ASSE Launches Safety Video Game
By K. Lamorris Waller

In its ongoing efforts to reduce workplace deaths, injuries and illnesses, ASSE has developed an online video game named “BodgeDab,” which educates players on the importance of on-the-job safety. The game features levels in which various workplace hazards are spread throughout. To advance to each new level, a player must first find each workplace hazard and correct it appropriately. So where there are spills, the player must use a mop; where there is a fire, the player must use an extinguisher, and so on.

The game is a useful tool in educating people about workplace safety. Nearly 70 workers aged 18 and under die from work-related injuries each year while 77,000 more are severely injured. Overall, more than 5,500 people die each year in the U.S. from on-the-job injuries, and 4.4 million more suffer on-the-job injuries and illnesses in the U.S. alone. The game is an educational and fun way to engage and teach teens about safety, health and environmental (SH&E) practices and the occupational SH&E profession.

ASSE and its Public Relations department wanted to use a game format that was interactive for both young adults and parents and easy for ASSE members and educators to use to teach teens about job safety. The game complements ASSE’s safety tips, Workplace Safety Guide for Young Workers, teen driver safety PowerPoint presentation and “safety suitcase” for children. For the past several years, ASSE has also reached out to teens through Career World magazine with stories and safety tips.

ASSE plans to develop other projects to further promote safety, such as additional interactive games and a potential YouTube video.

BodgeDab is marketed through a target public relations program and a teen workplace safety outreach program. To play BodgeDab, visit http://www.dontbeazombieatwork.org.

Those who have trouble viewing or playing the game should contact Diane Hurns, ASSE public relations manager, at dhurns@asse.org or Joanna Climer, public relations specialist, at jeclimer@asse.org.

Body of Knowledge Resources to Make Chapters Successful

George W. Pearson, CSP, ARM, Vice President of the Council on Practices and Standards (CoPS), delivered the following speech during ASSE’s 2009 Leadership Conference held in Lombard, IL in October.

Your attendance here today reflects your dedication to workplace safety and health, Your active participation as officers and members in ASSE chapters proves you are committed to advancing the SH&E profession. Thank you for all you do.

ASSE chapters cover every corner of our nation and reach out globally—this puts you in a unique position to make a difference in the lives of many SH&E professionals. For these professionals to acquire the knowledge and skills they need to perform their jobs, ASSE believes it is important for us to meet their education and training needs based on a common Body of Knowledge. As vice president of CoPS, which oversees the Society’s own Body of Knowledge, I can assure you that a wealth of information and resources is available to help your chapter succeed.

A Body of Knowledge is often defined as the total of all knowledge in an area of expertise. A professional association’s Body of Knowledge usually comprises concepts relevant to the specific knowledge area as well as supporting literature. While the term “Body of Knowledge” also frequently refers to the repository that documents this

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In addition, ASSE’s Body of Knowledge includes a list of references on SH&E theory, principles and practice that can help SH&E professionals make informed and strategic decisions as the profession meets its challenges, changes and grows.

So how can your chapter take advantage of everything the Body of Knowledge provides? Accessing just some of the resources is as easy as visiting ASSE’s website. There you can:

- Purchase standards, books or the latest professional development conference proceedings
- Search the Professional Safety Journal or Journal of Safety and Health Research article archives
- Read practice specialty articles, interviews and white papers or
- Register for a webinar on a hot SH&E topic

Not only can your chapter members access these resources, they can contribute to the Body of Knowledge. If your chapter has collectively drafted a report, proposed new best practices or discovered new SH&E resources of interest to the Society membership, please contact the Body of Knowledge committee. We welcome your input and value your ideas for improvement. Our goal is to ensure that the materials in the Body of Knowledge accurately represent changes in the SH&E profession and our members’ needs.

If you need a speaker for your chapter’s technical program, monthly meeting, seminar or professional development conference, help is just a telephone call or e-mail away. Our practice specialty administrators can easily put you in touch with a qualified and engaging speaker. If your chapter has taken a position on a particular SH&E issue, let us know. We can help you develop a white paper for a practice specialty technical publication or propose the issue to ASSE’s professional development department as a potential webinar topic.

I find it encouraging that many chapter members already belong to one or more practice specialties. Practice specialties may be niche-specific, but they actually diversify our membership and show how multifaceted the SH&E profession can be. Each chapter and region has so much to offer, and our council wants to help you make the most of your chapter experience.

Membership in one or several of our council’s 16 practice specialties and six branches means you can immediately network with other SH&E professionals in your specific...
field, share your knowledge with your peers and stay informed of the latest SH&E research and developments.

Our council also governs the standards development committee and Business of Safety Committee as well as four common interest groups—Safety Professionals and the Latino Workforce, Women in Safety Engineering, Blacks in Safety Engineering and Young Professionals in SH&E. The standards development committee allows the Society to participate globally in all aspects of standards development, while the Business of Safety Committee regularly produces and posts articles on how safety can positively impact businesses’ bottom line. Participation in these committees and groups is free, and like the practice specialties and branches, they bring you plenty of volunteer, leadership and mentoring opportunities that can enhance your personal and professional growth.

