



National Safety  
Management  
Society

**DIGEST**

*Updating Members on Safety Management News*

## August 2009

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## Welcoming Our New 2009 NSMS Members

On behalf NSMS President Roosevelt, the NSMS Executive Committee and the NSMS Board of Directors, we like to thank all members who have proactively renewed their 2009 National Safety Management Society memberships. We would also like to acknowledge, recognize and welcome the following new members to our professional organization:

- **Vernal Garris**, Safety & Occupation Health Specialist – 201<sup>st</sup> Battlefield Surveillance Brigade [BFSB] (Fort Lewis, Washington)
- **Rachid Irzouni**, Owner – Bureau of Occupational Safety & Health Algeria (BOSHA) (Ouled Fayet, Algiers, Algeria)
- **Keith D. Jones**, Director of Environment, Health & Safety – James Avery Craftsman (Kerrville, Texas)
- **Randy Joyner**, Safety & Occupational Health Professional – U.S. Army HQ, USAREUR
- **John Malool**, Safety Trainer – UMDNJ School of Public Health (Piscataway, New Jersey)
- **David A. Rowe**, Safety Manager/Consultant – Dennis Group Consulting (Pooler, Georgia)
- **Ezra Yashiyi Yakubu**, Port Harcourt, Rivers State, Nigeria

We appreciate your interest in furthering your skills, knowledge and abilities in the management of safety and risks, as well as your interest to networking and professional development. Welcome again to NSMS!

### **The ISHM “Certified Safety and Health Manager” (CSHM) Accreditation Has Been Achieved!**

The vision of our early NSMS founders to develop a safety management-focused credential to recognize professional competence in safety leadership has culminated in the official accreditation of the NSMS-created Certified Safety and Health Manager credential by the Council on Engineering and Scientific Specialty Boards (CESB). CESB is a self-sustaining, independent body which accredits certification programs organized and operated consistent with sound credentialing practices tailored to the needs of engineering and technology specialties. CESB is the recognized accreditation body for engineering and scientific certification and specialty certification programs for professional credentials such as the Board Certified Environmental Engineer, Certified Industrial Hygienist and Certified Hazardous Materials Manager.

Our sister organization, the Institute for Safety and Health Management (ISHM) and its Board of Directors deserve all the credit for their leadership, diligence, determination and perseverance in marshalling this monumental effort to fruition. Our CSHM credential holders deserve our gratitude for their patience as this initiative effort went through many trials and tribulations over the years. The Institute for Safety and Health Management is the credentialing organization which administers the CSHM to recognize safety and risk management professionals who, through demonstrated professional experience and the passing of a comprehensive exam, have met ISHM's requirements for mastering the safety management body of knowledge.

The CSHM credential recognizes safety and health professionals who demonstrate knowledge of health and safety management skills and techniques through examination and experience. The CSHM certification program promotes the integration and practice of safety management principles throughout all levels and activities of an organization. In addition to technical knowledge of safety and industrial hygiene, a successful safety and health manager must possess working knowledge of a broad range of business and financial principles and an understanding of related issues such as hazard analyses, accident/incident investigations, safety audits/surveys, workers' compensation, risk management, product safety, human factors, environmental laws, quality, and labor relations. The CSHM program is designed to provide recognition of those who can apply such a broad range of health and safety management tools. NSMS offers to be a resource and facilitator to help those interested in pursuing such a certification.

## **NSMS' "Certified Safety Supervisor (CSS)" Credential Now Accepted Towards Associate Safety Health Manager (ASHM) Designation**

Associate Safety and Health Manager (ASHM) designation is intended to recognize those individuals who possess some combination of formal training and experience listed below that prepares them for safety and health management responsibilities. The ASHM serves to let potential employers and current employers know that these individuals have been formally educated to address workplace safety and health issues or are ready to step into safety management positions.

Individuals who receive the ASHM designation have a period of six years to pass the accredited Certified Safety and Health Manager (CSHM) certification examination. The ASHM designation will permanently expire six years after the date of issue or when replaced by the CSHM designation, whichever comes first. For more information, please visit the ISHM website: <http://www.ishm.org/pages/associate.html>

Upon completion of the application package, approval by the review committee, and payment of the appropriate fees, a candidate who does not have a college degree, but is a holder of a safety certificate recognized by the ISHM Board (<http://www.ishm.org/pdf/certprograms.pdf>), plus nine years of qualifying work experience is eligible for the ASHM designation:

### **SPECIAL ADVANCED ANNOUNCEMENT:**

#### **NATIONAL SAFETY MANAGEMENT SOCIETY Upcoming Special Professional Development Workshop Now Tentatively – Winter 2009 Houston, Texas Area**

Many emails have been coming in recommending to NSMS that we offer an interdisciplinary two-day professional development workshop that will enable safety professionals/managers sharpen their skills, knowledge and abilities in interacting with employees and company leadership. We are considering a pilot workshop beginning in the Houston, Texas area and going forth to other regions where our membership would like to have it presented. If we come to your locale or college campus, we hope this will be a more cost-effective opportunity to learn and expand your skills, knowledge and abilities (SKAs).

The tentative workshop fee (early, pre-registration) for NSMS members is \$125 and \$250 for non-members and an on-site (or late) registration of \$160 for NSMS members and \$275 for non-members (includes lunch and program materials). College students majoring in this field of study are also invited

to attend (NSMS Student (Affiliate) Members workshop fee is \$100). We need a minimum of 50 attendees to cover this event. (We still currently have 20 respondents) Please email us at [nsmsinc@yahoo.com](mailto:nsmsinc@yahoo.com) if you are interested in possibly attending so we can begin to establish a headcount. Thank you.

