



National Safety  
Management  
Society

**DIGEST**

*Updating Members on Safety Management News*

## December 2009

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## Warmest Holiday Greetings!

This holiday season, families all across America and many foreign countries will gather with neighbors and friends to rekindle old friendships, revive honored traditions, and renew the hope and love that is part of the season. And as we do, our thoughts and prayers should extend the men and women of our armed forces whose mission it is to defend peace and freedom, those who have endured and are rebuilding from wild land fires and other natural disasters, and all who are less fortunate or hurting.

On behalf of the National Safety Management Society President Roosevelt Smith, Executive Director Jeffrey Chung and the entire Board of Directors, we want to take this opportunity to wish all our members and affiliates great joy, peace, prosperity, and good health during this holiday season and as we enter into 2010. Thank you for reading the NSMS Safety Digest, visiting our Website and for being part of our Society. We hope to continue to add value to your professional development and work lives. Until next time, Merry Christmas and Happy New Year!

## Welcoming Our New 2010 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:

- **Gary L. Bailey**, Safety Consultant – Baileys Safety Consultants (Sterling, Alaska)
- **Colby A. Child, Jr.**, Corporate Health and Safety Officer – R. Christopher Goodwin & Associates, Inc. (Frederick, Maryland)
- **Richard J. Kattar**, Vice President Safety – Greenstar, NA (Houston, Texas)
- **Jeevan Kumar Kodamassery**, Project Safety Officer – Depa Interiors, LLC (Dubai, United Arab Emirates)
- **Victor M. Rincon**, Industrial Engineer & Occupational Safety and Health Specialist – Foster Wheeler Energy, UK (Singapore)
- **Frank J. Stasik**, Safety Manager – Greenstar, NA (Pittsburg, Pennsylvania)

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!

## **Election is Underway for NSMS Board of Directors Openings**

Nominations have been received and we appreciate our members' interest and commitment to help serve on the Board and contribute to the Society's growth and needs of our membership. This leadership role is critical to help chart the strategic direction for our Society and address members' professional development. The two newly elected and/or re-elected Board members will be serving a two-year calendar term (2010-2012). The electronic ballots have been emailed to all current dues-paying members this month. Please complete your voting before the end of January 31, 2010.

## **NSMS 2010 Membership Renewal Notices Have Been Distributed**

By now, you should have received your membership renewal letter in the mail. NSMS is very grateful for your membership throughout the years and looks forward to continuing our association together.

For the 8<sup>th</sup> consecutive year, there is **no dues increase**. Please renew by January 31, 2010. Your dues will support a number of critical initiatives, both new and ongoing. NSMS will strive to further: engage in outreach activities, maintain the website, offer online and live technical and management training workshops (with significant course fee reductions for current members), maintain certification programs for safety technicians and supervisors, prepare for annual conferences, offer CSHM exam preparation workshops, support the establishment of new state chapters and student chapters at higher educational institutions, and any other initiatives based on member needs and recommendations. These are ambitious goals and it will take a group of dedicated members stepping up and volunteering to help NSMS achieve them. Please consider offering your expertise and time to these important initiatives.

*For those of you who are non-members or past member, and are regularly receiving this monthly online publication, we encourage you to go online to our website (<http://nsms.us>) and join our organization and not miss out on future distributions.* Thank you.

## **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 entry level positions in safety management.

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 – Spring 2010**  
**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 the cost/break even on this 2-day training event. (We currently have 25 respondents – half way there!) 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.

## **GAO Suggests Reporting of Workplace Injuries, Illnesses Likely Inaccurate**

The US Government Accountability Office (GAO) says workplace injuries and illnesses are likely widely underreported and frequently inaccurate. The Occupational Safety and Health Act of 1970 mandates that the US Department of Labor collect and compile work-related injury and illness data.

However, the GAO report states that the Occupational Safety and Health Administration (OSHA) don't always require its inspectors to interview workers about injuries and illnesses. Such interviews would help OSHA verify the accuracy of employer-provided injury and illness data.

Comments from stakeholders interviewed by GAO officials, coupled with surveys of occupational health practitioners, suggest that workers may not report work-related injuries or illnesses because they fear job loss or other disciplinary action, or are worried about jeopardizing rewards based on having low injury and illness rates.

And employers may not record such incidents because they are afraid of increasing their workers' compensation costs or jeopardizing their chances of winning contract bids for new work.

More than one-third of occupational health practitioners surveyed by GAO said they had been subjected to pressure to provide insufficient medical treatment that avoids the need to record an injury or illness.

