



The Safety Frontline

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Is Your Safety Incentive Program Working?

Many organizations use safety incentive programs as a means to reward and motivate employees to act safely and to help patrol their peers. But do these programs work? Many safety professionals debate this issue, with no clear consensus. Join JC Safety President Pam Ferrante on Tuesday August 12th from 1:00-2:00 PM ET for a live webinar on safety incentive programs. This webinar entitled "Revitalize Your Safety Incentive Program: What Works to Improve Safety", is sponsored by Progressive Audio Conferences.

Webinars are a cost-effective method of training larger numbers of staff since you pay only for one line and can have as many people in the room as possible.

Follow this link for more information on costs and to register.

www.pbconferences.com

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The Livin' is Easy!!

No doubt about it – we are right smack dab in the middle of summer and I love it! We work hard during the day and we play hard at night and perhaps get to take a vacation (or two!), whiling away the hours on a quiet beach with just a book - or maybe get to see places we've only dreamed of.

During the hot days of summer, JC Safety is always here ready to provide you with proven strategies for developing and implementing a world-class safety program that works. Give us a call, and we'll show you our vacation pictures while we show you numerous ways to assure that your valuable workforce will get to enjoy this summer injury and incident-free just like we are. As always, you can reach us at 412.414.4769 or info@jcsafety.com

Keeping it Safe!
Pam Ferrante, CSP, CHMM
President

House Passes Combustible Dust Explosion and Fire Prevention Act

We reported in a previous issue about the deadly explosion at the Imperial Sugar Refinery in Georgia in February 2008 that killed 13 workers and injured more than 70. In our article, we noted how this issue has been studied by the US Chemical Safety and Hazard Investigation Board (CSB) over the years with ongoing recommendations that OSHA develop a standard dealing with this serious safety hazard.

Despite the known hazards, OSHA has thus far failed to act. But if the US House of Representatives has its way, they will be required to do so. Introduced by George Miller (D-CA) and John Barrow (D-GA), H.R. 5522 was passed on April 30th by a vote of 247-165 and would require an interim rule be published by OSHA within 90 days of the Act's passage and a final rule within 18 months. The rule would make improved housekeeping and engineering controls designed to reduce the hazard mandatory as well as worker training and the development of a written safety program. It would also require OSHA to revise the Hazard Communication Standard to include combustible dusts.

The Bush Administration says the rule takes a "one size fits all" approach and therefore opposes the Bill. The Administration also believes that the rapid pace of the rulemaking does not allow sufficient time for stakeholder input and review and prohibits sufficient economic analysis. It also does not believe that the Bill demonstrates any clear assurances of improved worker safety.

The Bill now goes to the Senate for consideration. We'll keep you posted.

JC Safety & Environmental, Inc. is certified by the Commonwealth of Pennsylvania as a Woman Business Enterprise (WBE), as a Woman/Disadvantaged Business Enterprise (W/DBE) through the Pennsylvania Unified Certification Program, and by the United States Small Business Administration as a HUB Zone Small Business

The ACGIH Wins Big on Threshold Limit Values

In what has been hailed as a major victory for the American Conference of Governmental Industrial Hygienists (ACGIH) and the safety community, Judge Hugh Lawson of the U.S. District Court in Macon, Georgia issued a summary judgment and dismissed the remaining four counts of a lawsuit brought by the International Brominated Solvents Association, the National Mining Association and other plaintiffs against the ACGIH.

The plaintiffs in the lawsuit alleged that the Threshold Limit Values (TLVs), published by ACGIH as voluntary guidelines for protecting workers from the harmful effects of toxic substances were "false and deceptive" and were not based upon scientific fact in addition to ignoring contradictory evidence and scientific data from other sources. The plaintiffs argue TLVs are promoted simply as a means of financial gain for the organization.

In addition, the lawsuit alleged that OSHA has used the exposure limits as a basis for issuing citations, a claim denied by OSHA Administrator Edwin G. Foulke, Jr.

