



A NOT FOR PROFIT ORGANIZATION

VETERANS OF SAFETY

AN INTERNATIONAL ORGANIZATION

Newsletter

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President's Message:

I sincerely hope this writing finds each of you well and conquering your goals. Hopefully one of your goals is finding qualified new members for the Veterans of Safety. Our strength and success comes from our numbers and we can always use more members. So, if it isn't already, make one of your goals to find new members for VOS. Our website, www.vetsofsafety.org, has membership applications that you can download.

Our last Annual Board meeting was held in Chicago and your board of directors demonstrated a great deal of enthusiasm and are working hard to take VOS higher and higher and make it better and better. Our mid year board meeting will be in Kansas City, Missouri on April 5. You are all welcome to attend and, more realistically, I hope that our members in the Kansas City area can join us.

Our Executive Director, Dianna Bryant, continues to demonstrate outstanding skills in reorganizing our VOS office. If you have any questions or concerns, please give her a call. Her contact information is in this newsletter.

My final note is to congratulate the Hawaii Chapter for their outstanding contributions. They have brought many, many new members into VOS during the last year and have many ongoing programs that contribute greatly to safety and reducing human suffering. My wife and I are making plans to attend the PAC-RIM Conference, in Hawaii, in May and I will look forward to personally meeting the members of this chapter.

To each of you. Take Care and Be Safe

Respectfully submitted,
Lyle M. Rice, President, Veterans of Safety

The OSHA Multi-Employer Doctrine:

What is the next move?

(By David G. Langton, Vice President, BB&T Insurance Services, Inc.)

The US Department of Labor, OSHA, Field Inspection Reference Manual CPL 2.103, includes a chapter addressing "Multiemployer Worksites". In 1999, OSHA issued a Directive CPL 2-0.124 to "Clarify the Agency's multi-employer citation policy", which suspended the foregoing chapter.

On April 27, 2007 the Occupational Safety and Health Review Commission (OSHRC) basically invalidated this multi-employer or "controlling contractor" doctrine.

The doctrine, resulting from a Commission decision in 1976 (Grossman Steel), permitted general contractors to be cited as “controlling employers”. This earlier decision stated “We will hold the general contractor responsible for violations it could reasonably have expected to prevent or abate by reason of its supervisory capacity”. No general contractor was involved in that case, but since that time general contractors have received citations which they have, for the most part, been unsuccessful in having overturned.

The recent split opinion by the Commission resulting from OSHRC Docket No. 03-1622, Secretary of Labor v. Summit Contractors, Inc., held that issuing “controlling contractor” citations to a GC was inconsistent with 29 CFR 1910.12(a), because of the language which refers to “his employees”. Many contractors have welcomed the decision, not because they are not concerned with the safety and health of the workers on their projects, but because the “controlling contractor” citations issued do not recognize the present day role of the GC.

OSHA has appealed the decision to the Federal Appeals Court in St. Louis.

The American Society of Safety Engineers (ASSE) has stated that they disagree with the Commission decision, basing much of their conclusion on the standard; American National Standard for Safety and Health Program Requirements for Multi-Employer Projects (ANSI/ASSE A10.33-2004).

Where do we go from here? Subpart R of the Construction Industry Standards (29 CFR 1926) specifically references “controlling employers” in steel erection. Will this section be invalidated by the decision? Larger general contractors enforce safety on their projects. Will the decision change how those contractors now “oversee” safety on future projects? Will there be more suits filed by subcontractor employees who are injured on the job? Will insurance carriers exclude cover for the supervisory activities of the contractor on the jobsite? Will these supervisory activities now need to be defined?

One possible solution is to not contract as a Prime and have only CM or GC at risk contractual arrangements. The managing contractor would then truly have authority over the subcontractors.

The purpose of the Act, passed by Congress in December 1970, was to assure every employee a safe & healthful workplace and OSHA should, in the author’s opinion, solve this problem as they did with Subpart R. Offer a regulation and ask for comments from all interested parties. Whether or not you agree with the outcome, Subpart R was decided according to the rule-making procedure; not by a Compliance Officer manual and/or litigation.

November 28, 2007

BB&T promotes Langton to vice president

WAXHAW, NC – BB&T has promoted David G. Langton to vice president. Langton, who joined the bank in 2003, is a risk control consultant with BB&T Insurance Services, Inc., and is based at 520 N. Broome St.

The Liverpool, England native received his initial undergraduate education at Riversdale Polytechnic and Liverpool College of Technology; both in England. He is a licensed marine engineer, has a master’s degree in engineering – safety, a Certified Safety Executive and a Certified Safety and Health Manager. He is also a graduate of the executive program for advanced management at the University of North Carolina at Chapel Hill.

