

Don't miss your step with OSHA

2013

VOS September Newsletter



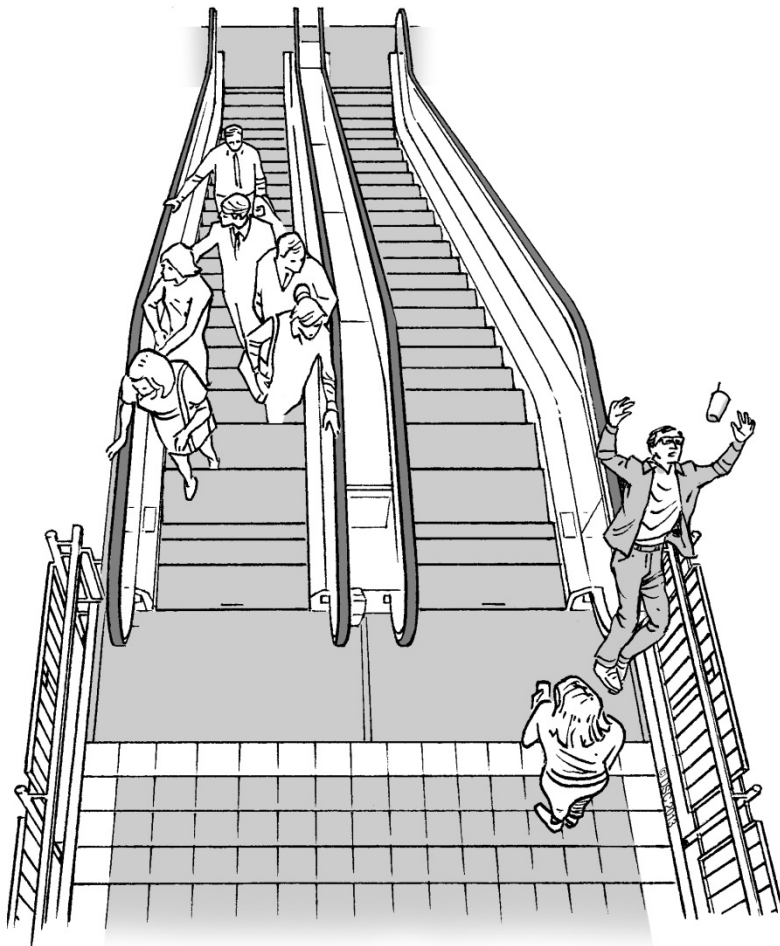
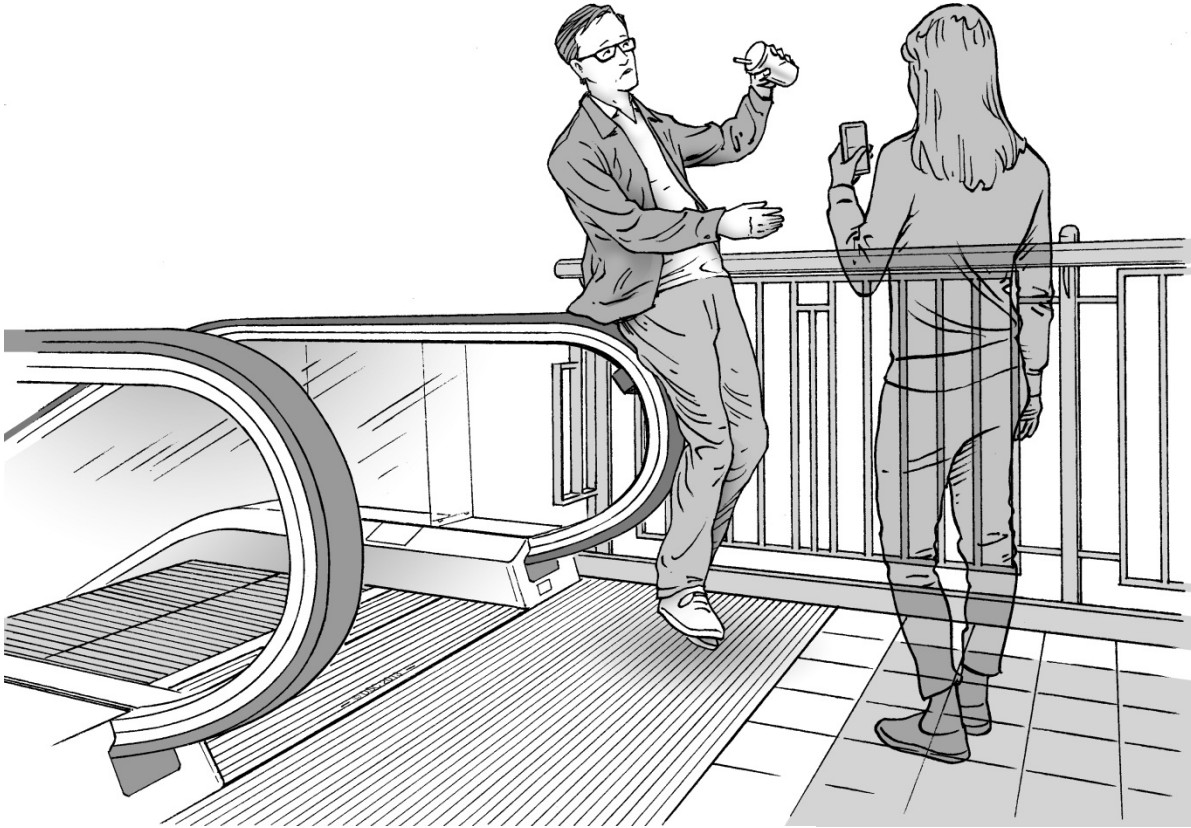
Message from VOS Newsletter editor Mark Rater:

Make sure to visit our website at <http://vetsofsafety.org/> to get more information from VOS. One article in this issue was a summary. The full version will be available soon on the website.