## **“Enhancing Safety Management SKAs: 2-Day Professional Development Workshop”**

**Instructor: Dr. Jeffrey Chung, CSHM CHFP – NSMS Executive Director**

### **Day One –**

- Administrative Business, Introductions and Workshop Overview
- Safety Management Principles and Practices
- Safety Attributes for Best-in-Class Organizations
- Emerging Safety and Health Issues – Aging Workforce, Green Jobs and Special Needs of Foreign Workers
- Psychology of Safety – A Behavior-based Approach; Human Performance Improvement
- Developing Effective Training/Presentation Skills
- Role of Safety Committees; Conducting/Facilitating Effective Meetings

### **Day Two –**

- Understanding Self/Others/Your Organization – SMART Profile
- Strategic Planning Concepts and Process
- Problem Solving and Analytical Tools
- Performance Metrics for Continuous Improvement
- Corporate Communication Strategies for Safety/Risk Management Professionals
- Ethics for the Safety Practitioner and Manager
- Stress and Health Management for the EH&S Professional
- Wrap-up and Workshop Evaluation

## **The NSMS “Blog” is Here**

Steve Geigle has created and launched the “NSMS Blog” on the NSMS website. It will allow members and others to post comments, remarks and initiate discussions about a variety of safety management topics and issues. You can participate in the Blog by going to the NSMS website (<http://nsms.us>) and look for the link on the home page along the left-hand column of navigation areas. The NSMS Blog can only thrive with the enthusiasm and expertise of its members and readership. We encourage and invite everyone who has an interest in workplace health and safety to be a part of the NSMS Blog and help create a community that helps all organizations be safer, healthier and compliant places to work.

## **FREE ACCESS: Online Certified Safety and Health Manager (CSHM) Educational and Exam Preparation Reference Materials**

As a benefit for our current and future dues-paying members, NSMS is **permanently** offering free access to the Certified Safety and Health Manager (CSHM) preparation and educational materials. The online resources, created by NSMS member Steve Geigle, can be found at [www.cshmprep.com](http://www.cshmprep.com) and the only action an NSMS member needs to take is to email Steve requesting access from that website. You will need to include your current NSMS member number (found on your membership card and certificate). Once the number is verified, you will be granted a username and password to access the online reference materials. This is a great opportunity to brush up on your safety management and technical knowledge and prepare for a successful passing of the CSHM certification examination.

### **Employers Must Pay for ESD Footwear, OSHA Says**

*(By OSHonline.com – July 31, 2009)*

*A newly posted Letter of Interpretation says the employer must provide it at no cost to employees who work with flammable liquids and products because the footwear provides additional protection and is designed for special use on the job.*

[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=27023](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=27023)

OSHA is back in the business of posting Letters of Interpretation. Several new letters were visible yesterday on the agency's Interpretations Web page, most of them concerning construction safety topics. The letters are OSHA's answers to specific questions and thus may not be applicable beyond the specific employers who submit the questions, but they do explain how the enforcement personnel interpret its regulations. One new letter from Richard E. Fairfax, director of OSHA's Directorate of Enforcement Programs, tells a Milwaukee employer that it must provide static dissipative safety toe footwear at no cost to employees working with flammable liquids and products because the footwear provides additional protection and is designed for special use on the job.

Fairfax cited OSHA's 2007 final rule for Employer Payment for PPE, which exempted footwear providing the protection of an ordinary safety-toe shoe or boot. Footwear with additional safety attributes falls under the employer payment requirement, he wrote.

The questioner had asked whether the footwear would be exempt from full payment if the employer allows its employees to wear the static dissipative safety-toe footwear off site, for personal use. "No," Fairfax wrote. "Since this specialty footwear is required for the job, the employer is required to provide it at no cost to the employee. This is still the case if the employer allows employees to use the footwear off the job."

Other new letters on the page said OSHA's PEL for nitric oxide as an eight-hour time-weighted average does apply to pregnant employees and answered questions about multiple lifts of pre-cast concrete members, removing ladders during trenching activities, the use of cable hook assemblies, pole grip assemblies, or adjustable levelers on fiberglass extension ladders used in construction, and payment for body belts, positioning straps, and pole and tree climbers.

## **Obama Picks Epidemiologist to Head OSHA**

*(By Ames Alexander, CharlotteObserver.com, July 28, 2009)*

David Michaels, an epidemiologist who has pushed to protect workers suffering from radiation exposure and other hazards, is President Obama's pick to run the U.S. Occupational Safety and Health Administration.

Michaels, a research professor at the George Washington University School of Public Health and Health Services, served from 1998 to 2001 as Assistant Secretary of Energy, a job that made him responsible for protecting the safety of workers and communities surrounding nuclear weapons facilities.

There, he led an initiative to compensate nuclear weapons workers who developed occupational illnesses following exposure to radiation and other hazards.

If confirmed by the Senate, Michaels would lead an agency that has begun to take a more direct role in protecting workers. He would serve under Labor Secretary Hilda Solis, a former House Democrat viewed as an advocate for workers and labor unions.

Jordan Barab, a former congressional staffer who has been serving as OSHA's acting head, would continue to hold a high-ranking job as deputy assistant secretary.