Read a summary of the GAO report, including recommendations to the Department of Labor is printed below:

## **Workplace Safety and Health: Enhancing OSHA's Records Audit Process Could Improve the Accuracy of Worker Injury and Illness Data**

*(GAO-10-10 October 15, 2009)*

Under the Occupational Safety and Health Act of 1970, the Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA) is responsible for protecting the safety and health of the nation's workers. The act requires DOL to collect and compile work-related injury and illness data. GAO was asked to determine (1) whether DOL verifies that employers are accurately recording workers' injuries and illnesses and, if so, the adequacy of these efforts, and (2) what factors may affect the accuracy of employers' injury and illness records. GAO analyzed OSHA's audits of employers' injury and illness records, interviewed inspectors who conducted the audits, surveyed occupational safety and health practitioners, and obtained the views of various stakeholders regarding factors that may affect the accuracy of the data.

DOL verifies some of the workplace injury and illness data it collects from employers through OSHA's audits of employers' records, but these efforts may not be adequate. OSHA overlooks information from workers about injuries and illnesses because it does not routinely interview them as part of its records audits. OSHA annually audits the records of a representative sample of about 250 of the approximately 130,000 worksites in the high hazard industries it surveys to verify the accuracy of the data on injuries and illnesses recorded by employers. However, OSHA does not always require inspectors to interview workers about injuries and illnesses--the only source of data not provided by employers--which could assist them in evaluating the accuracy of the records. In addition, some OSHA inspectors reported they rarely learn about injuries and illnesses from workers since the records audits are conducted about 2 years after incidents are recorded. Moreover, many workers are no longer employed at the worksite and therefore cannot be interviewed. OSHA also does not review the accuracy of injury and illness records for worksites in eight high hazard industries because it has not updated the industry codes used to identify these industries since 2002. OSHA officials told GAO they have not updated the industry codes because it would require a regulatory change that is not currently an agency priority. The Bureau of Labor Statistics (BLS) also collects data on work-related injuries and illnesses recorded by employers through its annual Survey of Occupational Injuries and Illnesses (SOII), but it does not verify the accuracy of the data. Although BLS is not required to verify the accuracy of the SOII data, it has recognized several limitations in the data, such as its limited scope, and has taken or is planning several actions to improve the quality and completeness of the SOII. According to stakeholders interviewed and the occupational health practitioners GAO surveyed, many factors affect the accuracy of employers' injury and illness data, including disincentives that may discourage workers from reporting work-related injuries and illnesses to their employers and disincentives that may discourage employers from recording them. For example, workers may not report a work-related injury or illness because they fear job loss or other disciplinary action, or fear jeopardizing rewards based on having low injury and illness rates. In addition, employers may not record injuries or illnesses because they are afraid of increasing their workers' compensation costs or jeopardizing their chances of winning contract

bids for new work. Disincentives for reporting and recording injuries and illnesses can result in pressure on occupational health practitioners from employers or workers to provide insufficient medical treatment that avoids the need to record the injury or illness. From its survey of U.S. health practitioners, GAO found that over a third of them had been subjected to such pressure. In addition, stakeholders and the survey results indicated that other factors may affect the accuracy of employers' injury and illness data, including a lack of understanding of OSHA's recordkeeping requirements by individuals responsible for recording injuries and illnesses.

### Recommendations for Executive Action

**Recommendation:** To improve OSHA's efforts to verify the accuracy of employer-provided injury and illness data, the Secretary of Labor should direct the Assistant Secretary for OSHA to require inspectors to interview workers during the records audits to obtain information on injuries or illnesses and substitute other workers when those initially selected for interviews are not available.

**Agency Affected:** Department of Labor

**Status:** In process

**Comments:** When we confirm what actions the agency has taken in response to this recommendation, we will provide updated information.

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**Recommendation:** To improve OSHA's efforts to verify the accuracy of employer-provided injury and illness data, the Secretary of Labor should direct the Assistant Secretary for OSHA to minimize the amount of time between the date injuries and illnesses are recorded by employers and the date they are audited by OSHA.

**Agency Affected:** Department of Labor

**Status:** In process

**Comments:** When we confirm what actions the agency has taken in response to this recommendation, we will provide updated information.

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**Recommendation:** To improve OSHA's efforts to verify the accuracy of employer-provided injury and illness data, the Secretary of Labor should direct the Assistant Secretary for OSHA to update the list of high hazard industries used to select worksites for records audits and target inspections, outreach, and technical assistance.

**Agency Affected:** Department of Labor

**Status:** In process

**Comments:** When we confirm what actions the agency has taken in response to this recommendation, we will provide updated information.