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Note from Nigel Ellis on drawings: This hoisting onto the escalator belt all occurs in one second - believe it or not!! You will then fall to the Left or the Right.



The Top Step in the Hotel in Junin

The top step in the hotel in Junin is mean.
Like the Devil is mean.
And it lies at the top of the steps,
So quiet, so still, so serene.

But this top has something quite special,
A very ingenious device:
It's half an inch higher than the other steps,
A whole inch to be more precise.

And it uses this inch as a weapon,
The guest of the place to harass:
For when you reach the third floor of that hotel in Junin,
The top step trips you right on your ass.

Of all the degrading, inhuman, mean things,
That I in my life have yet seen,
The gross most despicable one of them all
Is the top step in the hotel in Junin.

-from: "The Top Step in the Hotel
in Junin: by Jimmy Stewart.
Jimmy Stewart and His Poems,
Crown Publisher, 1989.



A NOT FOR PROFIT ORGANIZATION

VETERANS OF SAFETY

AN INTERNATIONAL ORGANIZATION

Newsletter



VOS President's Address

Nigel Ellis, Cell # 302-521-7472

This past quarter, the focus has been on the development of value items for VOS membership. We have authorized a new web site design to address members' needs. The designer is Max Morresi of Northeastern Visual Company based in Coatesville PA. He has done brilliant work for a most reasonable cost eg FallSafety.com and BlueBallroom.net. We have put down a 50% deposit; delivery is due in September before the Annual Meeting.

We have organized the newsletter to request articles from each board member for each newsletter going to including from their own newsletter. The Hawaiian Chapter has provided leadership to gather these articles and provide a timely transition to Kathy Mathews at University of Central Missouri for printing. The most recent newsletter featured articles from Warren Brown OSHA standards updates, and Wendell Wahlstedt on his Panama Canal cruise.

We held the David MacCollum Lecture in Tucson in March. This was a great success in providing an education on emerging solutions for eliminating hazards and involving qualified engineers. Sometimes several solutions are provided during the process. Dave's book Construction Safety Engineering Principles has been a model for companies like URS to teach safety to their engineers.

Mark Rater has taken on VOS Newsletter Coordination and Public Relations to help lead us into the world of Social Media. This means that in future we will have a presence on Facebook, Linked-In and Twitter. The increasing use of relationship-building will help provide an economical and source of contacts and knowledge for safety professionals when they leave the profession or engage in consultation.

The business of financial record-keeping of VOS has been established within Jack Hirschmann's organization and the professional establishment of recent billing of annual dues is impressive. Note: Anyone who missed the most recent year of billing has been asked to pay the current and the immediate previous year dues to help be fair to the members who have paid reliably.

We would like all members to tell us when they first became a member of VOS and to have email addresses to cut the cost of printing newsletter hard copies which is increasingly expensive.

Herb Everett who recently retired from WestMark Hotels provided some quotations for Caribbean and Panama Canal cruises from Cruise Holidays of Anchorage. We are also receiving quotes for a 5 night cruise tour of the Hawaiian Islands which has been popular, around the time of the PacRim Conference in April 2014 based in Honolulu.

Any ideas for improving our services should be addressed to any board member, myself or Warren Brown who becomes President at the end of the Annual Meeting in KC Missouri in late September where all members are welcome and encouraged to attend the Saturday meeting at the LaQuinta Hotel and join us for dinner.

Note: The Board has received notice of resignation of Herb Everett and also Sherwood Kelly from the Board. In his letter to the Board, Sherwood points out that the battle for regaining his eyesight in one eye continues added to the focusing problem with the remaining eye. We wish both gentlemen well with overcoming their challenges and thank them both for their long service in safety.

S, H & E Information Update

Warren K Brown, CSP, ARM, CSHM

Final Rule on Crane and Derrick Demolition Issued by OSHA

A final rule that will protect workers during hoisting and underground construction ties existing underground construction and demolition crane rules used by other construction activities to demolition and underground construction. For more details see the appropriate section at www.osha.gov.

Does OSHA Focus on the Important Issues?

A debate by experts carried in the New York Times looks at where there might be possible shortcomings. For details on the debate go to <http://goo.gl/S1XZe>.

Do You Travel Enough to be Plagued with Jet Lag

There are some best practices out there to guide you to more safe ways to operate when dealing with jet lag. Interactive Driving Systems has gathered some best practices that you may want to consider for you or your traveling employees to stave off fatigue from some of the grueling travel schedules that are often encountered. The website www.virtualriskmanager.net/main can be accessed to learn the details. (Click "News" on the right side of the home page)

Pneumatic Lift Gate to Prevent Falls from Loading Docks

The powered gate can be activated remotely or from wall mounted control. It is designed to create awareness of the dock and help prevent falls to the lower level. It includes a strobe for visibility and can stretch from 4 up to 25 feet for a wide expanse of dock sizes. More details can be found at www.railguard.net.

E-book for Ergonomics Design Considerations

A free e-book titled "Six ways to Apply Ergonomics in Design" is available from www.humantech.com/resources. By including ergonomics principles in the design phase of a project, job efficiency can be improved and the health and safety of involved employees can be improved. The book provides simple practices for design improvement as well as pitfalls to avoid during the design phase.

OSHA Inspection Frequency to be adjusted for 2014

In 2014, OSHA is planning to conduct more health related inspections that generally take longer to complete than a safety related inspection. As a result there may be a reduced number of pure safety inspections to allow inspectors the additional amount of time to complete the health inspections. Go to atrippler@aiha.org for additional details and other government related safety and health issues.

Construction Fall Prevention Campaign

OSHA, NIOSH and the Center for Construction Research and Training (CPWR) are working together to improve contractor awareness of the importance of fall prevention activities. This is a re-launch of the national initiative to prevent falls at construction sites. www.StopConstructionFalls.com can be accessed to learn more about the program.

