.

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## WASHINGTON

### Applications for Safety Grants Now Being Accepted by L&I

The Department of Labor and Industries (L&I) is accepting new grant applications for projects to improve worker protection in the state. An estimated \$2.5 million is available in this funding cycle for Safety and Health Investment Projects (SHIP).

L&I Director Judy Schurke notes that in today's economic climate, it's especially important to find innovative ways to keep workplaces safe.

"A healthy workplace," she adds "lowers employers' insurance costs, helps businesses meet today's economic challenges, and keeps workers safe from injuries or illnesses." Previous grant award winners have been instrumental in developing creative new ways to advance safety and health, according to L&I.

SHIP grants will go to projects that seek to prevent injuries and illnesses, save lives, and educate workers and employers about job hazards and safe work practices. Priority will be given to proposals that involve cooperation between employers and employees or their representatives.

Organizations eligible to apply are trade and business associations, labor groups, employers, employee organizations, groups of employees, and joint labor/management groups. Completed applications must be received no later than August 31, 2009.

Learn more at <http://www.lni.wa.gov/> and search for SHIP.

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## FEDERAL REGISTER DIGEST

### OSHA REGULATIONS

#### **Proposed rule withdrawn (1910.134):**

After thoroughly reviewing the comments and other information available in the record for the proposed rule-making, OSHA decided that the abbreviated Bitrex [supreg] qualitative fit test is not sufficiently accurate to include among the qualitative fit tests listed in Part II of Appendix A of its Respiratory Protection Standard. Therefore, OSHA is withdrawing the proposed rule without prejudice, and is inviting resubmission of the proposed fit test after conducting further research to improve the accuracy of the protocol.

**Dates:** Effective June 25, 2009, the proposed rule published December 26, 2007, (72 FR 72971) is withdrawn.

**Contact:** John E. Steelnack, Directorate of Standards and Guidance, Room N-3718, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210; telephone: 202-693-2289; facsimile: 202-693-1678.



Development Conference (PDC) and Exposition in San Antonio, Texas.

She opened her remarks by stating, “Make no mistake about it—the Department of Labor is back in the enforcement business. You can see this commitment today echoed in my fiscal year 2010 budget request. This budget will return our worker protection efforts to a level not seen since 2001. These programs protect the safety and health of all American workers and enforce laws governing minimum wage, overtime, and family and medical leave.”

She praised safety professionals like those at ASSE for their commitment to safety and said that she was looking forward to finding ways to do a better job of meeting the needs of American workers and their families.

In short, she stated, “Workplace safety is everyone’s business.”

## Job Hypertension Lingers Into Retirement for Some

Retirement from some occupations may not provide relief from the negative health effects of work-related hypertension. A new study from the University of California (UC) Davis makes that claim. It was published in the June issue of the *Journal of Occupational and Environmental Medicine*.

It is reportedly the first research to show that retirement-aged Americans who hold higher-status jobs—like chief executives, financial managers, and management analysts—tend to have the lowest rates of hypertension. And those with lower-status jobs appeared to have the highest rates. Hypertension is diagnosed when blood pressure on the artery walls is consistently too high. The result can be angina, heart attack, stroke, and other serious health problems.

“People’s occupations during their working years can clearly be a risk for hypertension after they retire,” said senior study author and UC professor Paul Leigh. “The body seems to have built up a stress reaction that takes years to ramp down and may last well beyond age 75.”

Leigh and his co-author based their conclusions on NIOSH data from surveys of thousands of Americans over age 50. He says conventional wisdom assumed that people at the top would be more likely to have hypertension, but the opposite appears true. Those in sales, administration, construction, and food preparation, who have little control over decision making, fare worse after retirement, according to the research.

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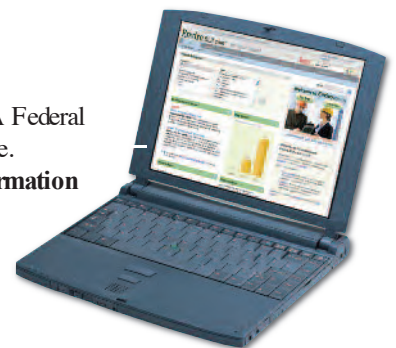
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