Michaels drew praise from some workplace safety advocates.

“His recent leadership work on chemical hazards . . . demonstrates his commitment to protecting workers from unregulated hazards,” said Eric Frumin, safety and health coordinator for Change to Win, a federation of seven national unions.

He also got support from some Congressional Democrats involved in workplace safety issues.

“Dr. Michaels' expertise and leadership is needed as OSHA continues to restore vital health and safety protections for America's workers,” said U.S. Rep. George Miller D-Ca., the chairman of the House Education and Labor Committee. “I look forward to working with Dr. Michaels and Secretary Solis to ensure the agency has the tools it needs to accomplish this mission.”

Michaels has studied the health effects of occupational exposure to toxic chemicals, including asbestos, metals and solvents.

OSHA was created in 1971 following congressional hearings that highlighted dangerous working conditions. Congress told the agency to craft and enforce regulations to protect workers.

## **What Should We Expect From New OSHA Head?**

*(By Glenn Demby, Esq., Safety-X-Change – July 31, 2009)*

*“OSHA has the potential to contribute to a real reduction in workplace injuries and illnesses. . . and saving hundreds if not thousands of lives each year. Sadly, OSHA is not fulfilling that promise.”*

These words come from a witness who testified in a 2007 Congressional hearing on OSHA's regulation of chemical hazards. This week, President Obama appointed the man who uttered those words to head OSHA.

## Meet David Michaels

David Michaels, PhD, MPH, is an epidemiologist and one of the nation's leading health and safety researchers. Before becoming a professor at George Washington University, Michaels served as assistant secretary at the Department of Energy.

Michaels's world view is one in which greedy corporations suppress the truth about the health effects of their products. In his 2008 book *Doubt Is Their Product: How Industry's Assault on Science Threatens Your Health*, Michaels documents how industry giants have used various "tricks of the trade," like skewing negative studies to make them look positive, to block scientific research and the dissemination of information about health hazards. Michaels singles out the tobacco industry and manufacturers of chemicals like beryllium, asbestos, lead and chromium for criticism.

## What Will Michaels Do at OSHA?

In his article for the Winter 2009 issue of the New York Committee of Occupational Safety newsletter (called *Safety Rep*), Michaels wrote that OSHA "badly needs a change in direction and philosophy." According to Michaels, the agency should seek to achieve four objectives:

1. Issuance of a workplace injury and illness prevention program rule;
2. Awarding of more training grants;
3. Development of a new electronic recordkeeping and reporting system; and
4. Launching a campaign aimed at "changing the way the nation thinks about workplace safety."

Michaels's scientific background is also expected to result in closer cooperation between OSHA and its research arm, NIOSH (the National Institute for Occupational Safety and Health) and the development of new standards addressing hazards associated with emerging technologies like nanotechnology.

## Conclusion

Michaels's scientific background (OSHA hasn't had a director with a scientific background since the Carter Administration) and ingrained suspicion of industry herald a new OSHA era that will almost surely be characterized by two things: energetic development of new standards and aggressive enforcement of existing ones.

## **New Fed-OSHA Document Addresses Combustible Dust Hazards**

Fed-OSHA recently published [\*Hazard Communication Guidance for Combustible Dust\*](#), a new guidance document that assists chemical manufacturers and importers in recognizing the potential for dust explosions, identifying appropriate protective measures and the requirements for disseminating this information on material safety data sheets and labels.

The document addresses combustible dust hazards in relation to the Hazard Communication Standard, which is designed to ensure that chemical hazards are evaluated and the information concerning them is transmitted to employers and workers.

Combustible dusts are solids finely ground into fine particles, fibers, chips, chunks or flakes that can cause a fire or explosion when suspended in air under certain conditions. Types of dusts include metal (aluminum and magnesium), wood, plastic or rubber, biosolids, coal, organic (such as flour, sugar and paper, among others), and dusts from certain textiles.

## **Can a Dangerous Worker Pose a “Recognized Hazard”?**

*(By Glenn Demby, Esq., Safety-X-Change – May 8, 2009)*

*I received the following note in response to an article about “recognized hazards” and the OSHA General Duty clause.*

### QUESTION

I want to know if the same principal about recognized hazards could be used in the hiring process.

For example, say a job candidate provides questionable answers to the safety part of the interview. The interviewer writes “possible safety problems” on the interview notes but the employer decides to hire him anyway. Later, the worker disobeys a safety rule and causes a serious incident in which a co-worker gets hurt. Could the interview notes "possible safety problems" be used to show the employer committed an OHS violation?

RT, Manager Alberta

### ANSWER

100% yes. What you’ve just described is a perfect illustration of the “recognized hazards” principle in action.

*Explanation:* Remember, that under the General Duty clause, employers must ensure a workplace free of “recognized hazards” even if the hazard isn’t addressed by a specific OSHA standard. One way a hazard can be “recognized” is if the employer actually did foresee it. The interview notation “possible safety problems” is evidence that the employer foresaw that this worker could pose a hazard.

At that point, the inquiry would shift to whether the employer took reasonable measures to deal with the hazard posed by the dangerous worker. If it turns out that the worker was allowed to perform operations that endangered co-workers without precautions, e.g., warning co-workers that the guy was dangerous or assigning a supervisor to keep an eye on him, OSHA could justifiably cite the employer for violating the General Duty clause.