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**Recommendation:** To improve the accuracy of the data recorded by employers on workers' injuries and illnesses, the Secretary of Labor should direct the Assistant Secretary for OSHA to increase education and training provided to employers to help them determine which injuries and illnesses should be recorded under the recordkeeping standards, such as providing assistance to employers via the online tool that OSHA is considering.

**Agency Affected:** Department of Labor

**Status:** In process

**Comments:** When we confirm what actions the agency has taken in response to this recommendation, we will provide updated information.

## **New OSHA Guidance Focuses on Training, PPE for Emergency Medical Responders**

*(BLR.com –December 1, 2009)*

OSHA has issued a guidance document, [\*Best Practices for Protecting EMS Responders During Treatment and Transport of Victims of Hazardous Substance Releases\*](#), that addresses adequate training and personal protective equipment for emergency medical services responders who assist victims of hazardous substance release incidents.

This document, a companion to *OSHA's Best Practices for Hospital-Based First Receivers*, advises that employers provide, at a minimum, awareness level training to EMS responders. Workers receiving awareness-level training are not permitted to rescue or treat contaminated patients, but are responsible for notifying authorities if they suspect hazardous substances at a scene. Operations-level training teaches EMS responders skills for entering hazardous areas and caring for contaminated individuals.

"Healthcare workers, including EMS personnel, play a critical role in a community's emergency response program," said acting Assistant Secretary of Labor for OSHA Jordan Barab. "Emergency workers who protect the lives of victims at dangerous incidents should not risk becoming victims themselves because they lack proper training and protective clothing."

The guidance document helps employers to determine the type of training and PPE needed by anticipating the EMS responder's role in a worst-case scenario, identifying hazards associated with the responder's assigned duties, and developing an emergency response plan detailing safe accomplishment of those duties.

## **Med Students Often Fail to Report Needle stick Injuries**

*(U.S. News and World Report – November 30, 2009)*

Many medical students get stuck by needles, putting them at risk for blood-borne diseases, but they often fail to alert hospital authorities, which increases their risk of [infection](#), a new study has found.

The researchers interviewed 699 surgery residents at 17 medical centers and found that 415 -- 59 percent -- had experienced needle stick injuries as medical residents, often more than once.

In many cases, they didn't report their injury, meaning they didn't have an opportunity to undergo treatment to prevent HIV or [hepatitis C](#) infection if needed. Medications are available to prevent infection from setting in after exposure to the diseases, the study authors noted in the report published in the December issue of *Academic Medicine*

"Medical schools are not doing enough to protect their students, and hospitals are not doing enough to make medical school safe," Dr. Martin A. Makary, an associate professor of surgery at the Johns Hopkins University School of Medicine and lead researcher for the study, said in a university news release. "We, as a medical community, are putting our least skilled people on the front lines in the most high-risk situations. Most trainees are still forced to learn to sew and stitch on patients, which puts both providers and patients at risk."

Makary said medical schools should rely more on training devices that simulate humans and take steps to prevent doctors from performing as many procedures on patients until they've developed better skills.

"[Hospitals](#) are not creating a culture of speaking up," added Makary. "If people are not speaking up regarding their own safety concerns, it's probably a surrogate marker of people not speaking up about patient safety concerns."

To learn more about needlesticks from the U.S. Occupational Safety and Health Administration go to their website at <http://www.osha.gov/SLTC/bloodborne pathogens/>

## **ASSE Pushes for More Workplace Safety Coverage**

*(By Bob Vavra -- Plant Engineering, November 30, 2009)*

The American Society of Safety Engineers has written to U.S. Rep. Lynn C. Woolsey, urging her committee to keep public sector occupational safety and health coverage provisions in the Protecting America's Workers Act (PAWA).

In his letter to Rep. Woolsey, the chair of the House Committee on Education and Labor's Subcommittee on Workforce Protections, ASSE President C. Christopher Patton noted that more than eight million public sector state and municipal workers are not provided federal occupational safety and health protections due to the fact that the Occupational Safety and Health Act only requires such coverage in states with their own occupational safety and health plans.

"ASSE supports providing all public sector employees with federal OSH protections," Patton said. "We strongly urge you to keep the provision that would provide this coverage in the PAWA bill now under consideration. Don't turn your back on the workers who deserve this coverage."

