



The Safety Frontline

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Registration is still open for the upcoming AIHA TeleWeb titled "Ergonomics - the Workplace and Aging: Strategies for Minimizing Incidents and Accidents" featuring J&C Safety Consultants Owner Pam Ferrante. Join her on Tuesday February 13th from 2:00-4:30. Remember that you only pay one registration fee and can have as many participants in the room as you would like – that's a bargain not to be missed! Follow this link to read more about it and register - <http://www.aiha.org/content/CE/DL/teleweb21307.htm>

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Welcome to Volume 2 of "The Safety Frontline"

Hard to believe, but the header above now says Volume 2!! We hope that the first year of our e-newsletter has provided you with useful information on emerging trends and has kept you updated with safety developments that are important to you. Last year we looked at nanotechnology, computer vision syndrome, the aging workforce, and Global Harmonization, to name a few. We also watched with interest the workings of Senator Enzi's HELP Committee in the US Congress. Who knows what will catch our eye this year, but we think it will be worth your time to take a look. As always, if you have any feedback or ideas, please drop us a line at info@jcsafety.com.

**Keeping it Safe!
Pam**

Changes in Assigned Protection Factors for Loose-Fitting PAPRs May Create New Opportunities

Assigned Protection Factors (APRs) are numerical ratings assigned to a specific type of respirator by the manufacturer based upon standardized testing, approved by OSHA, and published in Table I of the Respiratory Protection Standard (29 CFR 1910.134). In the past OSHA has never been willing to accept an APR rating of greater than 25 for loose-fitting (hood style) PAPRs, limiting their use in varying environments. However, in August 2006, OSHA revised the Respiratory Protection Standard to amend APRs. One of the changes in this revision allows manufacturers to claim achievement of an APR of up to 1,000 based upon protection factor studies.

The significance of this regulatory change is that the environment in which certain loose-fitting PAPRs may be safely used has now been increased by a significant magnitude; essentially from concentrations of 25 times the PEL to 1,000 times the PEL of the specific toxic substance the respirator is being worn to protect against.

PAPRs are generally less expensive to use than atmosphere supplying respirators where APRs of 1, 000 or more are standard. Manufacturers of loose-fitting PAPRs also maintain that they are more comfortable to wear. Moreover, wearers of loose-fitting respirators don't face the same restrictions on facial hair that tight-fitting facepieces do. All of these advantages reduce problems with compliance.

One final reason to welcome this change is the development of an intrinsically safe loose-fitting PAPR by one particular manufacturer, allowing it to be worn in environments that meet the various definitions established for Hazardous Locations by the NFPA National Electrical Code for flammable and combustible atmospheres.

We welcome these new developments, but caution you to look carefully before making any changes in your Respiratory Protection Program. Call us if you'd like some help assessing your particular program.

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Frontline's Fast Facts

The largest fine assessed against a company by OSHA in Fiscal Year 2006 went to BP Products North America and resulted from an inspection at their Oregon, Ohio facility. Among the violations were 32 of the willful category, including locating vulnerable people in buildings among processing units, failure to correct deficiencies with gas monitors, and failure to prevent the use of non-approved electrical equipment in locations in which hazardous concentrations of flammables substances existed.

The largest fine ever assessed against a company is \$21,361,500. This staggering amount was also paid by BP Products North America following the disastrous explosion at its Texas City, Texas refinery which killed 15 workers and injured more than 170. Sadly, some of the violations that helped tally up this fine were the exact same as occurred little more than a year later at the Ohio facility.

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AFL-CIO Sues OSHA on Personal Protective Equipment Payment Issue

We've written before about the ongoing inability of OSHA to resolve the issue of who is responsible to pay for PPE. The delay is now entering its eighth year and on January 3, 2007, the AFL-CIO essentially said it had had enough by filing a lawsuit against OSHA, asserting that nothing was preventing OSHA from reaching a resolution.

The genesis of this issue was a ruling by the Occupational Safety and Health Review Commission (OSHRC) in 1997 stating that the existing OSHA PPE standards, as they were written, did not require employers to pay for PPE. The OSHRC ruled that the standards required the use of PPE in certain situations, but never specifically addressed the issue of payment when it used the term "provide" to designate the employer's duty for PPE rather than the term "pay for". OSHA has been promising to revise the existing rule to clarify this issue since that time, announcing its first deadline of 2000.

