

# TRICOR Safety News

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## OSHA releases annual inspection plan for high-hazard workplace

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OSHA just issued its annual inspection plan under the Site-Specific Targeting for 2011 program (SST-11), which is designed to help the agency direct enforcement resources to high-hazard workplaces where the highest rates of injuries and illnesses occur. The new SST will be in effect until September 9, 2012 and replaces the SST-10, issued on August 18, 2010.

According to the agency, two changes have been made to this year's SST program. In 2010, only those establishments in the selected industries with 40 or more employees were subject to inspections under the SST plan; this year, that number has been reduced to 20 or more. In addition, there is an evaluation study measuring the program's impact on injury and illness rates, as well as compliance for establishments.

Based on CY 2009 injury and illness data collected through the 2010 Data Initiative survey of 80,000 larger establishments (20 or more employees) in historically high-rate industries, OSHA determined its selection criteria, which includes the following:

- Manufacturing establishments with a Days

Away, Restricted, and Transfer (DART) case rate at or above 7.0, or a Days Away From Work (DAFWII) case rate at or above 5.0 (only one of these criteria must be met). This is approximately 3,000 sites.

- Non-manufacturing establishments (except for Nursing and Personal Care Facilities) with a DART rate at or above 15.0, or a DAFWII case rate at or above 14.0 (only one of these criteria must be met). This is approximately 400 sites.
- Establishments in SIC code 805 — Nursing and Personal Care Facilities — with a DART rate at or above 16.0, or a DAFWII case rate at or above 13.0 (only one of these criteria must be met). This is approximately 300 sites. Inspections in this SIC code will focus specifically on ergonomic stressors; exposure to blood and other potentially infectious materials; exposure to tuberculosis; and slips, trips, and falls. When additional hazards come

to the attention of the compliance officer, the scope of the inspection may be expanded to include those hazards.

For comparison purposes, the national DART rate for private industry for 2009 was 1.8, and the DAFWII case rate was 1.1.

The SST program is OSHA's main programmed inspection plan for non-construction workplaces that have 20 or more workers. Establishments are randomly selected for inspection from a primary list of 3,700 manufacturing, non-manufacturing, and nursing and personal care facilities.

"By focusing our inspection resources on employers in high hazard industries who endanger their employees, we can prevent injuries and illnesses and save lives," said Assistant Secretary of Labor for OSHA David Michaels. "Through the SST program we examine all major aspects of these operations to determine the effectiveness of their safety and health efforts."

To read the SST-11, click [here](#).



**Tom Osterholz**  
Manager

[tosterholz@tricornet.com](mailto:tosterholz@tricornet.com)

**Alyssa Moen**

Safety Consultant

[amoen@tricornet.com](mailto:amoen@tricornet.com)

**Mary Schoettel, ARM**

Safety Consultant

[mschoettel@tricornet.com](mailto:mschoettel@tricornet.com)

## New guidance takes aim at nail gun injuries



Nail guns are powerful, easy to operate, and boost productivity for nailing tasks. However, they are also responsible for an

estimated 37,000 emergency room visits each year, according to OSHA. More than half of reported nail gun injuries are to the hand and fingers. One-quarter of these hand injuries involve structural damage to tendons, joints, nerves, and bones. After hands, the next most often injured are the leg, knee, thigh, foot, and toes. Less common are injuries to the forearm or wrist, head and neck, and trunk. Serious nail gun injuries to the spinal cord, head, neck, eye, internal organs, and bones have been reported. Injuries have resulted in paralysis, blindness, brain damage, bone fractures, and death.

To help construction employers and workers prevent work-related nail gun injuries, especially in residential construction where nail gun use is common, OSHA and the National

Institute for Occupational Safety and Health (NIOSH) teamed up to develop a new guidance called, *Nail Gun Safety – A Guide for Construction Contractors*.