As noted in the letter, this is a key concern of ASSE members. An investigation by the U.S. Chemical Safety and Hazard Board (CSB) into the 2006 Daytona Beach municipal water treatment facility that took the lives of two workers found Florida's lack of OSH coverage for its public sector workers contributed to those deaths. In response, ASSE Florida members led ASSE to provide the resources needed to help pass legislation in 2008 establishing a task force charged with determining how to best protect Florida's workers that reinforced the need to provide the state's public sector employers to meet federal OSH Act standards, without any enforcement

provisions or resources to support the requirement. A bill requiring these protections failed to pass in 2009. The bill passed the House, Patton notes, but not the Senate due to Florida's budget crisis.

"The reality is that the only effective way full public sector worker OSH coverage will be achieved any time soon is through your leadership at this unique time in history when Congress is in a position to consider reforms to the OSH Act," Patton said. "Public sector workers' lives depend on your unwavering commitment to their safety and health. We don't want to see more lives lost when Congress has the power to protect these workers."

## **Safety Gets Top Priority at Hawaii Construction Job Sites**

*(By Janis L. Magin, Pacific Business News, Honolulu – November 27, 2009)*

Mary Browne believes safety on a construction site shouldn't be solely the responsibility of the project's safety manager.

That's why her company's motto is "safety begins with me" — every worker on a construction site has the power to enforce any safety measure.

Browne is one of 52 certified safety professionals in Hawaii and [Kiewit Building Group](#)'s area safety manager.

Her job involves mapping out the safety features a construction site will need before the first shovelful of dirt is turned, then following up to make sure every procedure is being followed.

A safety professional for 28 years and one of few women in the field, Browne started out in safety-equipment sales, then worked in insurance before getting her first job in construction.

People interested in safety management careers can go to school to learn the basics. [Honolulu Community College](#) offers classes in occupational and environmental safety management, and Browne works with students in the internship program to give them the field training they don't learn in the classroom.

"This is where it happens," she said.

Safety is a big issue for construction sites, where hazards lurk for workers and unsuspecting passers-by. Contractors spend a lot of time, money and effort to ensure the number of workplace injuries are kept to a minimum.

According to the federal Occupational Safety & Health Administration, the construction industry nationally had 4.7 cases of nonfatal workplace injuries and illnesses per 100 equivalent full-time workers in 2008.

The rate for Hawaii's construction industry was higher, with 6.1 cases per 100 workers last year.

Browne proudly points out that Kiewit's rate was just 0.58.

At Kiewit's Hale Pawaa project, a medical office building going up at S. Beretania and Keeaumoku streets, a sign announces that the site has gone more than 690 days without an accident.

Safety means more than wearing a hard hat at the site — it starts with a strict attire policy, Browne said.

All workers are required to wear, in addition to the hard hat, safety glasses, high-visibility shirts and leather boots.

They also attend safety meetings each morning, where they stretch and flex their muscles, the better to avoid injuries during the day.

Mass safety meetings are held once a month with employees, as well as with all the subcontractors working on the job, to let all the workers know what has happened over the past month and what is coming up.

After attending a safety orientation, new employees wear red hard hats for their first 30 days on the job to alert full-time employees, who wear yellow hats, of a new person on the floor.

Orientation is considered a worker's first warning in a strict disciplinary process; the second is a written warning, followed by suspension and termination.

Around the nine-story Hale Pawaa job site, Browne points out many safety features, starting with the gate outside the construction office on the ground floor, meant to keep visitors away from the active site. Black tarps cover the outside of the building to prevent debris from blowing onto the street or pedestrians.

Safety actually starts early in the planning process, where safety managers determine the safety tools and equipment a project will need, Browne said.

## **Workplace Fatalities Go Up: Highway-related Deaths and Falls put South Dakota at Twice National Rate**

*(By Kelly Thurman, Argus Leader Media – December 1, 2009)*

The number of workplace fatalities increased in South Dakota to 30 in 2008, according to preliminary data from the U.S. Department of Labor's Bureau of Labor Statistics.

Though the number of fatalities increased in South Dakota, it is coming off a year with a very low number of deaths, said Paul LaPorte, spokesman for the Bureau of Labor Statistics.

"There was an increase of eight over the year," he said. "However, 2007 was a year in which there were few fatalities in the workplace."

The most frequent types of workplace deaths in the state were nonhighway transportation accidents and highway accidents, according to the data.

Six people died in non-highway transportation-related deaths, which would include an accident such as a tractor tipping over on a farm, and another six people died from highway-related deaths, two more than in 2007.

Tom Slattery, manager of occupational safety and health with the South Dakota Safety Council, isn't sure why the number of deaths increased in South Dakota.