Chapters and practice specialties complement each other because they have similar organizational structures and share the common goal of advancing the SH&E profession. Growing and disseminating the Body of Knowledge is just one of many ways chapters and practice specialties can work together to achieve this goal.

CoPSs wants to help give chapters a voice, be it through the Body of Knowledge or through participation in our practice specialties and branches. We want to know what issues are most important to your chapter membership and how we can best support you in your chapter activities. You serve as an example to other SH&E professionals, and it is our duty to ensure that you are equipped with the tools and resources you need to do your jobs well.

Would you like to see your name in print?

Do you have fresh and exciting news items or technical articles that you want to submit to the Practice Specialty/Branch/Common Interest Group newsletters or to CoPS SH&E Report?

Do you know someone who would make a compelling interview candidate? Is that someone you?

CoPS Wants Your Content!

For information on submitting editorial content to any of the CoPS publications, e-mail Jolinda Cappello at jcappello@asse.org.
We Asked, You Answered

In the last issue of CoPS SH&E Report, we asked readers if they believe safety awards programs benefit or hinder workplace safety. Responses are provided below...

“I believe that either scenario could be true depending on how the program is carried out. There is the danger that offering an award to the safest crew or perhaps to the crew with the least amount of workplace injuries could deter the group or employee from reporting injuries, near misses or accidents. This would hinder the ability to prevent recurrence. However, if you could implement a program based on observed safe behaviors by a group of peers or co-workers and award them accordingly, this could be a huge benefit to the safety program. Rewarded behaviors are repeated.”

“Safety awards programs trivialize safety. No company would have an accounting awards program. They just manage accounting like any other business function. Why treat safety any different?”

“Safety perception surveys conducted across the U.S. by our company show that 89% of hourly workers believe that safety incentives motivate them to work more safely. In contrast, only 61% of our line managers believe that safety incentives motivate workers to work more safely. The most effective rewards are immediate and certain, and most safety awards programs do not meet those criteria. I believe that recognition and encouragement by the worker’s immediate supervisor(s) is the most effective in promoting workplace safety.”

“I believe that when a safety award program is managed correctly, it will benefit an organization. Usually, that means it must be celebratory in nature (after results are achieved) rather than through means of incentive. Employee safety should be a condition of employment once training and expectations in safety are set and communicated. I would rather recognize and reward employees for years of safety service, rather than through incentive programs. Many safety award programs become an entitlement and completely lose their effectiveness.”

“I believe, in most cases, they hinder workplace safety. Rewarding a lack of incidents discourages reporting, which is obviously a bad thing. The concept of ‘if you do this, you get that’ is fundamentally flawed, and I agree with Alfie Kohn’s take on it in his book, Punished by Rewards.”

“Awards, along with recognition, can serve to further enhance a safety program if used properly. Allowing the awards program to drive the overall safety program by placing too much emphasis on the award rather than on the efforts required to achieve the award can hinder a program. Offering a high-value award may cause the reporting of incidents to be swept under the rug.”

“I believe that employees need recognition and receive too little positive reinforcement. For our agency, the safety award process is one way to express positive recognition. I know employees do not have incidents purposefully and have heard expressions, such as ‘I had better be careful or I will not get my safety award.’ If it helps, terrific. Definitely does not hurt in our experience.”

CoPS Wants to Know...

Who is your greatest safety hero? Is it a manager, colleague, mentor, historical figure...?

E-mail your responses to jcappello@asse.org.

Responses will be published in the next issue of CoPS SH&E Report.
Scholarship Winner Sheds Light on the Future of Safety

Benjamin D. Agley, a senior at Indiana University of Bloomington, is the ASSE Foundation’s 2009 Practice Specialty PDC Scholarship winner. In this interview, he explains why he has decided to pursue a career in occupational safety and outlines his goals for after graduation.

Why have you decided to pursue a career in occupational safety?

I have grown to love the safety professional’s goal of doing whatever it takes to ensure that employees’ well-being is protected at work. However, when I began school, I chose safety mostly on happenstance. My father has been a public health professor for nearly 39 years. My older brother also attained a Ph.D. in public health. I liked the idea of going through a public health route but decided my family had already covered that area of expertise. When I browsed other courses in the applied health sciences department, I came across safety science and decided to try it out. I have no regrets and only positive experiences from this career path. I am excited to finish my undergraduate degree next spring.

How did you hear about the Practice Specialty PDC Scholarship?

My advisor and two of my professors informed me of the many scholarship opportunities provided to graduate and undergraduate students by various donors through ASSE. Applying for scholarships was quick and painless, not to mention rewarding! If you are unsure what you qualify for or if you want to apply for several different scholarships, it is all the same process. You complete one form, and those who review the applications match your qualifications to all possible scholarships.

Do you know in which specific industry you would like to work?