According to OSHA, there are seven major risk factors that can lead to a nail gun injury:

1. Unintended nail discharge from double fire,
2. Unintended nail discharge from knocking the safety contact with the trigger squeezed,
3. Nail penetration through lumber work piece,
4. Nail ricochet after striking a hard surface or metal feature,
5. Missing the work piece,
6. Awkward position nailing, and
7. Bypassing safety mechanisms.

OSHA states that injury prevention is possible if contractors take steps such as using full sequential

trigger nail guns, establishing nail gun work procedures, and providing workers with personal protective equipment. As a result, the new guidance recommends six practical steps that contractors can take to prevent injuries. These are:

- Use full sequential trigger nail guns;
- Provide training;
- Establish nail gun work procedures;
- Provide personal protective equipment (PPE);
- Encourage reporting and discussion of injuries and close calls; and
- Provide first aid and medical treatment.



The guidance also includes actual workplace cases along with a short section on other types of nail gun hazards and sources of additional information.

For more information, click [here](#).

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## Fall Protection: New compliance assistance factsheets provide information for preventing fatal falls in residential construction

OSHA has three new fact sheets offering information on reducing falls during residential construction. The fact sheets focus on [Installing Roof Trusses\\*](#), [Installing Tile Roofs\\*](#) and [Roof Repair\\*](#). They include information on the hazards involved in working on roofs, the proper use of ladders, scaffolds, aerial lifts and Personal Fall Arrest Systems

(PFAS) such as body harnesses, lanyards and lifelines.

These fact sheets are just a few of the training and compliance assistance materials available in many formats on OSHA's [Residential Fall Protection Web page](#) to help the residential construction industry comply with the new residential construction fall protection direc-

tive. They include a [slide presentation](#) that describes safety methods for preventing injuries and deaths from falls, and explains techniques currently used by employers during various stages of construction. These techniques involve the use of conventional fall protection systems including safety nets, guardrails, and PFAS.

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## OSHA answers question on use of lanyard for fall protection on aerial lifts

In a recently released Letter of Interpretation, OSHA clarified the agency's view on the use of a shock absorbing lanyards in fall protection on aerial lifts during construction activities. An interpretation released January 14, 2009, alluded to the fact that the use of shock absorbing lanyard in an aerial lift below 18-1/2 feet would not be in compliance with requirements found in §1926.453(b)(2)(v). This sparked inquiries from regional offices, area offices, and the public asking if the January 2009 letter banned the lanyard in question.

According to OSHA, the interpretation made at that time did not ban the particular lanyard but stated — based on the manufacturer's instructions, which stipulated a minimum anchor point height of 18.5

feet — that it was likely that the lanyard's use would not comply with OSHA standards at lower heights. The agency went on to say that in such cases, use of the lanyard below 18.5 feet would apparently not provide adequate fall protection. However, this determination has raised questions about the use of body harnesses, typically married with appropriate lanyards, for fall protection in aerial lifts.

To help avoid any confusion on the issue, the Directorate of Construction is rescinding the January 2009 letter, #20070823-7896.

As has been the Agency's long-standing policy, an employer may comply with OSHA's fall protection requirements for aerial lifts in one of three ways:

- Use of a body belt with a tether anchored to the boom or basket (fall restraint system),
- Use of a body harness with a tether (fall restraint system), or
- Use of a body harness with a lanyard (fall arrest system).

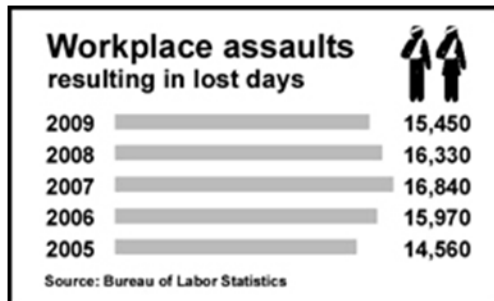
To read the new Letter of Interpretation dated [August 22, 2011](#).