Branch Banking and Trust Company is the principal subsidiary of Winston-Salem N.C.-based BB&T Corporation (NYSE: BBT). With \$130.8 billion in assets and more than 1,500 financial centers in 11 states, BB&T Corp. is the nation’s 14th largest financial holding company. More information about the company is available at BBT.com.

**(Condensed) MINUTES OF THE
ANNUAL MEMBERSHIP MEETING OF
VETERANS OF SAFETY**

**Held at the Safety & Health Hall of Fame International, Hillside, IL
October 14, 2007**

The meeting was held at the Construction Safety Council in Hillside, IL, now home of the Safety & Health Hall Of Fame International. VOS members had an opportunity to tour the Construction Safety Council's location. Many Members of SHHOFI had their plaques on display lining the halls of the main building. Each plaque displayed had a letter sized bio of the Member posted next to it describing his achievements in health & safety. The records of SHHOFI are in the process of being sorted out and reorganized. As the records are quite extensive, it is expected that this reorganization will take some time to complete. Tom Broderick, Executive Director of the Construction Safety Council and VOS Board Member emphasized SHHOFI is accepting all the volunteer clerical help they can get to assist in getting the SHHOFI records organized.

President L.M. Rice called the meeting to order and Chris Gates gave the invocation. There was a quorum. Nine members plus the Executive Director were in attendance.

Executive Director Dianna Bryant remarked about the poor state of records on our old VOS computer. The members feel we need to get a large upgrade, or just get a new computer. Tom Broderick suggested how we might solve this. Dianna Bryant reported setting up a schedule for newsletter publishing.

L.M. Rice published a one page recap of the meeting showing progress made.

Wendell Wahlstedt presented the minutes of the 04/27/2007 Board meeting in Kansas City. Chris Gates seconded approval of the minutes presented, motion carried. Herb Everett thanked Peggy & Wendell Wahlstedt for donating many records of VOS to the VOS history Herb is putting together.

Jeane' Furber and Wayne Creasap gave a combined report on all financial accounts for the year to date (01/01/2007-10/01/2007) and reported that those books were in balance.

Chris Gates moved we accept the Treasurer's Report with many thanks for all of Jeane' & Wayne's efforts, motion seconded and carried.

Membership Report: Henry Polomo presented the report. Need clarification of which membership application the Board wishes to use as there are three that have been used in the past. Henry says the sponsoring member signing the application for a new member should write a note to him on any recommendations the sponsoring member may have which can be added to the application which is then sent to the Membership Committee who passes it on with their recommendation to the Board for a vote at their next meeting. Tom Broderick recommended handing out brochures with any training class programs we present. Proposal to have free membership for the first year as an introductory offer. Jeane' Furber moved we accept the Membership Committee's report, motion seconded and carried.

Budget Report: Jeane' Furber and Wayne Cresap made recommendations on the Budget Proposal Dianna Bryant had drawn up at the last meeting for the 2007-2008 period. The proposal covers finances and administrative expenses plus a large upgrade in member services. The proposal included expanding the website to include an online journal to provide an opportunity for students and faculty at schools teaching safety to publish papers. Herb Everett moved we accept the proposed budget as the 2008 budget. Motion seconded & carried.

Awards Committee: While L.M. Rice was out of the room Wendell Wahlstedt moved for a special vote awarding L.M. Rice a Fellow award as proposed by the required five Board members. Motion was seconded by Tom Broderick and carried unanimously.

Long Range Planning: Wendell Wahlstedt presented the report on proposals to improve VOS. Publish the newsletter in a more timely manner. Increase visibility with little additional cost by increasing the scope of the newsletter with more pictures. Publish information of work at a local chapter such as the Hawaiian Islands chapter giving out scholarships. A progress report in the newsletter on how "Safety Herb" Everett's History of VOS is coming along.

Need to put our e-mail address on all documents. Membership Directories for our members requires having our web page up & running. Help SHHOFI by publishing their activities such as soliciting nominations for the future, tell where to send the nominations direct to SHHOFI, publish the schedule for the next awards banquet, and that SHHOFI can use some clerical help. Henry Palomo moved we accept the report motion seconded and carried.

Ambassadors Report: The Ambassadors would like a monthly e-mail for planning. There has been no enthusiasm for an earlier suggestion of publishing on global harmonization of hazmat regulations. Tom Broderick suggested CD's of information on members. The rest of the Ambassador's Report was tabled until the next meeting.

Programs Committee: Henry Polomo was appointed as Chairman of the Committee. He discussed sending our VOS display backdrop to local offices for one of their meetings.

SHHOFI: Herb Everett and Tom Broderick reported they need members for the Board. Sharon Broderick needs secretarial help to catalog SHHOFI records. There was a discussion of financial help for SHHOFI

Educational Cruise: Herb Everett reported on planning for a seven day educational training boat cruise, around 11/02/2008 – 11/09/2008. A southern Caribbean cruise would visit Half Moon Cay, Aruba, and Curacao. An eastern Caribbean cruise would visit Half Moon Cay, Grand Turk, Tortola, and San Maarten. Training classes at sea might cover: Bio-terrorism update; Preventing slips, trips & falls; 10 hour certification class for General Industry. Jeane' Furber moved we continue working on the cruise, motion seconded and carried.