Since you’re from Canada, I’ll translate this to a due diligence context. Due diligence (and Canadian OHS general duty clauses) also require employers to take reasonable measures to prevent foreseeable risks. Because the hazard posed by the worker wasn’t just foreseeable but actually foreseen, the same question would arise: Did the employer do enough to counteract the danger? If the answer is no, the employer won’t be able to prove due diligence.

## **Rare Study by Feds May Prompt OSHA Changes**

*(By Alexandra Berzon, Las Vegas Sun – July 31, 2009)*

The U.S. Labor Department has formed a task force to look into problems at Nevada's Occupational Safety and Health Administration, a top official said Thursday.

For the past week and a half, two officials from the Labor Department and two officials from other state workplace safety agencies have been at Nevada's OSHA offices to review the state's practices for investigating workplace accidents, said Jordan Barab, the acting assistant secretary of labor who oversees federal OSHA.

After speaking to officials and reviewing documents, the task force will issue a report detailing any problems it discovers and recommending policy changes. The report is expected in about a month.

Barab acknowledged that the move is rare, and an indication that the federal agency has serious concerns about how workplace safety has been handled in Nevada over the past few years.

Nevada officials said they are cooperating with and support the review.

Nevada, along with about half of the other states, operates its own agency, known as a "state plan," to enforce laws governing workplace safety. In the remaining states, Barab's agency, federal OSHA, governs workplace safety.

FedOSHA is also charged with reviewing the state plans to make sure they're at least as effective as the federal agency.

Its mission has remained constant, but FedOSHA's level of oversight has varied over the years. Direct interference in the operation of state plans is rare.

The power of the federal government in regulating the state agencies is limited. Its only enforcement tool — the takeover of a state agency — is drastic and has never been used.

At a meeting last month of state plan administrators in Portland, Ore., Barab told state officials that the federal government plans to step up its monitoring of state plans.

So far, only Nevada is being visited by a special task force.

FedOSHA officials routinely look at data from state plans, speak to local officials and investigate incidents that are brought to their attention. But OSHA observers say their intervention here appears to be the most dramatic federal involvement in a state plan since the feds nearly took over North Carolina's state plan in 1991, after a fire at a poultry plant there killed 25 people.

New Nevada Industrial Relations Division administrator Donald Jayne met with Barab at the gathering in Portland. During that meeting Jayne agreed that Nevada OSHA has had problems and responded favorably to the task force plan, Barab said.

Nevada OSHA came to the attention of federal officials last year after a string of 12 construction worker deaths on the Strip in 18 months amid fast-paced construction. In June 2008, FedOSHA inspectors took the unusual step of joining Nevada inspectors in looking at safety practices at large Strip sites, including CityCenter, Cosmopolitan and Planet Hollywood.

Federal officials also responded to the state's investigation of a double fatality involving maintenance workers at the Orleans. After two workers died and a third was injured at the casino in February 2007, several people involved in OSHA's subsequent investigation issued a formal complaint to federal OSHA about the state's unusual practices in that investigation.

A Sun series, which this year received the Pulitzer Prize for Public Service, drew attention to the deaths and the failure of government, management and labor to protect workers.

After investigating the Orleans incident, federal officials concluded that Nevada's conduct had been problematic and asked the state to review its practices.

Tom Czehowski, the state OSHA administrator at the time, responded to the federal request last fall, saying the agency would not comply immediately.

The developments prompted efforts by the Nevada Legislature to revamp the agency, but lawmakers' efforts largely failed.

With the federal scrutiny and retirements of key personnel in Nevada, change appears to be coming to the agency.

In March, Czehowski's boss, Industrial Relations Division administrator Roger Bremner retired. Czehowski retired in May.

As the new chief of the Industrial Relations Division, Jayne intends to forge a close partnership with federal OSHA, he said.

"We have the same mission," Jayne said. "We all want to make sure we have safe workplaces in Nevada and around the country. We hope to get valuable feedback and if we have procedural problems and someone helps to identify them, we'll fix them."

Jayne ran the state's workers' compensation program from 1991 to 1993. He found that the agency was headed toward bankruptcy, which led to major agency changes and eventually, privatization of workers' compensation in Nevada.

Jayne, who is hiring Czehowski's replacement, said Nevada OSHA is complying with FedOSHA's request to do a self-evaluation of its procedures and policies, especially those related to the Orleans incident. He expects to have the results of that review in 30 to 60 days.

The federal task force arrived July 22.

That day, Jayne organized a meeting with the media at his offices. It was an abrupt shift in strategy for an agency that was closely guarded under its former leadership, and whose officials almost always refused to speak to reporters.

The task force will conclude its work in the state office by Aug. 7.

A federal takeover of the state agency is not on the table, said Barab, who will become the No. 2 person at OSHA after an assistant secretary is confirmed. (President Barack Obama on Tuesday nominated George Washington University professor David Michaels for that post.)

“We’ve had nothing but good vibes from them,” Barab said of Nevada OSHA administrators. “We’re completely confident that they’ll take our recommendations seriously.”

## **Area Businesses Look at Ways to Improve Employee Health**

*(By Jeff Kiger, Postbulletin.com – July 29, 2009)*

If you want to live, don't take a seat.

"The worst thing you can do is to say 'take a seat' when they walk in your office," Andy Wood told a group of about 45 people Tuesday at the Rochester Athletic Club.

This was one of many simple and often free suggestions for businesses as well as individuals to reform their own health care.