Ladder Fall Prevention

"Falling off Ladders Can Kill: Use them Safely" is a booklet that was developed through the Singapore Workplace Safety and Health Council and Ministry of Manpower and is being published by OSHA in English and Spanish. The goal of the booklet is to help educate the workforce about safe and unsafe ladder usage. The information is available at www.osha.gov/publications/OSHA3625.pdf.

Overview of Global Harmonized System (GHS)

By Mark C. Rater

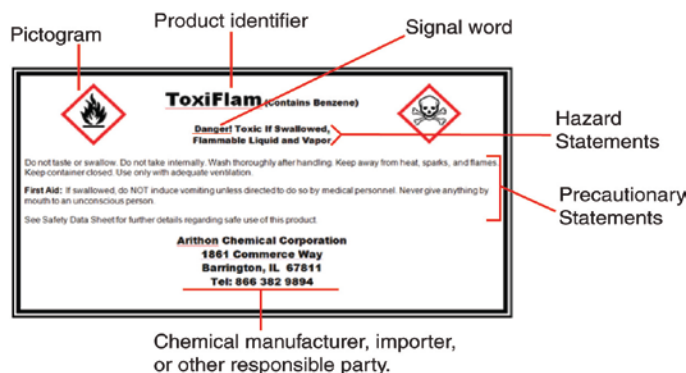
OSHA has replaced the traditional Hazcom (Hazard Communication System) with what they are calling Global Harmonized System (GHS) of Classification and Labeling of Chemicals. Companies need to start the transition process to GHS in 2013 by training on label element and safety data sheet (SDS) format.

What Is the Global Harmonized System (GHS) Timeline?

- March 26, 2012 – OSHA published its GHS Final Rule.
- May 25, 2012 – OSHA's GHS Final Rule is effective.
- December 1, 2013 – Employers must train associates on the new Label Elements and the Safety Data Sheet (SDS) format.
- June, 1, 2015 – Compliance with all changes in the Standard except by:
 - December 1, 2015 - Chemical Distributors must not ship containers labeled by the manufacturer or importer unless the container is labeled with a GHS Label. (Note: DOT and EPA Labels are not changing)
 - June, 1, 2016 - Update alternative workplace labeling and training as necessary and provide additional training for newly identified physical or health hazards.
- All employers may comply with either the new GHS Standard or with the previous HAZCOM Standard during this transition period.

We are all familiar with the traditional Hazardous Material Information System (HMIS) or the National Fire Protection Association (NFPA) Labeling System with hazard severity 0-4 and color codes. GHS has a severity hazard classification of 1-4, however one is the most severe. This is reversed from HMIS or NFPA labeling system.

When GHS is fully implemented in 2015 the traditional HMIS/NFPA Labeling System can only be used for In-House Labeling. The new GHS label will have pictograms determined by chemical hazard classification and will consist of a symbol on a white background framed within a red border and represents a distinct hazard. (See Sample GHS label) Some pictograms have changed so it is important to include this in your training.



GHS Label will contain six identifiers		
Pictogram	Product Identifier	Precautionary Statement (Four types Prevention, Emergency Response, Storage, Disposal)
Hazard Statement	Signal Word (Danger or Warning)	Chemical Manufacturer, Importer or Other Responsible Party

In addition to an International GHS Labeling System OSHA has updated the requirements and changed the traditional Material Safety Data Sheet (**MSDS**) format to the International GHS Safety Data Sheet (**SDS**) format. With this change to the Safety Data Sheet (SDS) will come some new terms and a new SDS format. The GHS SDS will have Sixteen Sections instead of the traditional Ten Sections with the previous HAZCOM MSDS. The Sections will have a standardized order with subheadings. It was pretty common to see a sixteen section MSDS in recent years, so the look shouldn't be a big change.

Why the New SDS Format?

- Meets International GHS requirements.
- The most important chemical information will be available first to the user.
- The SDS will be more accurate and more electronically available.



It is important to have a plan in place to deal with deadlines and to make the transition to GHS as smooth as possible.

Safety Tip: Watch Your Blind Spot

Dr. Michael Dean Taggart

We all know we should adjust our rearview and both side view mirrors each time we start our cars. Many of us, however, do not adjust the side view mirrors properly. The side view mirrors are there to let us see vehicles to either side which are too far forward to see in the rearview mirror, but not far forward enough to see through our side window, in other words, cars in our “blind spot.” The tendency is to adjust our side view mirrors so that we can just see the side of our own car while centered in the normal driving position. This gives us a view straight backwards, parallel to our rearview mirror, and does little to reduce our blind spot.



The proper way to adjust the side mirror is to lean sideways towards the mirror, and from that position adjust the mirror to just barely see the side of our vehicle. When we return to our normal centered driving position, our mirror now reflects the image of the car behind and to the side. In other words, our mirrors are now adjusted to see in our blind spot.

While driving safely, remember to keep an eye on all traffic around you. As cars approach from behind, watch to be sure they are visible in your side view mirror before they are lost from your rearview and visible from your side window before they are lost from your side mirror. Congratulations, you have eliminated your blind spot!

SLIPPING & SLIDING--LACK OF TRACTION

By: Wendell Wahlstedt

Why is an article like this being published now? Isn't this for the dead of winter with snow & ice storms all over the land?

The main reason is that lack of traction comes not only from snow & ice, but also from heavy rain storms, hurricanes, mud or oil on the road surface, etc. You should note that there are about six times as many accidents from loss of traction due to water as there are due to snow & ice since, there are about six times as many rain storms as there are snow & ice storms.

There is not a lot of tire rubber in contact with the road to start with, since there is a spot only about the size of the palm on your hand in contact with the road per tire. That is not much control surface between you and an accident even in nice dry weather.