Mid-year meeting: Discussion of meeting in Warrensburg/Kansas City area. Possibly put on a training program, invite University of Central Missouri students at a reduced rate, free for members. Dates of March 29th & 30th, or April 4th & 5th.

Membership services: Executive Director Dianna Bryant presented expanding the web page to include an online journal for publishing student and faculty papers from schools teaching safety to publish papers.

These articles for peer review would be under the name of The Journal Of Applied Safety. We might start the program by publishing without charge. Tom Broderick moved we look into this publishing, motion seconded & carried.

Old Business: There was no old business to discuss.

New Business: Jeane' Furber reported James Brown, Wayne Creasap, and Chris Gates were working on scholarship awards. We have an application from Loren Kaehn. In a follow up on an earlier scholarship recipient, Kristine Merriman, requested an extension of her scholarship for another year. Herb Everett moved we award a scholarship of \$250 each for Loren Kaehn and Kristine Merriman for this year, motion seconded and carried.

Wendell Wahlstedt presented L.M. Rice a Fellow award with a plaque and an engraved medallion on a ribbon. A Fellow award is specified in the By-Laws as only awarded to an individual who has made an outstanding contribution to the advancement of VOS. The award is conferred after presentation of a nomination petition of at least five Board members specifying the reasons for the nomination. Then the entire Board votes on the nomination with a requirement of a 2/3 approval vote.

Chris Gates closed the meeting with a benediction. The meeting was adjourned.

Respectfully Submitted,

Wendell W. Wahlstedt
Secretary

OBITUARIES

Frank E. Bird, Jr. passed away on June 28, 2008.

Frank E. Bird, Jr. was a long time member of the Veterans of Safety and a member of the Safety and Health Hall of Fame International. He was born December 19, 1921, in Netcong, New Jersey. He received his Bachelor of Science degree from Albright College in Reading, Pennsylvania, in 1949 following four years of service in the United States Navy.

At the time of his induction to the Safety and Health Hall of Fame International, he was president of the International Loss Control Institute and adjunct professor, Georgia State University. Mr. Bird pioneered in the expansion of industrial safety from an injury-oriented concept to a discipline encompassing all accidents by his extensive studies and writings on the identification, costs and control of the property damage accident during the 1950s and early 1960s. The book, Damage Control, co-authored by him and published by the American Management Association in 1966, was one of his many publications on this subject.

Andrew Yasenovsky, CAPT(RET) passed away on July 22,2007

Andrew Yasenovsky , born May 27, 1937 in Yonkers, NY was enlisted in the USAF on October 19, 1955. His distinguished service in the USAF in missile safety brought him to Whitman Air Force base and he earned a MS in Safety at Central Missouri State University. He retired after 25 years of service in 1980.

William Tarrants passed away on October 13,2007

William Tarrants, a life member of VOS, an ASSE Fellow and the Society's 1977-78 president passed away on Oct. 13, 2007. During his career, Tarrants was a P.E. and a CSP. He held a B.S. and an M.S. in Industrial Engineering from Ohio State University, and a Ph.D. in Education from New York University. Tarrants joined ASSE in 1959. When he was elected an ASSE Fellow in 1972, he had published more than 40 articles-and would go on to publish more than 100 articles and books, leading many to describe him as the "most prolific writer in the Society." He also compiled and edited ASSE's first Dictionary of Terms Used in the Safety Profession, which was published in 1971.

Adrian Vernon of St. Petersburg, Florida also passed away in 2007.

-:MID YEAR MEETING OF THE BOARD OF DIRECTORS OF VOS:-

Venue:- Courtyard by Marriott Kansas City Airport

Date:- 5th April 2008 (Saturday)

Time:- 8.00 am to 5.00 pm

All members are welcome to attend. Reservations can be made by contacting the hotel (www.marriott.com/mcica) and asking for the Veterans of Safety event to get the \$69 rate.

-:UPCOMING CONFERENCES:-

- 18th Annual Construction Safety Conference and Expo- February 12-14, 2008
For more information, please logon to : http://www.buildsafe.org/confnews/2008/conf_dx.html
- 2008 Mid-America Safety, Health and Environmental Conference and Exposition-May 7-11, 2008
For more information, please logon to : <http://www.missourisafetycouncil.org/conference.php>
- 10th Biennial Governors Pacific-Rim Safety and Health Conference 2008-May 19 - 21, 2008
For more information, please logon to : http://assehawaii.org/pacrim/PacRim_2008.htm

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