Based on a worker base of about 400,000 people, South Dakota has a death rate of about 7.5 per 100,000, or twice the national rate for workplace fatalities, Slattery said.

He said highway-related deaths and falls are always the top causes of death while working.

"We drive long distances here," Slattery said. "We have winter weather to deal with. That's got to be part of it."

He also said South Dakota is the only state in the nation that doesn't have an Occupational Safety and Health Administration office, adding that OSHA enforcement is pretty low.

Not everyone uses safety measures that are supposed to be put in place in case workers fall, he said.

"A lot of construction companies do a great job in fall protection but there are an awful lot who ignore it," he said.

The city of Sioux Falls has employees and contract workers all over the city doing projects for them whether it's street repairs or plowing snow. To make sure street workers remain safe, employees take a class on safety and managers and engineers work to make sure projects are set up correctly, said Regan Smith, the city's risk and emergency manager. Snow plow drivers also take a safety class, he said.

Regan said the city has a strong safety record and its workers' compensation costs are below the national average.

"We do put safety first and make sure the job is being done safely before it's being completed," he said.

South Dakota's increase is contrary to national data. The number of workplace fatalities fell 10 percent nationwide in 2008 to 5,071.

Rhode Island had the least amount of workplace fatalities with six, while Texas had the most with 457 deaths.

## **How to Keep Focused During Difficult Times**

*(By Dana Borowka, MA, Lighthouse Consulting Services – December 1, 2009)*

The daily vibes of fear and waiting for the "other shoe to drop" seem to be on most people's minds nowadays. I was speaking to a very successful business person recently. This individual admitted that when they open their eyes in the morning, they immediately start to worry and feel overwhelmed. Sometimes to the point that they don't want to see the forthcoming morning light of day! If you or someone you know is facing these kinds of

thoughts, this article will share some ideas that can be very helpful to avoid being overcome with negative thoughts.

Let me mention that if you are trying to stay focused, you are not alone. One of the biggest issues facing individuals today is finding a vision for the future, since so many things have changed for so many people. Individuals have lost jobs, the market place for selling has shifted for a number of industries and change is forever on the horizon. Change is usually a very good thing but when one's world is threatened over and over again stress can take its toll. One of the definitions for stress is fear. Once an individual identifies what truly frightens them then they can usually begin to search for an answer. Otherwise the mind can just wander in the desert.

So let's say that you are attempting to stay positive and it is like swimming up stream - one moment you are up then the other moment fear attempts to take over. What do you do - where do you begin - is this something that will just keep going on and on?

The answer is found within each of us. What we focus on will determine the outcome. During difficult or trying times, think of what was most comforting in the past. Did you turn to a friend, a trusted advisor, a support group or did you turn to something inspirational? When we enter into the winter season, it tends to be the darkest time of the year. Tradition has it that turning to some form of light provides hope and vision for the future. This is usually necessary in order to see through the darkness and to find the answer. Reaching out to others during this season through volunteering or sharing some special gift or talent, can be very comforting. This can provide the inner hope that is needed to make it through the tough times.

Usually denial just doesn't work and neither does jumping into the dark abyss of hopelessness. Instead of just opening ones' eyes and going through the "daily grind", it can be helpful to declare something positive the moment you wake up - some inner purpose for the day and center on it. No matter what happens or if the thoughts of doubt attempt to creep in, go back to why you woke up that morning - to what your inner purpose declaration had been and hold onto to it. It's ok if we drift a bit but remember - if you drift too far you might begin to wander down the path of hopelessness and that is a dead end. What value does that kind of thinking bring at the end of the day... nothing - no thing! It may seem like it would take a lot to get back on course, but making small changes is usually all it takes to get back on track.

So here are some ideas to consider and to make your own in order to stay focused during trying times:

- Make sure your expectations are realistic for yourself and others.
- Identify something from the past that has helped you - that comforted you during trying times.
- Be willing to say "no" to downward and negative thinking.
- Read or listen to something inspirational.
- Find a supportive person or group to hang out with.
- When you wake up in the morning, find your center or do something that helps to focus on your special talents that you offer to the world.
- Every day, be grateful for at least one thing that is in your life.



## **Many Awarded US Funds Without Full Disclosure**

*(By Maggie Mulvihill, Joe Bergantino, and Sydney Lupkin, New England Center For Investigative Reporting, The Boston Globe – December 3, 2009)*

New England construction companies that have received millions of dollars in federal stimulus contracts failed to disclose to Massachusetts officials, as the state requires, serious pollution or workplace safety penalties levied against them in recent years, a review by the New England Center for Investigative Reporting at Boston University has found.