Wood, a Rochester native who worked for General Mills as director of corporate wellness for 25 years, suggested walking meetings and chair-less conference rooms as simple ways for a business to improve the health of its employees.

"Move it or lose it" is how RAC General Manager Greg Lappin phrased it.

Lappin says this generation is unique compared to the extremely physical lives of the hunters and farmers of the past.

"We by choice can lead a sedentary life," he said of today's ranks of office workers.

And that is often cited as a major cause of a deadly and expensive epidemic of obesity and related health problems like heart disease and diabetes in the U.S.

"Health is free," Wood said. "It is health care that costs."

Obese workers cost employers significantly more each year in health care than their slimmer counterparts. And workers compensation claims are more than double for obese employees, he said.

Wood works for a company called Muve that makes a device to track a person's movements to determine how many calories are burned per day. The device, called Gruve, which the RAC offers to its members, shows a user how active they need to be to maintain the weight they want.

Looking at a person's overall health, more than 51 percent of it is simply about "what we do or what we don't do," Wood pointed out.

About \$1,000 a year is how much more a tobacco-using employee costs a business in health care over workers that do not use tobacco, he said.

Obesity and using tobacco are equally bad, said Dr. James Seward, a retired Mayo Clinic physician and founder of EchoMetrics.

"Studies have shown that the costs and impacts of smoking are equal to those of obesity," he said.

So having a healthier workforce can save a company money on health care, but does promoting wellness through exercise programs, healthy snacks and other corporate actions pay off?

"Every \$1 of prevention will save you \$3," said Seward, citing a recent study. That adds up to an estimated \$1,500 to \$1,800 savings per employee each year.

Another study announced Monday by the Centers for Disease Control and Prevention estimated that obesity costs about \$147 billion in health care spending each year. That's significantly more than the \$93 billion a year spent on treating all forms of cancer each year, according to the American Cancer Society.

Another simple way to save lives, cut costs and save businesses money is testing for medical conditions to catch them early, said Seward after citing well-known athletes and celebrities who died of treatable, easily diagnosed conditions.

"We can see a problem long before it causes difficulties," he said. "These things are so easy to diagnose."

To address this, Seward recently founded a company in Rochester called EchoMetrics.

It offers echocardiogram scans of the "highest quality" at the "lowest cost," he said. A typical echo scan can cost between \$1,000 to \$1,500. EchoMetrics is offering scans in places like the Rochester Athletic Club for \$50 each.

Why is a health club offering a workshop on corporate wellness and partnering with companies like Muve and EchoMetrics?

"It is all about health," says Lappin. "If you don't innovate, you evaporate."

## **Industry Fights NYC Crane Safety Laws**

*(By Barbara Leonard, Courthouse News Service, July 27, 2009)*

The Steel Institute of New York says New York City's new crane-safety laws - enacted after two deadly crane collapses in 2008 - put an "excessive" burden on its members, who already are subject to federal regulations.

Construction companies must obey the Occupational Safety and Health Act (1970), which requires states to submit plans if they wish to add to the federal standards. The Steel Institute says New York City did not create an OSHA-approved state plan before adopting new statutes and inspection checklists for crane sites. The city's new law puts most decisions in the hands of the building commissioner or department inspector, the Steel Institute says. This gives city officials the power of "arbitrary and capricious enforcement" and the power to impose discriminatory civil sanctions for nonhazardous conditions that do not explicitly violate any statute, the industry group says.

One new law forbids crawler, locomotive and truck cranes built after Oct. 1, 2006, from operating in the city, according to the complaint. The city Building Department said in a June 25 statement that it spent \$4 million this year to create the High-Risk Construction Oversight Initiative in response to public unrest over the spate of construction accidents and deaths.

The initiative found that after launching the Excavations Inspections and Audits Unity, the number of excavations accidents in which people were killed decreased from eight in 2006 to two in 2008. Two deadly crane collapses in 2008 - one on the Upper East Side in May and one in Midtown in March - killed nine people and injured 28. The former chief crane inspector and a Long Island-based crane company were indicted in October 2008 on corruption charges.

The Steel Institute seeks declaratory and injunctive relief. It claims the city violated due process and the supremacy and commerce clauses of the Constitution. It is represented by James Butler with Smith, Currie & Hancock.

## **Ethiopia: Agency Calls for Occupational Safety Implementation**

*(By Fikremariam Tesfaye, allAfrica.com, July 27, 2009)*

Addis Ababa — The Federal Civil Service Agency (FCSA) on Friday urged organizations to implement the occupational safety and health proclamation in their organization because it ought to be considered as basic human rights. Establishing good occupational safety and health standards are fundamentals for the benefit of both employing organizations and employees, the agency said.

"Those organizations who implement the proclamation will obtain a positive impact on economic, social, political and image of the organization," said Takele Zewde, Human Resource Management Senior Expert of the FCSA at a press conference here, adding that many organizations have the law on the paper, but they would not usually act upon it.

Occupational safety and health is a cross-disciplinary area concerned with protecting the safety, health and welfare of people engaged in work or employment. It aims at the promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations; the prevention amongst workers of departures from health caused by their working conditions, according to the expert.

Takele said it is also the protection of workers in their employment from risks resulting from factors adverse to health; the placing and maintenance of the worker in an occupational environment adapted to his physiological and psychological capabilities.

