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## OSHA seeks comments on its official interpretation of workplace noise exposure controls

OSHA is proposing to issue an interpretation of the term "feasible administrative or engineering controls" as used in the general industry and construction occupational noise exposure standards and to amend its current enforcement policy to reflect the interpretation. For the purpose of enforcing compliance with these standards, the proposal states that "feasible" has its ordinary meaning of capable of being done.

OSHA's noise standards specify that feasible administrative or engineering controls must be used to reduce noise to acceptable levels and that personal protective equipment, such as ear plugs and ear muffs, must be used only as supplements when administrative or engineering controls are not completely effective.

The preference for engineering and administrative controls over personal protective equipment is consistent with the approach taken in all of OSHA's health standards and reflects the fact that such controls are generally more effective. Under the agency's current enforcement policy, however, the agency issues citations for failure to use engineering and administrative controls only when they cost less than a hearing conservation program or such equipment is ineffective.

OSHA today proposes to interpret the term "feasible" in conformity with its ordinary meaning and with the safety and health purposes of the OSH Act. The Supreme Court has held that the term "feasible" as used in the standard-setting provision of the

Occupational Safety and Health Act means capable of being done. The proposal aligns the interpretation of the noise standard with the Court's holding and with OSHA's other standards that require feasible engineering controls. The Agency intends to change its noise enforcement policy to authorize issuing citations requiring the use of administrative and engineering controls when feasible as indicated in the interpretation described in the FR notice.

Every year, workers are exposed to hazardous noise. It is often ignored because the harmful effects of overexposure are typically not immediately visible.

## OSHA will hold informal public hearing on proposed rule to prevent worker injuries on walking-working surfaces

OSHA will hold an informal public hearing starting Jan. 18, 2011, on the proposed rule revising the Walking-Working Surfaces and Personal Protective Equipment (PPE) standards to improve worker protection from slip, trip, and fall hazards.

The proposed rule, described in the May 24 Federal Register, will prevent annually about 20 workplace fatalities and more

than 3,700 injuries that are serious enough to result in lost work days. "Injuries and fatalities from fall hazards are a leading cause of work-related injuries and we need to have the best rule possible to ensure that we effectively address this serious hazard," said Michaels.

Proposed revisions will include specific criteria for personal fall protection equipment that are

consistent with industry voluntary consensus standards. Revisions will also better align OSHA's general industry walking-working surfaces standards with the Agency's construction and shipyard industry standards.





## Holiday Safety Series — Snow Shoveling

Snow shoveling can be very good exercise, however, as with any exercise, done improperly or too long it can lead to negative health effects. Shoveling too fast or without warming up can cause the heart to work hard very quickly. In addition, cold weather makes it more difficult to breathe which adds extra strain on the body.

### Common Causes of Injury

While heart attacks grab the headlines, slips and falls are the most common serious injuries associated with shoveling snow. Even the freshest snow could have a sheet of ice below. Be sure to wear proper work boots that have good traction. A fall could lead to broken bones, strains / sprains and long recovery periods.

The other common issue is back injuries. Repeated bending and lifting can lead to back

fatigue or injuries. You should always remember to use the proper tools for the job and utilize proper body mechanics. Stand with your feet about hip width for balance and keep the shovel close to your body. Bend from the knees (not the back) and tighten your stomach muscles as you lift the snow. Avoid twisting movements. If you need to move the snow to one side, reposition your feet to face the direction the snow will be going. Most importantly, listen to your body. Stop if you feel pain!

### Tips for Safety

Choose a small shovel so you are not lifting as much snow. Snow may appear light and fluffy, but it can get quite heavy when it starts to melt.

Drink plenty of water; dehydration can occur in the winter as well. Also, avoid caffeine or nicotine before shoveling, these

chemicals may increase your heart rate and constrict your blood vessels which places extra strain on your heart.

Wear several layers of clothing so you can remove items as needed.

Warm up before shoveling. Stretching before starting work will allow your muscles to work more efficiently.

Begin shoveling slowly and take frequent breaks. Even after your body is warmed up you should still stop periodically to rest.

Plastic shovels weigh less than metal and snow is not as likely to stick to them. These factors add less weight to your load. Spray the blade with a lubricant to keep snow from sticking.

Shovel often as the snow falls. Heavy accumulated snow can turn to ice and cause a safety hazard for pedestrians. It can also be a real back-breaking proposition.

## OSHA's Most Frequently Cited Standard (FY 2010)

Most frequently cited standards include construction and industry.

Top 10 most frequently cited standards in fiscal year 2010.

1. Scaffolding, general requirements, construction
2. Fall protection, construction
3. Hazard communication standard, general industry
4. Ladders, construction
5. Respiratory protection, general industry
6. Control of hazardous energy (lockout/tagout), general industry
7. Electrical, wiring methods, components and equip-

- ment, general industry
8. Powered industrial trucks, general industry
9. Electrical systems design, general requirements, general industry
10. Machines, general requirements, general industry

Standards for which OSHA assessed the highest penalties in fiscal year 2010.