Massachusetts Highway Division officials, presented with the lack of disclosure, are now demanding written explanations from at least seven of the 21 companies awarded contracts through Sept. 30 as to why they did not reveal the violations on forms they submitted to obtain bidding approval on state projects.

Notably, the prior workplace and pollution violations do not disqualify the construction firms from winning stimulus-based contracts, a fact that several safety and environmental advocates said should be addressed. Rather, the past violations can factor into the firm's ability to be approved to bid on the type and size of roadway projects.

"They are part of a larger picture that the contractor is showing to us," said Highway Division Administrator Luisa Paiewonsky.

Thirteen companies that have been awarded nearly \$54 million in contracts this year have a history of environmental or workplace safety penalties, state and federal records show. Nine of those companies did not disclose those violations as required, Paiewonsky said.

"We need to have that information when we are making our decisions," Paiewonsky said.

Monica Conyngham, general counsel for the Highway Division, has threatened, in letters sent to contractors on Nov. 16, to refer them to the state attorney general's office for making false claims to the state on their "prequalification applications."

One company that was issued a letter, Aggregate Industries Northeast Inc., failed to disclose more than \$606,300 in pollution and workplace safety fines levied against it since 2006, state and federal records show.

In 2007, Aggregate pleaded guilty to conspiring to steal from taxpayers by providing inferior concrete to the Central Artery/Tunnel Project and agreed to pay \$50 million dollars in civil and criminal penalties.

The Saugus-based firm has two stimulus contracts worth \$8.8 million for resurfacing on roadways in Harvard, Littleton, Avon and Stoughton, Highway Division records show.

"It does appear that they were not truthful, and they signed this contract under the pains and penalty of perjury," Paiewonsky said.

In a statement issued in response to questions from the New England Center for Investigative Reporting, the company said there was confusion about what had to be disclosed to the state and has resubmitted its form. Aggregate also has "new owners, new top management, and a stringent compliance program" the statement said.

The key question on the seven-page form asks contractors to report “any civil, criminal, or administrative proceedings involving public contracts, safety, environmental laws, or regulations” for the three years prior to the application date.

Unlike Aggregate, another contractor convicted of criminal fraud was not confused by the question. P.A. Landers Inc. of Hanover reported more than \$42,000 in fines levied against it by the state Department of Environmental Protection since 2008, Paiewonsky said.

In 2007, P.A. Landers and two of its top officers, including company president Preston A. Landers, were convicted of defrauding the government of \$332,686 by over-billing for asphalt the company supplied on several road projects. Landers officials have declined several requests for comment.

State Inspector General Gregory Sullivan said companies convicted of defrauding taxpayers like Landers and Aggregate should not be allowed to bid on any state contracts.

“If it were up to me, if a company is caught red-handed with their hands in the till, ripping off taxpayers. I wouldn’t let them do business again,” Sullivan said.

Aggregate and Landers were both banned from bidding for a time: Landers for 2 1/2 years, Aggregate for just under four months, state records show.

Paiewonsky said she wanted to permanently bar both firms from doing business with the state, but state Highway Division attorneys decided that such a move would be unconstitutional.

The attorneys told her the state debarment law was not meant to punish, but rather to weed out companies unable to complete contracted work.

“I wanted in the worst way to find the maximum punishment for them, not only to send a message to them, but to the entire construction industry,” said Paiewonsky.

Like Aggregate, other stimulus contractors failing to disclose environmental fines to the state include P.J. Keating Inc. of Lunenburg, which didn’t report \$22,750 in fines levied by the state since February 2007 for air and water pollution violations, highway officials said.

Keating has \$11.8 million in stimulus contracts for resurfacing in Westport, Lincoln, and Fitchburg. A company official said it did not know it had to report the information.

D&R General Contracting of Stoneham, with \$3.4 million in stimulus contracts, did not report an April 2008 fine of \$17,500 for waste-site cleanup violations, highway officials said. The company said its failure to report was an honest mistake.

“They are making legal statements there, and we can take legal action, but it does not appear that has been enough of a deterrent for some contractors,” Paiewonsky said.

An attorney with the environmental advocacy group, the Conservation Law Foundation, said state agencies, in awarding stimulus dollars, should give preference to companies with impeccable environmental records.

“We believe that stimulus funds can be a powerful motivational tool that can reward companies with extraordinary environmental records and who are going beyond compliance,” attorney Cynthia Liebman said.

Paiewonsky said she will determine what, if any, action to take against the contractors who failed to disclose their violations when she reviews their written explanations.