## OSHA issues compliance directive to address workplace violence

OSHA issued a new directive, [Enforcement Procedures for Investigating or Inspecting Incidents of Workplace Violence](#), that establishes uniform procedures for OSHA field staff for responding to incidents and complaints of workplace violence and conducting inspections in industries considered vulnerable to workplace violence, such as healthcare and social service settings, and late-night retail establishments. Workplace violence is a serious recognized occupational hazard, ranking among the top four causes of death in workplaces during the past 15 years. More than 3,000 people died from workplace homicide between 2006 and 2010, according to the Bureau of Labor Statistics (BLS). BLS data also shows that more than 15,000 nonfatal workplace injury cases were reported annually during

this time.



OSHA launched a new [Workplace Violence Web page](#) and has published several workplace violence guidance documents including [Recommendations for Workplace Violence Prevention Programs in Late-Night Retail Establishments\\*](#) and [Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers\\*](#).

**Some portable music players can reach 115 decibels, comparable to a chain saw or rock concert.**

## Can Disobeying a Safety Rule Be Safer than Obeying It?

Source: Safety XChange Author: Richard Hawk

While looking through some old newspaper clippings, I found a story about firefighters in Moraga, California, who were cited by CAL-OSHA for violating safety regulations. What caught my eye was that the supposed safety violation occurred in the course of a trench rescue. And the story set me to thinking about the law and the sense—or lack thereof—with which it is sometimes enforced.

### Putting a Damper on a Successful Rescue

Since I wasn't there, I can only go by what I read in the article. It seems that there was a worker who found himself trapped in a 12-foot deep trench which had not been properly sloped or shored. The rescue operation took almost three hours. Thankfully, it went smoothly. The victim was saved and nobody on the rescue team was injured.

You'd think that this would be cause for rejoicing and thanksgiving. But some observers had a different take. CAL-OSHA, for example. State regulations prohibit any workers, including fire-fighters, from entering a trench unless it is properly shored. In rescuing the trapped worker, the firemen broke the law.

### What Do *You* Think?

This story struck me as just not right. I know that if it had been me who had been trapped inside that trench with hundreds of pounds of soil on top of me, I'd sure as heck want somebody entering the trench to get me out—OSHA violation or not. Wouldn't you?

So I couldn't help but say "amen, brother" to Assistant Fire Chief Ed Lucas's reaction to the citation: "What were we supposed to do, let the man sit there while we go find shoring from some unknown place that meets every code?"

### My Internal Debate

All of this raises a larger question: Should safety rules *ever* be ignored, even in emergency situations?

This is not as simple a question as it might appear. On the one hand, I don't believe in black and white answers. After all, there are too many variables in life to say that a rule must always be obeyed regardless of the circumstances. When people blindly follow rules, they are also likely to blindly fall into problems caused by the rules.

On the other hand, what if on that exciting day in Moraga, California, four firemen and the victim had

died during the rescue attempt because of further cave-ins? What would the Assistant Fire Chief have said then? What would the victim's family say if they knew that shoring may have prevented the deaths? What would you say if one of the firefighters who died had been a member of your own family?

### Conclusion

At the end of the day, I think the lesson is that while rules are important, we also need to be sensible about how we apply them. The purpose of the safety rule is to prevent injury. To the extent that obeying the rule is more likely to cause injury than disobeying it would, the rule should be set aside. In other words, compliance with safety rules should be a means to an end, not an end in itself.

As safety and health professionals, it's our job to "enlighten" workers not about rules but about safety. More often than not, safety and rules are one and the same. But on rare occasions, they're not. That's why training is so important. Employees need to know why a safety rule is in place. Not so they can figure out when to ignore it, but so they can recognize situations which challenge the appropriateness of the rule and stop work to get help.