Several deadlines have come and gone since and the AFL-CIO's suit alleges that an estimated 20 million workers are affected by OSHA's lack of action, placing them at risk for injury or death. The suit even notes OSHA's own estimates of 400,000 injuries and 50 deaths as a result of this unresolved problem.

OSHA's position is that this is a complex issue and requires careful debate. Its studies show that the revision of the rule would create a \$61.9 million cost to industry, although it should be noted that since many employers already pay for PPE, that number does not represent an increase, but simply a total amount. The new OSHA Administrator, Edwin G. Foulkes, Jr, appointed in March of 2006 has indicated that resolution of this issue is one of his highest priorities.

The lawsuit filed by the AFL-CIO has asked the U.S. Court of Appeals for the District of Columbia Circuit to issue an order directing the Secretary of Labor to issue a rule within 60 days of its order. We'll let you know how this turns out in our next issue.

Never Underestimate the Danger of Confined Spaces

A recent article in a safety periodical caught our eye. It discussed the recently released results of a U.S. Chemical Safety Board (CSB) report detailing the findings of a fatal accident at the Valero Energy Corporation refinery in Delaware City, Delaware. The two workers killed were contractor's employees, installing a large pipe elbow on the top of a pressure vessel.

According to the investigation, the workers were both asphyxiated and the CSB postulates that either one worker entered the vessel to retrieve a roll of duct tape that had fallen inside and the second attempted to rescue him or both entered for the same purpose. Because of the hazards inside the vessel, this entrance should have required the use of a remote device or, if workers needed to enter, a Confined Space Entry Permit. It is believed that the workers did not want to do so because it would have delayed the completion of the job, which was supposed to be completed by the end of the shift.

The CSB concluded that the workers at this plant, including contractor's employees, are not properly trained in the hazards of low-oxygen environments, including how quickly asphyxiation can occur and render a worker unconscious and unable to escape.

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Make Sure Your OSHA Summary Form is Ready to Go!!

Within a few short weeks after receiving this issue of "The Safety Frontline", the start date for the required posting of the OSHA Summary Form 300A will occur. All companies with more than ten employees at any time during 2005 must post the annual summary of workplace injuries in a location where employees typically congregate at some point during their work shift. If your employees do not have a common work area, such as construction workers who move from site to site, a copy of the form must be provided to those employees wherever they are assigned during the posting period.

The data for this form should come from the OSHA Form 300, sometimes called the Injury Log, which should have been maintained throughout the year. The Summary Form also requires information about the annual average number of employees and the total number of hours they worked during the calendar year. It is also important to have an executive with your company sign and certify the form where indicated, prior to posting.

As noted above, the posting period begins on February 1st and continues unabated until April 30th. If your establishment did not have any recordable injuries, the form must still be posted using zeros in all applicable lines. Companies with fewer than 11 employees or who are in one of the industry groups that is exempt from completing the forms do not have to complete them unless asked to do so by the Federal Labor Department's Bureau of Labor Statistics (BLS).

FRONTLINE'S FAST FREEBIES



Who says you can't get something for nothing? In every issue we will bring you two freebies. Go get 'em!

1. Every time we go to Conferences with Vendor Expos, we always head for the NIOSH booth. They always have such cool free things to give away. The most recent one we picked up was Publication No. 98-131 – "Worker Deaths by Electrocution: A Summary of Surveillance Findings and Investigative Case Reports". This CD is packed with detailed fatality case studies for use in any electrical safety presentation, including general electrical safety as well as Lock Out/Tag Out. As with all NIOSH publications, it's free. Go to their website and request this publication via email (www.cdc.gov/NIOSH/pubs.html) or call (1-800-35-NIOSH).
2. Need some help in developing a Business Recovery Plan? Developing your own plan and checklist from scratch is time-consuming. No need to reinvent the wheel. Go to FEMA's website and use their four level system to walk you through the areas you need to address. The checklists can be found at <http://www.fema.gov/business/bc.shtm>.

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