A change that starts with water between the road's surface and the tire rubber is called hydroplaning. This is a change between rubber in contact with concrete, to rubber in contact with a sheet of water. A tire riding on a thin sheet of water has a lot less traction than a tire riding on regular concrete.

In the first 1/2 hour of rain after a long dry spell—hydroplaning gets MUCH WORSE. When motor vehicles are driven down the street, some of them leak fluids off the motor on to the roadway (usually oil). If there has been a dry spell for a month, there will have been a month of residual oil leaking from those cars onto the roadway. If 10,000 cars drove over over a spot during the dry spell, and each of them leaked only one drop of oil, we now have 10,000 drops of oil sitting on the street. As we all know, oil floats on top of water, so when the first rain hits the street, the oil floats to the top of the water from the rain.

This now changes the original rubber in contact with concrete, to rubber in contact with the residual oil floating on the top of the water. Then below that residual oil is the sheet of water in contact with concrete. No wonder your tires are slipping & sliding from poor traction. Fortunately the oil on top of the water will wash down the drain with the rain after about 1/2 an hour which will start improving your traction.

Another problem with hydroplaning is the speed you are traveling compared to the amount of rain coming down. During a rain, your tires literally are going down the street pushing the water on the street out from under the tires.

But if the rain increases, until the rain is so heavy that the tires do not have the ability to push the water out from under the tires in time, the water builds up under the tires and the tires start riding up on top of the increased level of a sheet of water, much as a fast speedboat, especially one with a flat bottom, on water will start to ride up, skimming on top of the water rather than riding down with the shell of the boat's keel in the water. This decreases the control of your tires on your control of your vehicle, especially on your steering tires.

DEFENSES

Obviously, it is tough when your vehicle has already started to hydroplane to try to regain control over your vehicle. Try these methods:

Lower your speed. This enables your tires to push the water out from under your tires before you start to hydroplane.

Conditions are right for hydroplaning anytime you can see reflections on the road surface ahead of you. Slow it down.

When you start to pull away from a red traffic light when the light changes, and your tires start to spin, conditions are right for hydroplaning.

If you are riding down the street and you go through a puddle, and feel the steering wheel jerk a little when you start into the puddle, and then jerk harder when your vehicle comes out on the other side of the puddle, you have just hydroplaned through the puddle, and if you don't slow down, the next puddle may slide you clear off of the road.

If you start hydroplaning, use the same method as you would for getting out of a skid:

- I. Steer into the skid to restore traction.
- II. Braking.
 - A. Regular brakes:
 1. Put your heel on the floor, and your toe on the brake pedal—you get much more precise control of your brakes.
 2. Pump your brakes to keep them from locking up.
 - B. Anti-lock brakes: Don't pump your brakes. Put a hard steady pressure on the brakes.

Deeper water— just one foot of water will make most cars float, and two feet of rushing water is enough to sweep away most passenger vehicles in a flood.

Drive safer, leave the hydroplaning to the boats!!!

OSHA Residential Construction Roofing Update

Nigel Ellis, Cell # 302-521-7472

OSHA has revised its rules on new construction residential roofing including residential re-roofing. Instead of merely requiring evidence of training alone, the agency has now required conventional fall protection to be applied after January 2013 following several court delays over three years due to NRCA objections to replacing the commonly used slide guards. Nevertheless the named use of slide guards has been deleted from regulations and required protection refocused on Railings, Personal Fall Arrest Systems and Nets. Tear-off of shingles in re-roofing requires that an alternate fall protection system be used in that stage. OSHA explained that the need for change followed continuation of the relatively high rate of fatalities while roofing continued for over decade despite giving roofers freedom to choose systems including a new range of equipment developed as the technology for protection improved with a wide variety of solutions coming onto the market. The lack of science in replacing slide guards has disturbed the roofers who have otherwise been slow to adopt fall arrest systems and railings. Nets are rarely used currently. OSHA may have to re-institute slide guards for Railings where no provision for safety with steep slopes has been developed and no test for weights sliding or tumbling from heights from a steep roof. Slide guards in lieu of guardrails at the eave level may still be acceptable if no walking between row 1 and 2 is permitted by OSHA for roofing companies with sufficient training and worker discipline (to scoot or sit).

Tips for Preventing Heat-Related Illness

By Christopher M. Gates, ARM

The best defense is prevention. Here are some prevention tips:

- Drink more fluids (nonalcoholic), regardless of your activity level. Don't wait until you're thirsty to drink. Warning: If your doctor generally limits the amount of fluid you drink or has you on water pills, ask him how much you should drink while the weather is hot.
- Don't drink liquids that contain alcohol or large amounts of sugar—these actually cause you to lose more body fluid. Also, avoid very cold drinks, because they can cause stomach cramps.
- Stay indoors and, if at all possible, stay in an air-conditioned place. If your home does not have air conditioning, go to the shopping mall or public library—even a few hours spent in air conditioning can help your body stay cooler when you go back into the heat. Call your local health department to see if there are any heat-relief shelters in your area.
- Electric fans may provide comfort, but when the temperature is in the high 90s, fans will not prevent heat-related illness. Taking a cool shower or bath, or moving to an air-conditioned place is a much better way to cool off.
- Wear lightweight, light-colored, loose-fitting clothing.
- NEVER leave anyone in a closed, parked vehicle.
- Although any one at any time can suffer from heat-related illness, some people are at greater risk than others. Check regularly on:
 - Infants and young children
 - People aged 65 or older
 - People who have a mental illness
 - Those who are physically ill, especially with heart disease or high blood pressure
- Visit adults at risk at least twice a day and closely watch them for signs of heat exhaustion or heat stroke. Infants and young children, of course, need much more frequent watching.