A summary judgment means that the determination to dismiss the lawsuit was made without a full trial. Previous counts of the lawsuit were dismissed in March 2005.

OSHA's Site-Specific Targeting Plan Announced

If your organization reported more than 11 or more injuries or illnesses resulting in days away from work, restricted work transfer or job transfer for every 100 full-time employees (DART) in 2006, you are probably in OSHA's sights for an unannounced comprehensive safety inspection as part of its Site-Specific Targeting Plan (SST). Another statistic that might move your organization onto the list includes a DAFWII (days away from work injury and illness) rate of 9 or more.

In addition to those 3800 organizations on the primary list, the secondary SST list includes worksites with DART rates of more than 7 but less than 11 or a DAFWII rate of at least 4 but less than 9. In addition, if your organization did not respond to the request from OSHA for data and information, you may be included on the list.

This program is one of OSHA's main methods for targeting high hazard workplaces for comprehensive inspections and is promoted as an effective means to utilize scant compliance resources. Organizations on this list have already (or will soon) receive a letter notifying them of their inclusion on this list and the possibility of an unannounced visit.

For more information on the SST program, visit the OSHA website at:

http://www.osha.gov/OshDoc/Directive_pdf/CPL_02_08-03.pdf

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Frontline's Fast Facts

With gas prices rising without an end in sight, the safer way to drive also costs less.

According to the Department of Energy:

- Rapid acceleration and deceleration lowers gas mileage by 33% on the highway and 5% for city driving;

- For each 5 mile per hour driven above 60, drivers pay an extra \$0.20 per gallon.

In addition, according to a report published in Transportation Research Record a 1% decrease in travel speed;

*- reduces injury crashes by 2%;
- reduces serious injury crashes by 3%;
- and reduces fatal crashes by 4%.*

For more information, visit the Governors Highway Safety Association website at

www.ghsa.org

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OSHA's Revised PPE Rule Now in Effect

Although the revised final rule for PPE was published by OSHA in November 2007, employers were given six additional months to comply. That deadline (May 13th) has now passed and all required PPE, with a few exceptions must be provided to workers "at no cost".

This long-awaited rule was more than 10 years in the making, originally considered by OSHA as far back as 1999. The impetus stemmed from a vacated citation against the Union Tank Car Company in 1994, who won their appeal of an OSHA fine for not paying for metatarsal protection for their employees. Union argued that OSHA was not consistent in how it worded its standards with regard to responsibility for paying the cost of PPE. In some standards, particularly those promulgated recently, the words "provide at no cost" were used. In older standards, the term "provide for" was used.

In its ruling the Circuit Court suggested that OSHA simply needed to make its language about payment consistent and the issue would be resolved, but it took ten long years for the final result, despite ongoing published documents by OSHA that it intended to finalize the rule. Some in the safety community credit the United Food and Commercial Workers International Union for finally pushing the issue to a head by filing a lawsuit against OSHA, alleging that numerous were being harmed each day by the delay.

As with all OSHA standards, this one is not without confusion on how it will be enforced. Several grey areas remain, including several items considered 'tools of the trade'. In addition, OSHA opened the door for employers to require payment for replacement PPE when an employee negligently damages or loses it. Although the rule requires a normal wear and tear deduction for any replacement cost, how those numbers will be arrived at can be complicated and confusing. Expect several Letters of Interpretation to be forthcoming on these sticking points.

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. The Federal Substance Abuse and Mental Health Services Administration can help you put together or revise your substance abuse program with their free kit available online. The kit consists of brochures, fact sheets, bumper stickers and posters. And best of all it's free. You can order up to five copies online at www.workplace.SAMHSA.gov/WPWorkit/index.html
2. The Consumer Products Safety Commission has recently released an update to its popular *Handbook for Public Playground Safety*, offering guidance for childcare organizations, schools officials, playground designers, and school groups on how to build safer playgrounds. This manual offers advice for playground for infants as young as 6 months. You can either request a copy via email at info@cpsc.gov or download a copy at this link - <http://www.cpsc.gov/CPSC/PUBS/PUBS/325.pdf>

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