"Many governments realize that poor occupational safety and health performance results in cost to the state. Such as: costs for medical treatment, and the loss of the employability of the worker. On the other hand, employing organizations also sustain costs in the event of an incident at work including: legal fees, fines, compensatory damages, investigation time, lost production, lost goodwill from the workforce, from customers and from the wider community," he said.

The goal of all occupational safety and health programs is to foster a safe work environment. It may also protect co-workers, family members, employers, customers, suppliers, nearby communities, and other members of the public who are impacted by the workplace environment.

Occupational safety and health involve interactions among many subject areas, including occupational medicine, occupational or industrial hygiene, public health, safety engineering, chemistry, health physics, ergonomics, toxicology, epidemiology, environmental health, industrial relations, public policy, sociology, and occupational health psychology.

The agency authorized to regulate occupational safety and health is implemented in governmental organizations or not and ratify safety regulations. Its mission is making government executive bodies to have modern human resource management system, which enable them to implement their mission and make them helpful for development and good governance, it was learnt.

## **Lessons Learned: We Energies, Scaffolding Firm Face Penalties in Oak Creek Blast**

*(By Joel Dresang, JSOnline Milwaukee-Wisconsin Journal Sentinel – July 30, 2009)*

Federal safety regulators have cited a Waukesha scaffolding company and We Energies after the investigation of a February explosion that injured eight workers at the utility's plant in Oak Creek.

The Occupational Safety and Health Administration alleged "willful and serious" safety violations Thursday by We Energies and contractor ThyssenKrupp Safway Inc. in the explosion, which seriously injured four workers inside a coal dust collector hopper and caused lesser injuries to four workers outside.

OSHA has proposed penalties of \$153,500 for ThyssenKrupp and \$147,000 for We Energies. The agency defines "willful" safety violations as those in which evidence suggests "intentional disregard or plain indifference" to OSHA standards. "Serious" violations are those that could cause death or serious physical harm.

Seven contract workers for ThyssenKrupp injured in the Feb. 3 explosion and fire have sued the company. The suit alleges that We Energies knew that a coal dust collector where the workers were setting up scaffolding was "hazardous, dangerous and unsafe"; that the dust was highly combustible; and that the fire suppression system inside the silo where the explosion occurred was "non-functional."

The suit, filed in Milwaukee County Circuit Court by Milwaukee attorneys Robert Habush and Timothy Trecek, does not specify the amount of damages being sought. We Energies has said that the company had done regular inspections of the silo - one of which discovered the need for the repairs that were being prepared for at the time of the explosion. The explosion occurred as the scaffolding workers were preparing for another contractor to make repairs to the fire suppression system.

### **Companies Respond**

"We're obviously very interested in determining the root cause of the accident and what can be done to prevent an incident of this nature from ever happening again," We Energies said in a statement Thursday. "We've been conducting our own internal review, and we will certainly take a hard look at the information OSHA has provided to us. "We look forward to sitting down with OSHA representatives over the next few days to discuss their findings."

Michelle Dalton, spokeswoman for ThyssenKrupp Safway in Waukesha, said the company received OSHA's proposed citations Thursday. "We have cooperated with OSHA fully in this investigation and will continue to do so," Dalton said. "We will be reviewing these alleged violations very closely and we will formulate our response within the 15 days that we are allowed."

## **Lessons Learned: OSHA Proposes Fining Kansas Company for Lincoln Fatality**

*(By Richard Piersol, JournalStar.com – July 30, 2009)*

The U.S. Department of Labor's Occupational Safety and Health Administration has proposed fining Diamond Sawing and Coring LLC of Summerfield, Kan., \$13,300 for alleged violations in connection with the death of a man injured at the Nebraska Air National Guard headquarters in May.

OSHA says the company failed to train its employees and altered equipment in an unsafe way. OSHA cited the company after an investigation into the death of Ryan Hitchler, 25, one of two men who fell while repairing a hangar roof at the Nebraska Air National Guard headquarters in Lincoln on May 12. Hitchler died May 16 at BryanLGH Medical Center West. The other worker injured was Preston Gibson, 21, of Merriam, Kan.

Hitchler, 25, had lived in Lincoln for several years after graduating from Grand Island Northwest High School. He was living in Waverly at the time of the accident. OSHA said its inspectors found two alleged serious violations of the OSH Act.

"This accident was preventable. Employers cannot allow employees to be exposed to fall hazards," said Charles Adkins, OSHA's regional administrator in Kansas City, Mo., in a release. The alleged serious violations were a lack of employee training and the employer's altering of equipment to lift personnel without evaluating the equipment's ability to support the alteration.

OSHA spokesman Jeremy Eggers said the company had taken a skid steer loader, a Caterpillar 262B, removed the shovel at the front, affixed a platform to the arms and, essentially, used the machine to elevate workers to various heights. At the time of the accident, the two workers were on a platform sawing, OSHA said.

"This was a highly unstable working platform, and eventually, the loader flipped over, the workers fell and were taken to the hospital," Eggers said in an email. "If modifications are made to a piece of machinery, those modifications have to be analyzed/reviewed/approved by, for example, the manufacturer or an engineer-in short, steps need to be taken to ensure that the modification to the machinery is safe-that wasn't done here."

OSHA said it issues a serious citation when death or serious physical harm is likely to result from a hazard that an employer knew or should have known about. Diamond Sawing and Coring has 15 business days from receipt of these citations to comply, request an informal conference with OSHA's area director in Omaha or contest the findings before the independent Occupational Safety and Health Review Commission.