If you must be out in the heat:

- Limit your outdoor activity to morning and evening hours.
- Cut down on exercise. If you must exercise, drink two to four glasses of cool, nonalcoholic fluids each hour. A sports beverage can replace the salt and minerals you lose in sweat. Warning: If you are on a low-salt diet, talk with your doctor before drinking a sports beverage. Remember the warning in the first “tip” (above), too.
- Try to rest often in shady areas.
- Protect yourself from the sun by wearing a wide-brimmed hat (also keeps you cooler) and sunglasses and by putting on sunscreen of SPF 15 or higher (the most effective products say “broad spectrum” or “UVA/UVB protection” on their labels).



This information provided by [NCEH's Health Studies Branch](#).

OSHA ASSUMES JOINT JURISDICTION IN HAWAII

Walter Chun, PhD, CSP, CHSP, CHST

In October 2012 OSHA executed a joint jurisdiction agreement with the State of Hawaii. The joint jurisdiction agreements are not common and they provide unique benefits and disadvantages. The impact of this agreement to the businesses in the State are not fully understood at this time. The discussions and the agreement for the joint jurisdiction were conducted in haste and an analysis of the projected impact was not thorough. Equally important is in the details regarding “how” the joint jurisdiction would occur and how it would be managed. The failed performance of the State Plan, the intentions to improve the State’s efforts to improve their performance, the impact to business, and the way OSHA conducts their inspections are the discussions in this article.

Due to long standing performance issues with the Hawaii State Plan caused largely by the economic down turn in previous years the State did not meet their performance objectives and goals. Failing to meet inspection goals was one of the significant goals that could not be met because of the many vacancies in the enforcement division of the State’s Labor Dept. The newly elected Governor expressed to OSHA his firm commitment and resources to correcting the problems.

The State’s problems could not be fixed overnight because hiring compliance officers and training would take time. The State and OSHA entered into an agreement whereby the State’s grant, under the state plan, would continue while the State filled the vacant positions and started the long training process. OSHA further agreed to assist with the training of the compliance officers by allowing them to shadow the experienced and trained OSHA compliance officers.

The agreement between the State and OSHA also included a change in jurisdiction. The State would retain jurisdiction for construction on projects other than those on federal properties, warehousing, and transportation. OSHA would assume jurisdiction in all other areas. The agreement between the State and OSHA was published in the Federal Register on July 18, 2012. Public comments were requested by August 23, 2012. On August 22, 2012 the VOS Hawaii Chapter submitted comments and requested an informal hearing as allowed by the Notice. OSHA decided that an informal hearing would not be conducted and the comments submitted were not addressed. OSHA assumed this jurisdiction in October 2012 and by January 2013 had started their inspections. The agreement provided for inspection goals:

FISCAL YEAR	STATE	FEDERAL OSHA
2013	300	200
2014	480	150
2015 (Return all jurisdiction to the State)	640	100

The impact of the joint jurisdiction has not been fully realized but it is starting to raise deep concerns. The impact to the State can be expressed by three distinct areas: (1) these inspections, citations and penalties impact the State’s economy and business; (2) the alleged citations and penalties are high; and (3) employer and employee rights are not fully understood which provides an advantage for OSHA. The State’s general industry was not inspected regularly or in accordance with the OSHA targets for inspections for at least an 8 year period. The OSHA enforcement process to meet their goals included a schedule of compliance officers that would be “borrowed” from other Regions and arrive in the State to conduct inspections, issue citations and leave. The OSHA practice to also issue damaging press releases further impacts the State’s industries. The aggressive actions taken by OSHA can be viewed by looking at the 6 month statistics for inspections:

HISTORICAL DATA 10/1/2012 TO 4/13/2013	
Total inspections	No.
Total	456
Construction	179
General Industry	277
Total Penalties Issued	\$1,084,976.00

The State of Hawaii relies heavily on the tourism industry and the employers range from small to large businesses. OSHA inspections of these industries and other small businesses result in relatively high penalties. For example, the business experience has been penalties of \$3,800.00 for not being able to produce a material safety data sheet at the time of the inspection. Most of the \$1M in penalties is monies that are paid to the U.S. Dept of Treasury and not retained in the State. The impact of the citations and the penalties are also significant because of bad press releases naming the companies.

The press release is one sided and severely affects the hospitality employers. The press release on one of the hotel inspections stated,

“OSHA began its investigation Jan. 16 during a regularly scheduled inspection under a local emphasis program for hotels. The full service, five-star hotel employs more than 800 people who service more than 450 rooms.

Facing \$49,000 in total proposed penalties, _____ has 15 business days from receipt of its citations and proposed penalties to comply, meet with OSHA's area director or contest the findings to the independent Occupational Safety and Health Review Commission.

The conduct of these inspections also impacts the State's industries because they are not and have not been familiarized with all of their rights and introduced to the OSHA process. The process involved in the recent OSHA inspections includes the arrival of a compliance officer, a short entry briefing and a quick walk around inspection including private interviews with employees. Citations and penalties are issued along with a press release in some cases.

During the informal conference the employer learns that the exposure(s) evidence to support the citations rely heavily on the private employee interviews. Upon discussions with the employees later it is learned that the verbal statement(s) provided are not correct. At this point it is too late for the employer to contest the inspection, citation and the penalties. It is only a matter of time before an increase in litigation regarding these inspections, citations and penalties will be forced on employers.

Private employee interviews are conducted between the compliance officers and the employees. Employees are never informed of their right to refuse to be interviewed or the right to request an interpreter. In the few instances when a request for an interpreter was discussed the OSHA compliance officer intimidated the employer by asking how the training and information process occurred on site without interpreters, or why were the posters and signs not posted in the workers' language. There is a distinct difference, not recognized by OSHA, between a private interview with a federal compliance officer and the day to day communications with supervisors, and other workers regarding health effects, signs, protections and precautions to protect workers, etc.