1. Fall protection, construction
2. Electrical, general requirements, construction

3. Safety training and education, construction
4. Control of hazardous energy (lockout/tagout), general industry
5. Machines, general requirements, general industry
6. General duty clause
7. Excavations, requirements for protective systems, construction
8. Lead, general industry
9. Grain handling facilities
10. Ladders, construction

## OSHA proposes improvements to its On-site Consultation Program

OSHA published today a Notice of Proposed Rulemaking to revise regulations covering the agency's On-site Consultation Program. The changes will provide the agency greater flexibility for inspecting worksites that are undergoing an on-site consultation visit and those that are granted Safety and Health Achievement Recognition Program (SHARP) status, as well as ensure enhanced worker safety.

The proposed changes include clarifying the Assistant Secretary's authority to identify sites that will be inspected, even if those sites are normally exempt because of their SHARP status. For example, when workplace accidents occur that generate widespread public concern about a hazard or substance, such as diacetyl or combustible dust, the Assistant Secretary

may require that OSHA respond to these hazards by inspecting all sites within a specific industry.

Another proposed change would add referrals as a basis to terminate an employer's on-site consultation visit and conduct an enforcement visit. Referrals are allegations of potential workplace hazards or violations from state or local health departments, media, and other sources. The proposal maintains current procedures that allow enforcement visits to terminate an on-site consultation visit or SHARP status based on an imminent danger, fatalities or catastrophes, and complaints from workers.

OSHA is also proposing to revise the existing initial exemption from programmed inspections of up to two years with an

extension of up to three years for employers who have achieved SHARP status to one year with an extension of up to another year.

OSHA's [On-site Consultation Program](#) offers employers free assistance in developing and implementing an effective safety and health management system, with priority given to small businesses in high-hazard industries.

[SHARP](#) provides incentives and support to employers who implement and continuously improve effective safety and health management systems at their worksite.

For more information, visit <http://www.osha.gov>

## News Release

U.S. Department of Labor

“terminate an employer's on-site consultation visit and conduct an enforcement visit:

## OSHA Enforces Whistle Blower Protection

The U.S. Department of Labor's Occupational Safety and Health Administration has ordered a 42 person trucking company in Fort Meyer's, Florida, to reinstate a truck driver discharged for calling attention to safety issues. The company is also to pay back wages plus interest and compensatory damages, and delete any adverse references related to the discharge from the employee's personnel file. Additionally, the company has been ordered to pay \$125,000 in punitive damages.

The Labor Department is ordering the reinstatement following

its finding that the driver was fired in February 2008 for refusing to drive two unsafe trucks. The department has ruled that the firing violated the Surface Transportation Assistance Act, which prohibits companies from discharging or discriminating against employees who refuse to operate vehicles that violate federal regulations, standards or orders relating to commercial motor vehicle safety, security or health, or when the employee has a reasonable apprehension of serious injury to the employee or the public because of a vehicle's hazardous safety or security condition.

"OSHA is committed to enforcing the whistleblower provisions of the STAA, and we will not tolerate employers that attempt to retaliate against workers whose rights are protected by this law," said Cindy Coe, OSHA's regional administrator in Atlanta, Ga.

Either party in the case may appeal the decision to the Labor Department's Office of Administrative Law Judges, but such an appeal does not stay the preliminary reinstatement order.

## News Release

U.S. Department of Labor

“the company has been ordered to pay \$125,000 in punitive damages”

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### OSHA bulletin and alert recommends safety measures to protect workers from exposure to diacetyl and diacetyl substitutes

A new [OSHA Safety and Health Information Bulletin](#) and companion [Worker Alert](#) recommend that employers use safety measures to prevent exposing workers to the potentially fatal health effects of butter flavorings and other flavoring substances containing diacetyl or its substitutes.

Diacetyl is a chemical used to add flavor and aroma to food and other products. Some workers who breathe diacetyl on the job have become disabled or have died from severe lung disease. Some diacetyl substitutes may also cause harm. OSHA strongly recommends that all flavoring

and food manufacturers review and consider implementing applicable recommendations regarding engineering and work practice control measures, medical surveillance, workplace monitoring, and use of appropriate personal protective equipment to minimize each worker's exposure to these flavoring substances.

"Illnesses arising from diacetyl exposure continue to place workers at risk," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "It is vital that employers use preventive measures to

protect their workers from the harmful effects caused by these dangerous chemicals."

For more safety and health information on diacetyl and other food flavorings, visit OSHA's Safety and Health Topics page on Lung Disease Related to Butter Flavorings Exposure and the Hazard Communication Guidance for Diacetyl and Food Flavorings Containing Diacetyl.

"Some diacetyl substitutes may also cause harm."