Diamond Sawing & Coring could not be reached for comment at its office in Kansas. It also has a telephone listing in Diller. A man who answered the phone at that number would not identify himself and said he had no comment.

## **Lessons Learned: Dana Container Plant Facing \$314,000 in OSHA Penalties**

*(By Reliantplant.com – June 29, 2009)*

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has proposed \$314,000 in fines against Dana Container Inc. of Summit, Ill., for alleged willful, serious and repeat violations of federal workplace safety standards.

As a result of a safety and health inspection, OSHA has cited the company for three willful violations with a proposed penalty of \$210,000. The willful citations address the company's alleged failure to have adequate written programs and permits required for working in confined spaces and not insuring proper working conditions before allowing workers to enter those confined spaces. OSHA defines a willful violation as one committed with plain indifference to or intentional disregard for employee safety and health.

The company also has been cited for 16 serious violations with proposed penalties of \$86,500. Some of the citations allege the company failed to provide proper training and procedures on uses of personal protective equipment such as respirators; review permit space entry operations and permit required confined space programs; install guardrails on elevated runways; provide proper identification and warnings on hazardous material tanks; and provide an adequate hazard communication program. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Dana also has received one citation for a repeat violation with a penalty of \$17,500. The alleged repeat violation addresses failure to provide emergency eyewash and a safety shower for employees working with corrosive materials. OSHA issues a repeat violation when it finds a substantially similar violation of any standard, regulation, rule or order at any of an employer's facilities in federal enforcement states when an initial one previously was cited.

"Injuries and fatalities from accidents such as asphyxiation due to overexposure of hazardous gases are preventable," said Gary Anderson, OSHA's area director in Calumet City, Ill. "Employers must remain dedicated to keeping the workplace safe and healthful or face strong enforcement actions by OSHA."

Dana Container Inc. is a tank washing company that employs about 375 workers nationally. Its facility has been inspected seven times by OSHA, including two inspections after worker fatalities, and the company has received numerous citations from these past inspections.

The company has 15 business days from receipt of the citations to comply, request an informal conference with OSHA's area director or contest the citations and proposed penalties before the independent Occupational Safety and Health Review Commission.

## **Research Shows "Newness" Means Greater Risk (The Health and Safety Report, Volume 7, Issue 7 – July 2009)**

When it comes to work-related injury, "newness" can mean higher risk. This is just one of the topics explored in a new series of "Issue Briefings" launched by the Institute for Work & Health (IWH). Issue Briefings provide summaries of research findings, from IWH and elsewhere, written in plain language, on various topics that are of particular interest to policy-makers.

New research is showing that "newness" in the labour market is associated with a higher risk of work-related injury. Whether it's young workers, workers of all ages who are new to their jobs, newly immigrated workers or employees in newly established firms, the evidence indicates that these workers face higher injury rates and/or more hazardous jobs. The IWH Issue Briefing summarizes the key research behind these findings and explores the implications for policy-makers in governments and health and safety service providers.

Many aspects of newness were examined in the IWH research and highlights of key findings are summarized below.

### **New to Labour market**

Young men experienced a higher rate of work-related injury than other workers, but much of this increased injury risk came from the fact that they were more likely to be new to their jobs, in high risk occupations, and/or in jobs requiring a high degree of physical effort.

### **New to Job**

Workers on the job for less than a month had four times as many compensation claims as more experienced workers who held their current job for more than a year. Part of this increase is attributed to the fact that most new workers do not receive adequate training. In a recent study, over 75% of employees in their first year of employment indicated that they had not received health and safety training.

### **New to Canada**

Recent immigrants are new to this country as well as to their jobs. Male immigrants in their first five years in Canada reported twice the rate of work-related injuries requiring medical attention, compared to Canadian-born male workers. There are a number of possible reasons for this finding including the fact that recent immigrants are more likely than Canadian-born workers to be in physically demanding and/or risky occupations.

### **New firms**

New firms opening in the previous or current year had a 25% higher rate of workers' compensation claims than other firms. One of the possible reasons for this observation could be that training new workers in occupational health and safety may be difficult for a new firm to manage if it has many new workers within a short period of time.

## **Safety Training/Meeting/Communication Strategies: “The Toilet Journal: Loo News You Can Use”** *(By Kathleen (Kitt) Ferraz, PharmaForm, LLC)*

New Ideas for Driving Safety Home - Here at our location we have a lot of highly educated people doing a tremendous amount of Research, Development and Formulation for the Pharmaceutical Industry.

Our main form of communication for everything often falls to email as everyone has their own computer attached to the company network. However, I was concerned that sometimes emails were being deleted without being read thoroughly.

Our Safety Committee hit upon a great idea that has given us a captive audience for important safety information. Every 2 weeks, we publish the "Toilet Journal, Loo News You Can Use" and place it on the doors of all the stalls of both men and women restrooms.

Committee Members are responsible for providing Tips and Tidbits. These and other pertinent information such as air monitoring results, new PPE requirements and SOP revisions are all included in the Journal. The inaugural issue was January 16 and it included a request for employees to submit. Since then, my suggestion box has been flooded with ideas and comments.

It's working for us and has added a little humor to a sometimes dry topic. The TJ finishes with a "Drip Tip" after which it states the Last Drop. People now look forward to the next issue and it keeps safety fresh in everyone's mind.