Compliance with the guidelines and the requirements for the collection of evidence for the OSHA citations appear to be lax. Employers tend to attend the informal conference and take what they can get from OSHA. As these inspections continue to escalate the employers may have to consider evaluating the OSHA inspection information and their evidence more carefully and the use of the contest procedures utilized. Questions for contest are, (1) were the citations classified properly, (2) is the evidence sufficient to support a violation, (3) was a hazard evaluation conducted by the compliance officers, and (4) are the citations properly grouped at the time of issuance or is it improperly grouped and later used in the informal conference to placate employers.

One of the impacts of the joint jurisdiction that was raised by the VOS Hawaii Chapter and not addressed by the State or OSHA is the dual regulations and enforcement issues. For example, if a condition exists that is not addressed by the Federal OSHA standards but there is a regulation addressed by the State standards then OSHA will “refer” it to the State for enforcement. A condition where an employer can be

inspected by both OSHA and the State exists. Since these issues were not addressed at the time of the assumption of the joint jurisdiction it would mean that employers would most likely have to address these issues in court. The unresolved or unaddressed comment submitted by the VOS Hawaii Chapter:

Comment: The federal notice does not include the specifics of the assumption of jurisdiction. As written there is a joint jurisdiction for the State across the board which again means that an employer can be cited by two enforcement agencies using different standards and rules. Note: The draft operational agreement states, "Potential violations where the employer is in compliance with Federal regulations, but not with more stringent HIOSH regulations, may be referred to the Hawaii Occupational Safety and Health division (HIOSH)".

In all fairness it must be noted that the State of Hawaii injury/illness statistics for some of general industry is higher than the national average. For example in NCAIS for hotels the DART injury rate in Hawaii is 2.7 and the national average is 1.5. OSHA's targeting of this industry is not at question, it is the manner in how it is conducting the inspections, issuing citations and issuing bad press releases that is questionable. It has been said that you gain a lot more with sugar than vinegar.

Finally, the support to business is provided through the consultation program that should be available to employers. The State has 2 full time Consultants and the number of requests for assistance has them overwhelmed. This means that employer needing assistance have to be turned away. This is an OSHA funded program and yet the joint jurisdiction agreement does not address how they will support the consultation program.

We have a lot to learn. It is unfortunate that some of what we have to learn will be costly and difficult. The processes to identify what will be done and how we will do it with the least impact to our businesses is an important one. Only time will tell what our impacts will be and the price we all will have to pay.

2012 OSHA inspection

By Mark C. Rater

OSHA completed almost 41,000 workplace inspections in 2012.

Fall Protection – General Requirements 1926.501 - 7,250 violations
Hazard Communication – 1910.1200 - 4,696 violations
Scaffolding – 1926.451 – 3,814 violations
Respiratory Protection – 19010.134 – 2,371 violations
Ladders – 1926.1053 – 2,310 violations
Machine Guarding 1910.212 – 2,097 violations
Powered Industrial Trucks – 1910.178 – 1,993 violations
Electrical – Wiring Methods 19010.305 – 1,744 violations
Lock Out Tag Out – 19010.147 – 1,572 violations
Electrical – General Requirements – 19010.303 – 1,332 violations

Here were the 12 largest fines reported by OSHA in 2012.

Information from: compliance.safetysmart.com

1. \$702,300—Lockout/Tagout (LOTO)

Who Got Fined: Massachusetts subsidiary of international food giant Nestle SA.

Why OSHA Inspected: After contract worker cleaning machine used to manufacture hummus was sucked into the machine and crushed between 2 rotating augers.

Major Violations Cited: 7 egregious violations (on a per worker basis) for not providing LOTO training to victim and 6 other workers, as well as 2 willful and 3 repeat safety training and LOTO violations.

[\[Tribe Mediterranean Foods, No. 12-1159-BOS/BOS 2012-111, Reg. 1, June 18, 2012\]](#)

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2. \$600,000—Process Safety Management (PSM)

Who Got Fined: Massachusetts adhesives plant

Why OSHA Inspected: After March 2011 explosion.

Major Violations Cited: OSHA proposes \$917,000 in fines. Plant settles for \$600,000 and promise to fix its Process Safety Management (PSM) program.

[\[Bostik, No. 12-890-BOS/BOS 2012-082, Reg. 1, May 17, 2012\]](#)

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3. \$545,000—PSM

Who Got Fined: Ohio chemical plant

Why OSHA Inspected: Breach in piping system causes chemical release that forces plant and adjacent highway to shut down

Major Violations Cited: 4 willfuls for PSM violations including failure to correct problems identified in compliance audit; and 30 serious including PSM, fall protection (failure to guard floor openings), failure to test aerial lifts, electrical hazards and 7 inadequate LOTO program and procedures. Company also placed into SVEP (Severe Violators Enforcement Program).

[\[Dover Chemical Co., No. 12-2318-CHI, Reg. 5, Nov. 28, 2012\]](#)

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4. \$473,000—First Aid, PPE

Who Got Fined: Illinois pharmaceuticals plant

Why OSHA Inspected: After worker dies of chemical burns suffered in explosion of tank containing hot water and solution

Major Violations Cited: Company didn't call 911 or wash victim, says OSHA. 14 citations, 6 of them willful, including first aid, PPE and training

[\[Raani Corp., No. 12-901-CHI, Reg. 5, May 16, 2012\]](#)

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5. \$469,420—LOTO, Machine Guarding, Hazcom

Who Got Fined: Texas steel plant

Why OSHA Inspected: After workers complained and as part of a Site-Specific Target inspection

Major Violations Cited: 11 repeats, including failure to cover floor holes, lack of LOTO inspections, improperly mounted fire extinguishers, inadequate machine guarding and lack of Hazcom labels on chemical containers

[\[JSW Steel, No. 12-300-DAL, Reg. 6, March 7, 2012\]](#)