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## Tidbits:

- ⇒ In the developed world, most traffic victims are passengers in vehicles; in the developing world, most are pedestrians or bicyclists.
- ⇒ I knew it! According to a study by psychologists at Britain's Keele University cursing improves a person's ability to handle pain.
- ⇒ Another reason to hang out with "happy people:" According to study results in the British Medical Journal, if a subject's friend was happy, that subject was 15% more likely to be happy too.
- ⇒ "Exercise, exercise, exercise. It's the only wonder drug we have," says Dr. Roseanned Leipzig, vice chair of the department of geriatric at Mount Sinai School of Medicine.
- ⇒ The Vespa mandarinia japonica, or Japanese giant hornet, is the size of your thumb, has a painful sting, and can spray flesh-melting poison into your eyes.

## Revised HazCom rule reaches OMB for review

Although it has taken over five years to work through the regulatory process, OSHA's revised Hazard Communication rule, which adopts the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) has finally made it to the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB).

At this point, the OIRA has 90 days to formally review the rule before it is either published in

the Federal Register; changed before publication; withdrawn before a review is completed; or returned to the agency for further analysis or modification.

Under Executive Order 12866, OIRA reviews hundreds of significant proposed and final rules from all federal agencies (other than independent regulatory agencies) before they are published in the Federal Register. This "Regulatory Planning and Review," issued by President Clinton on September 30, 1993,

establishes and governs the process under which OIRA reviews agency draft and proposed final regulatory actions. Under the Executive Order, all significant regulatory actions requires OIRA review to analyze of the costs and benefits of rules and, to the extent permitted by law, permit action only on the basis of a reasoned determination that the benefits justify the costs.

To view the Executive Order submissions currently under review, visit <http://www.reginfo.gov/public/do/eoReviewSearch>

## BLS data shows decline in workplace injuries, illnesses for 2010

The U.S. Department of Labor's Bureau of Labor Statistics announced that nonfatal workplace injuries and illnesses among private industry employers declined in 2010 to a rate of 3.5 cases per 100 equivalent full-time workers, down from a total case rate of 3.6 in 2009. Nearly 3.1 million injuries and illnesses were reported among private sector industry employers in 2010, down from 3.3 million reported in 2009.

### Key findings from the 2010 Survey of Occupational Injuries and Illnesses

- Incidence rates for injuries and illnesses combined among private industry establishments declined significantly in 2010 for total recordable cases and for other recordable cases. The incidence rates for cases with days away from work; for cases of job transfer and restriction; and for cases of days away from work, job transfer, or restriction together each remained unchanged from 2009.
- Manufacturing was the sole

private industry sector to experience an increase in the incidence rate of injuries and illnesses in 2010 — rising to 4.4 cases per 100 full-time workers from 4.3 cases the year earlier. The increased rate resulted from a larger decline in hours worked than the decline in the number of reported cases in the industry sector.

- The total recordable cases incidence rate in the private construction industry sector decreased by 0.3 cases to 4.0 cases per 100 full-time workers in 2010--a seven percent decline. Specialty trade contractors reported a similar decline of 0.3 cases in the injury and illness incidence rate — falling to 4.3 cases per 100 full-time workers — and was largely responsible for the reported decline in the construction industry sector.
- Health care and social assistance experienced an incidence rate of injuries and illnesses of 5.2 cases per 100 full-time workers — down from 5.4 cases in 2009 — and was the

lone industry sector in which both reported employment and hours worked increased in 2010.

- The incidence rate of injuries only among private industry workers remained unchanged between 2009 and 2010 at 3.4 cases per 100 full-time workers.
- The incidence rate of illness cases alone remained relatively unchanged in 2010, as did rates among all illness categories with the exception of poisoning, whose rate increased from 0.2 cases per 10,000 full-time workers in 2009 to 0.3 cases in 2010.
- National public sector estimates covering more than 18.4 million state and local government workers are available for the third consecutive year with an incidence rate of 5.7 cases per 100 full-time workers in 2010, relatively unchanged from 2009.

To read the report, visit <http://www.bls.gov/news.release/osh.nr0.htm>