## **18 Cures For Hiccups**

(Sources: *The Extraordinary Book of Lists*, *Mother Nature.com*, *Healthy Update Newsletter*)

*Here's something fun (and helpful if you don't already have a chosen cure for hiccups). I have no idea if all of these work. Most doctors will tell you that if leave them alone hiccups will go away after a few minutes. When I get the hiccups, I use a mixture of cure #1 and cure #13. I hold my breath for as long as I can then swallow a few gulps of water. Works for me.*

### **1) The Drinking Cure**

Swallowing water interrupts the hiccuping cycle, which can quiet the nerves. Gargling with water may also have the same effect, but swallowing is probably the fastest way to cure hiccups.

### **2) The Pineapple Juice Cure**

Some say that the acid in pineapple juice obliterates hiccups, but it's probably just the swallowing action that comes from drinking.

### **3) The Gulp Cure**

Whatever you want to gulp down, go for it. Just like drinking water, swallowing any food or drink is a good way to dispel the dreaded hiccups. If water or juice bores you, why not have a snack? Chips, crackers--okay, carrots and broccoli--will work too.

### **4) The Little Brother Cure**

If you stick out your tongue, you'll stimulate your glottis, the opening of the airway to your lungs. Since a closed glottis is what causes hiccups in the first place, this usually works pretty well.

### **5) The Drink Upside Down Cure**

If gulping down water is good, drinking it upside down must be too. As with many home remedies, this one is a bit unusual, but it's not totally illogical. In addition to swallowing the water, it's pretty hard to figure out how to drink upside down. The concentration needed might equalize the breathing and cure the hiccups.

### **6) The Cotton Swap Cure**

This cure works just like the Little Brother Cure. Take a cotton swap and tickle the roof of your mouth. People will wonder what you're doing, but it's better than drinking upside down, isn't it?

### **7) The Scaredy-Cat Cure**

The effectiveness of this cure is dubious at best, since once you ask someone to scare you, you're not going to be really, truly surprised. However, if you have a friend with ESP, he or she might be able to help. Losing your breath or gasping might just reset your glottis automatically. Boo!

### **8) The Sugar Cure**

Especially popular among the six-year-old set, a lump of sugar not only tickles the glottis, it gets the hiccuping person swallowing--a double threat to the hiccups. (Parents take note: One half teaspoon of sugar dissolved in four ounces of water may work wonders on baby's hiccups.)

### **9) The Squeeze Cure**

Can't stop hiccuping? Squeeze those suckers outta there! Sit in a chair and compress your chest by pulling your knees up to your chin. Lean forward and feel those hiccups magically disappear.

### **10) The Sternum Cure**

Some hiccup experts claim that by massaging the sternum, hiccups will melt away. There's not a lot of

science to substantiate this claim, but it's hard to argue with a massage.

### **11) The Hear No Evil Cure**

This cure was reported in the medical journal *Lancet*, so it has to work, right? The article claims that if you plug your ears, you will in effect, short-circuit your vagus nerve, which controls hiccups.

### **12) The Brown Bag Cure**

It might be that breathing into a brown paper bag cures hiccups because the hiccuping person is taking in more carbon dioxide when inhaling. Or, it might be that the person is concentrating more on breathing, slowing it down and smoothing it out.

### **13) The Hold Your Breath Cure**

This is one of the oldest hiccup remedies, and it usually works pretty well. What is the science behind it? It probably works the same way a paper bag does-- it forces a little more control over your breathing.

### **14) The Earlobe Cure**

Earlobes aren't just good for nibbling or wearing earrings. If you rub them, you can cure your hiccups! This silly cure has no basis in logic or fact, but try it, what do you have to lose but your hiccups?

### **15) The Headstand Cure**

Not everyone can stand on their head, but if you can, you might have a good hiccup cure. By standing on your head, you're probably using a fair amount of concentration and messing with your breathing. This should lead to a cessation of the hiccups.

### **16) The Sound of Music Cure**

If you sing or yell as loudly as you can for at least two minutes or longer, you might notice your hiccups leave the building. But your friends might leave the building too.

### **17) The Sleeper Cure**

Give your glottis, throat, and diaphragm a break--lie down on your back. This is a gentler way to get rid of those obnoxious hiccups.

### **18) Chill It**

Apply ice to the side of the Adam's apple. Cold can block the reflex pathway of nerves that carry the signals for hiccups. (Ice should not be applied to the pulse points in your neck or with a lot of pressure; both can affect your blood pressure.)

## **Safety Tidbits** (from "Safety Stuff" by Richard Hawk Inc. <http://www.richardhawkins.com>)

- Guns in America kill more people in one week than during an entire year in all of Europe.
- Sick Building Syndrome appears on many death certificates as Hypersensitivity Pneumonitis, an inflammatory lung disorder.
- A bottle of champagne has three times as much air pressure as the tires on a car.
- On average 115 Americans die each year while riding horses or in horse-driven vehicles.
- At the age of 73, legendary tightrope walker Karl Wallenda tempted fate in San Juan, Puerto Rico in 1978. He was attempting to walk across a wire stretched between two hotels and fell to his death, blown off balance by the high winds.
- *Fulgerite* is "fossilized lightning" occurring when a bolt melts soil into glass.

- Over 50,000 people (U.S.) have died from being scalded since 1965.
- Superman once gave Batman a ring of green kryptonite so that if he ever lost his mind and became a danger to humans, Batman could use the ring to defeat him.