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6. \$463,350—Fall Protection

Who Got Fined: Four NJ concrete contractors at 20-story building project

Why OSHA Inspected: Under fall prevention at construction campaign

Major Violations Cited: Willful and egregious fall protection violations, including lack of fall protection equipment for employees working on fourth floor

[\[Altura Concrete Inc. et al, No. 12-1061-NEW \(osha 12-077\), Reg. 2, June 25, 2012\]](#)

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7. \$400,000—Repeat Fall Violations at Separate Sites

Who Got Fined: New England grocery chain

Why OSHA Inspected: In response to similar fall incidents at separate facilities owned by same company

Major Violations Cited: OSHA proposes fine \$589,000 after finding repeat fall and laceration violations at several of its 60 or so different stores. Employer settles for \$400,000 and promise to adopt safety program improvements dictated by OSHA

[\[DeMoulas Super Markets, No. 12-841-BOS, Reg. 1, May 7, 2012\]](#)

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8. \$365,500—Repeat Fire, PPE and Other Violations at Separate Sites

Who Got Fined: Walmart Corporation

Why OSHA Inspected: In response to complaints

Major Violations Cited: 10 repeats. OSHA inspectors in Rochester, NY, find same or similar violations cited in Walmart stores in Fla, Ga, Ark, Ala., Mo. and Ill. in past 5 years including locked emergency exit doors, lack of adequate eye and face PPE, failure to deliver Hazcom training—as well as serious violations for confined spaces, LOTO and others

[\[Walmart, No. 12-106-NEW/BOS, Reg. 2, Feb. 7, 2012\]](#)

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9. \$352,700 – Materials Handling, Fall Protection

Who Got Fined: Chicago metal forging plant

Why OSHA Inspected: Complaint that cranes didn't have adequate brakes

Major Violations Cited: 2 willfuls—failure to fix problems with cranes identified during inspection and not guarding open pits to prevent fall hazards; company placed in SVEP

[[A. Finkl & Sons Co.](#), No. 12-1569-CHI, Reg. 5, August 2, 2012]

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10. \$283,500—LOTO, Machine Guarding

Who Got Fined: Rail fastening system manufacturer in NJ

Why OSHA Inspected: Responding to worker complaints

Major Violations Cited: 3 willfuls for failure to implement LOTO procedures for hydraulic and mechanical presses, lack of machine guarding and not providing proper LOTO safety training and instruction to workers performing service and maintenance of machinery; and 20 serious includingfor electrical hazards, confined spaces, lack of hearing conservation program, PPE and fire extinguishers. Company placed into SVEP (Severe Violators Enforcement Program).

[[Pandrol USA](#), No. 12-2312-NEW (osha 12-126), Reg.2, Dec. 3, 2012]

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11. \$246,000—Respiratory Protection, Confined Spaces

Who Got Fined: Texas oil producer

Why OSHA Inspected: Two workers injured in oil field fire

Major Violations Cited: 2 willfuls—lack of respiratory protection program and permit confined spaces entry program; and 3 repeats—lack of adequate eye and face PPE, failure to deliver Hazcom training and information and not keeping electrical cords free of damage.

[[Vann Energy Services LLC](#), No. 12-2229-DAL, Reg. 6, Nov. 15, 2012]

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12. \$225,000 – 44 Serious Violations of Multiple Standards

Who Got Fined: South Dakota coolant core manufacturer

Why OSHA Inspected: Complaint about multiple safety concerns

Major Violations Cited: 44 serious—locked exit doors, LOTO, not documenting crane and forklift inspections, inadequate machine guarding and lack of Hazcom labels and training; 5th time company inspected since 2004 and placed into SVEP

[[Adams Thermal Systems Inc.](#), No. 12-1564-DAK, Reg. 8, August 7, 2012]

The Gold Standard for Risk Management – ISO 31000/ASNI Z-690

By Jim Newberry

What Risk Management and Risk Assessment mean for Safety Profession

Risk management and risk assessment are ways to gain access to upper levels of management to show them what you can do for them in language they understand.

- Safety becomes one of the action areas that helps implement programs profitably
- Risk is a concept upper management understands and uses regularly in all areas of corporate operations and planning

INTRODUCTION

This risk management guideline provides organizations of all types with a well-stocked toolbox for tackling situations that could affect the achievement of their objectives. Risks affecting organizations may have consequences in terms of: a) societal, b) environmental, c) technological, d) safety, e) security outcomes, f) commercial, g) financial and economic disciplines, h) social, i) cultural and political as well as j) reputation

impacts. When risks arise, organizations always have to ask the question: "Is the level of risk acceptable, and does it require consideration for further action?"

Risk assessment is an integral part of risk management which provides a structured process for organizations to identify how objectives may be affected. Risk assessment tools are used to analyze risks in terms of consequences and their probabilities, before the organization decides on further treatment, if required. Risk assessment provides decision-makers and responsible parties with an improved understanding of risks that could affect achievement of objectives, as well as, of the adequacy and effectiveness of controls already in place. The ISO 31010 guidelines provide a basis for decision about the most appropriate approach to be used to treat particular risks and to select between options.

CHARACTERISING RISK

We characterize and describe risk in terms of both consequence and what could happen and the likelihood of those consequences. In the past some standards only described risks as sudden or accidental events. However, we can now appreciate that risk also arise because of slowly changing or chronic situation and circumstances, not just because of a sudden event. Climate change is an example of a changing situation that poses a great risk to organizations, and indeed to the planet, yet it is not a single event.

There are challenges in characterizing both consequence and likelihoods. One simple way of describing potential consequences is to say what could happen and what could it lead to. The consequences we use to describe risk may involve loss, harm, and detrimental effects but often they involve benefits and advantages as well. In many cases, whether we describe consequences in a negative or positive frame depends on our point of view. For example, sometimes our loss will be someone else's gain. This positive framing of risk is becoming more commonly referred to as "opportunity risk" and it is to our benefit to expand our point of view to incorporate this larger view of risk (see **Figure 1** on the last page).