At least 10 companies with a prior record of workplace safety violations have also received stimulus contracts, the review found.

Among the firms failing to tell the state of those violations is Liddell Brothers Inc. of Halifax, Mass. It has a \$2.6 million stimulus contract. The US Occupational Safety & Health Administration has cited the company four separate times since 2007 for failing to provide cave-in protection for workers in trenches. Liddell has paid \$46,580 fines for those and other OSHA violations, federal records show.

In a statement announcing one of the fines, OSHA area director Brenda Gordon said: “The potential for death or serious injury at this jobsite was real and present.”

Liddell officials declined comment.

Former OSHA commissioner Charles Jeffress said companies with repeat or willful safety violations should not get state contracts. In 2007, Liddell was issued a willful violation, defined by OSHA as one in which the employer shows “plain indifference to or intentional disregard” for employee safety or health.

“There is no excuse whatsoever for not protecting an employee in a trench,” he said. “It is 100 percent preventable.”

Liddell attorney Robert V. Lizza said in e-mail that because Liddell immediately abated the safety hazards, paid its fines, and the issue did not progress to a formal proceeding, as stated in the preapplication form, Liddell did not disclose the violations.

Paiewonsky said the division does not verify the accuracy of the information provided by contractors. “If we don’t have enough staff doing it now, then we need to add staff to do it, because the integrity of the construction process is paramount to us,” she said.

**Lessons Learned: OSHA suggests \$32K fine for Sunoco’s Marcus Hook blast**  
*(By Andrew Maykuth, Philadelphia Business Today – December 3, 2009)*

The Occupational Safety and Health Administration today cited Sunoco Inc. for workplace safety and health violations related to the May explosion at its Marcus Hook refinery and proposed \$32,000 in penalties.

OSHA said much of the proposed fine was for a repeat violation for failure to establish and implement written maintenance procedures. Sunoco spokesman Thomas P. Golembeski said the Philadelphia company has already taken steps to address the underlying causes of the May 17th fire and has cooperated with investigators. It has 15 days to formally respond to the citation.

Sunoco and fire marshals said the accidental fire, which destroyed the refinery's ethylene complex, was caused by a gas leak in a corroded pipe.

### **Lessons Learned: ConAgra Fined in Plant Explosion**

*(By Ross Boettcher Omaha World Herald – December 1, 2009)*

ConAgra Foods Inc. was fined \$135,000 on Monday by the North Carolina Labor Department for what it said were violations at the company's Slim Jim plant in Garner, N.C., where an explosion this summer claimed the lives of four workers.

An investigation by the department concluded that Omaha-based ConAgra committed 26 serious violations of the state's Occupational Safety and Health Act, including failing to follow safety procedures, faulty alarm systems and not maintaining a workplace free of serious health hazards.

The blast initially killed three ConAgra employees who were struck by debris or crushed when part of the building collapsed. A fourth person, who was working for Energy Systems Analysts, a subcontractor at the plant, died in late November from injuries associated with the explosion.

More than 200 people were working in the plant when the explosion in the packaging area caused part of the roof to collapse.

ConAgra, one of the country's largest producers of packaged food, was unable to comment specifically on the charges as the company continues to review the North Carolina Labor Department's findings, said spokeswoman Stephanie Childs.

“Since the accident, we have worked closely and fully cooperated with the agency throughout its investigation,” she said. “As appropriate, we will follow up with the agency on any possible next steps.”

Energy Systems Analysts also was fined \$58,000 by the department of labor for what it said was committing 28 serious offenses. An employee for the firm improperly purged a natural gas line from the plant's natural gas-fired water heater into a room that had multiple open flames burning, causing the explosion, according to a citation.

That employee was not properly trained on how to expel natural gas into an enclosed area, another citation said.

### **Lessons Learned: OSHA Fines Upper Sandusky Feed Plant \$473,000 for Hazards**

*(By Blade Staff, ToledoBlade.com – December 1, 2009)*

A Wyandot County plant that recycles waste food products into animal feed ingredients has been hit with almost \$473,000 in fines for allegedly exposing its workers to numerous safety and health violations. Endres Processing Ohio LLC, and its parent company, Endres Processing LLC, of Rosemount, Minn., received the proposed fines from the U.S. Occupational Safety and Health Administration after inspections in the summer found numerous hazards involving dust, the agency said.

The Upper Sandusky Company was cited for six willful violations - the agency's most serious rating - and 26 serious violations of the Occupational Safety and Health Act, agency spokesman Brad Mitchell said. The willful violations included a lack of explosion protection, failure to equip process equipment with combustible-dust collection systems, hazardous accumulation of dust, and using unsafe electrical equipment in areas with combustible dust accumulation.