Importantly and fundamentally, risk is characterized and measured by considering consequences and likelihood of those consequences, not the abstract likelihoods of events that might be detached from your organizations objectives. Consequences and their likelihoods are combined in this framework to define a level of risk that quantifies it and to determine if treatment is required.

THE PRINCIPLES OF RISK MANAGEMENT

1. Risk Management should create and protect value.
 - Create and protect value by using risk management to help achieve your organization's objectives and improve its performance.
2. Risk Management should be an integral part of all processes
 - Make risk management part of every process within your organization at every level.
 - Make risk management a responsibility of every manager within your organization.
3. Risk Management should be a part of your decision making process at every level.
 - Use risk management to make informed choices.
 - Use risk management to prioritize actions.
4. Risk Management should be used to address the uncertainty that your organization faces.
 - Use risk management to identify and define the nature and type of uncertainties that your organization must deal with.

- Use risk management to figure out what you can do to address your organization's uncertainties.
5. Risk Management should use an approach that is structured, systematic, and timely.
 - Make sure that your approach contributes to organizational efficiency.
 - Make sure that your approach generates consistent and reliable results.
 6. Risk Management should be based on the best information available.
 - Make sure that the inputs you use to manage risk are based on the best available information sources.
 - Make sure that decision makers understand and consider the limitations and shortcomings of the data they use to manage risk.
 7. Risk Management should be tailored to your environment.
 - Make sure that your organization's approach to risk management is aligned with its unique internal and external context.
 - Make sure that your organization's approach to risk management is aligned with its risk profile.
 8. Risk Management should consider both human and cultural factors
 - Make sure that your approach to risk management recognizes and considers the human and cultural factors that can influence the achievement of your organization's objectives.
 - Consider how human capabilities can facilitate or hinder the achievement of your objectives.
 - Consider how human perceptions can facilitate or hinder the achievement of your objectives.
 - Consider how human intentions can facilitate or hinder the achievement of your objectives.
 9. Risk Management should be transparent, inclusive and relevant
 - Make sure that your organization's approach to risk management is open, visible, and accessible.
 - Involve your organization's stakeholders.
 - Involve decision makers from all parts of your organization.
 10. Risk Management practices should be dynamic and responsive.
 - Make sure that your approach to risk management continually senses change and responds to it.
 - Make sure that your organization's approach to risk management is iterative (a process that repeats itself).
 - Repeat your risk management process whenever and wherever objectives need to be achieved.
 11. Risk Management should facilitate continual improvement
 - Use risk management to continually improve all aspects of your organization.
 - Develop strategies to continually improve your approach to risk management.

RISK ASSESSMENT – ISO 31010

ISO 31010 is a supporting standard for ISO 31000 providing guidance on the selection and application of systematic techniques for risk assessment. Risk assessment carried out using this standard contributes to the effectiveness of risk management practices. A wide range of risk assessment techniques are provided.

The purpose of risk assessment is to provide evidence-based information and analysis to make informed decisions on how to best treat particular risks and how to select between options.

Some of the principal benefits of a performing risk assessment include:

1. Provide objective information for decision makers.
2. Understand the risk and potential impact upon organizational objectives.
3. Quantify and ranking of risks.
4. Contribute to the understanding of risks, in order to assist in selection of treatment options.
5. Identify the important contributors to risks and weak links in your processes, systems and organization.
6. Compare risks in alternative systems, technologies or approaches.
7. Identify and communicate risks and their uncertainties.
8. Assist with determining priorities for health and safety.
9. Rationalize a basis for preventive maintenance and inspection.
10. Post-incident investigation and prevention.
11. Select different forms of risk treatment.
12. Meet regulatory requirements.
13. Provide information that will help evaluate the tolerability of the risk when compared with pre-defined criteria.

Key Features and Benefits:

1. The 31010 Risk Assessment tools provide guidance on the selection and application of systematic techniques that are fully aligned with the ISO 31000 standard. Using these tools with ISO 31000 will enable an organization to take a coherent approach to risk management.
2. 31010 and 31000 do not replace other risk management standards. They underpin them and enable you to streamline existing risk management processes, helping your organization to save time and money!
3. These standards are written in a generic manner and designed to be used in combination with other standards, thus this standard can be leveraged by any organization no matter their size, type or location.

CONCLUSIONS

When properly implemented and applied, ISO 31000 Risk Management guidelines and the supporting ISO 31010 Risk Assessment tools will help you to:

1. Increase the likelihood that organizational objectives will be achieved.
2. Improve your organizations ability to identify threats and opportunities.
3. Establish a sound basis for planning and decision making.
4. Help your organization allocate and use risk treatment resources.
5. Improve the overall resilience of your organization.
6. Improve operational efficiency and effectiveness.
7. Encourage personnel to identify and treat risk.
8. Enhance your organizations approach to environmental protection.
Improve the effectiveness of your corporate governance activities.
9. Help minimize your organization's losses and manage opportunities
10. Improve your risk management controls.
11. Comply with legal and regulatory requirements.
12. Enhance your organization's health and safety performance.
13. Improve loss prevention and incident management activities.
14. Encourage and support continuous organizational learning

15. Improve the trust and confidence of your stakeholders.
16. Enhance both mandatory and voluntary reporting.
17. Comply with international norms and standards.

EPILOGUE

The ISO Technical Management Board has approved the transformation of the ISO/PC 292 Project Committee into the new ISO/TC 292 Technical Committee, giving it broader scope. The Technical Committee's theme is to develop "Risk management — Guidance for the implementation of ISO 31000". This project has been scuttles as an official "implementation guide", but will likely be available as a technical report in 2014.