Federal regulators conducted separate inspections for health and safety issues. The inspections were prompted by a report from the Upper Sandusky Fire Department that several fires had occurred in the plant, which has about 40 employees, Mr. Mitchell said. Proposed fines for alleged health violations totaled \$266,900 and for safety violations totaled \$206,000.

OSHA inspected the plant over several days beginning on June 2 and then again in July, said Julie Hovi, director of the agency's Toledo office. Air testing found dust to be at unacceptable levels, but Ms. Hovi declined to say by how much.

The situation could have led to an explosion. High dust levels were determined to have been the cause of the fire at the plant, she said. "The company has been working to fix some of the issues," she added. The citations were delivered to the plant yesterday, but Ms. Hovi said she did not immediately hear from officials there. The fine was not the largest levied by OSHA's Toledo office, Ms. Hovi said. That was a \$2.4 million penalty against the BP Refinery in 2005. But the latest fine is among the office's larger ones. A spokesman for the plant and its parent company did not return calls seeking comment. The company has 15 business days to comply, request a conference, or contest the findings.

A willful violation is one committed with intentional, knowing, or voluntary disregard for the law's requirements, or with plain indifference to employee safety and health.

## **Do You Accommodate the Three Learning Styles?**

*(By Safety Smart Weekly Briefing – November 23, 2009)*

People process information in different ways. And in your training sessions, you need to accommodate these different learning styles. Academics have made a science out of learning styles, but all you really need to know is that people tend to learn the most using one of the following:

- ears (auditory learning),
- eyes (visual learning), or
- hand/body movements and touching (kinetic/tactile learning).

How can you tell which worker prefers which approach? Watch for these clues.

Auditory learners prefer a discussion to written words. Reading aloud or tape recording a presentation to hear later helps them. To decode meanings, they notice your tone of voice, speed and how high or low your voice is pitched.

Visual learners learn through slides, videos, overhead transparencies, flipcharts, handouts and diagrams. Taking notes may help them absorb information. Since your facial expressions and body language help them grasp the message, they often sit in front.

Kinesthetic learners are hands-on people, getting the message through actively exploring and touching something.

Your safety communication is most effective when you accommodate these different learning styles through different modes of delivery, from discussion and classroom instruction to elearning and written/visual materials.

## **Project Your Leader Presence to Influence Others**

*(By Presentation Excellence, newsletter@presentexc.com – November 15, 2009)*

When you present, are you a leader or a manager? Most of us wear both hats in our work. Leaders set direction, develop the vision and set strategy; they then inspire, mobilize and align the team around the new ideas and change. Managers react to the goals by executing the plan, maintaining stability, and keeping people focused on achieving the goals.

Look at your presentations, which role are you emphasizing? Are you focusing on ideas and values or order? Your ability to influence people will depend on your Leader Presence – whether you're focusing people's attention on what they can and should do, or what the system requires. Leader Presence emerges when you display a values-driven brand rather than a functional focus.

As the recession ends, many leaders have a new responsibility – to restore credibility after the company's sales and profits dropped during the recession. Most people accept that it's been a tough economy and business may have declined, but if it declined worse than average for your industry, credibility in your leadership has been damaged. Therefore, as a leader, you need to demonstrate that you've learned valuable lessons and that you are implementing them, now. Resuming business as it was before, without the demonstration of learning, will not restore credibility for employees, customers or investors.

In sum, you can increase your Leader Presence and influence others to take actions by helping them break limiting stereotypes and habits. Focus on both what you present and how you present it. For instance, if people have a stereotype of what you can't do, then you need to demonstrate what you can do. When they have a stereotype of what you won't do, show them what you will do. When your audience has self-limiting doubts of what they can't do, it's your authentic actions that define a Leader Presence and influence them to change.

## **Safety Tidbits**

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

- Most common speed limit sign in the United States: 25 mph.
- A study of more than twenty-five hundred residents of Beijing found that osteoarthritis is more common in hands that are used to operate chopsticks.
- Hippocrates, the "father of medicine," had a cure for baldness. (Pigeon droppings)
- A good story badly told soon loses its effect.
- From a real court transcript: **Lawyer:** "Okay, we've talked at length about how the accident happened, is there anything we haven't covered that you can think of, anything in your mind that you're thinking about how the accident happened that I haven't asked you and you're thinking 'he hasn't asked me that' and 'I'm not going to tell him because he hasn't asked me,' is there anything?" **Witness:** "Have you lost your mind?"