My knowledge base is narrow when it comes to all the different industries I could work in, and given that, I have not yet taken the time to really brainstorm an industry setting I would prefer. My interests are less focused on a type of industry but rather on the company itself. I view a company’s safety culture and/or willingness to improve relations between employees at all levels, with safety as a main priority, as more important than whether I must always wear a self-contained breathing apparatus tank on my back due to the imminent danger of a chemical leak.

How has the school/college environment affected your views on workplace safety and health?

I never held much of a view on workplace safety and health before I began college and declared safety science as my major. The extent of my knowledge was a vague awareness that the government enforced regulations and that companies hired safety persons to comply with those regulations.

While in college, I have learned many things that affect my views about workplace safety. The most pertinent is the apparent disconnect between the perceived will of safety advocates and the actual goodwill that exists. As I began my safety classes, I quickly found that many companies and employees see safety in a negative light and that changing a company’s safety culture is usually a long and arduous process. I also view a safety professional’s job much more highly, as it involves much more dedication and investment than I had imagined.

From my professors’ experiences, as well as from my own discernment and understanding of peoples’ motivation, it is necessary to build and maintain a meaningful relationship between members at all levels within an organization to see true success in changing the way safety is viewed. It seems like a daunting task to accomplish, but if you can build relationships with others based on genuine goodwill, then their motivation will come internally as well as externally, which is the only way people will choose to invest in a safety culture.

Was there any belief you had about occupational safety that has changed since you attended Safety 2009 in San Antonio?

Before attending Safety 2009, I held the belief that safety professionals flew solo, so to speak. I was surprised to find
such a collective concern for the well-being of others within ASSE. I admit I did not know what to expect when I came to San Antonio, but the involvement and dedication everyone had for their jobs was beyond what I expected. Seeing so many professionals seek to learn and improve upon tools for success, as well as share their own experiences with others, was very reassuring to me as a future safety and health professional.

**How was your experience at Safety 2009? What did you gain from the conference?**

I had a great time at Safety 2009. I had never been to any sort of professional development conference or national conference of any kind, so this was a good experience for me. I enjoyed meeting various safety professionals and hearing about their jobs. I also enjoyed meeting the wonderful people who lead the Council on Practices and Standards from whom I received my award. The change in belief is also something I gained from the conference.

**Have you received any other safety-related awards or recognition during your academic career?**

This was the first safety-related award of my career.

**How do you think the safety industry will change in the future? How do you think technology will affect safety practices?**

That is a tough question for me to answer. I am not very keen on speculating about the future since the future usually winds up far different than I imagine it; however, I will try to give a reasonable guess about technology’s impact in the future.

For the most part, I think the safety industry will benefit tremendously from more technological advances and involvement. The Internet alone allows information flow at incredible speeds to people all around the world. Safety professionals are able network with greater ease and efficiency, and new safety innovations are created continually with new technologies.

My hope, not really a guess, is that the person-to-person relationships that help define effective safety systems do not change with increasing technology. Without safety becoming a motivation for all employees by their own will, then even the most well-intentioned safety implementations coming from new technologies may only be a top-down forced incentive for company employees. Employees may never understand or desire to get involved because the implementations will feel like unexplained obligatory rules that come with their job. I do not wish to sound negative whatsoever, but it is safer to assume the worst of possibilities and watch for them before they take root than to ignore the possibility of them happening altogether.

**What do you hope to accomplish from here?**

I will complete my senior year at Indiana University of Bloomington. Beyond that, given the current state of the economy, I will search for a job and look into graduate programs. As long as I am able to apply myself toward serving others to help improve their lives, I cannot say it matters much what specific accomplishments I have and in which industry.

**What do you enjoy most about safety practices?**

I most enjoy showing employees they have value above production and also that they can work hard and efficiently while being proactive with safety.
Culturally Appropriate Training: How to Do It Right!

By Jonathan Klane, M.S.Ed., CIH, CHMM, CET

The work world and global marketplace are quickly becoming more multicultural. In these settings and with these groups of trainees, culturally appropriate training (CAT) can and should be followed to ensure that the training is well-received and that it does not backfire due to cultural differences. Training development and delivery need to incorporate certain CAT principles and to avoid other inappropriate methods.

This article examines the following:

- Using language as an icebreaker
- Learning objectives
- Adult learning principles (ALPs)
- Diversity training
- Various definitions of culture
- Elements of culture
- Examples of culture
- CAT and its definition
- Valuable traits for CAT trainers
- How to prepare for CAT
- Involving others in CAT
- Dos and don’ts for CAT
- Culturally inappropriate training (CIT)

Using Language as an Icebreaker

A nice way to open a training session on CAT is to greet the students in a different language. Below is the word “greetings” in 22 different languages:

1. Aloha! (Hawaiian)
2. Bonjour! (French)
3. Buenos dias! (Spanish)
4. Buon giorno! (Italian)
5. G’day! (Aussie),
6. Geia sou! (Greek)
7. Guten tag! (German)
8. Hallo! (Icelandic)
9. Keshi! (Zuni)
10. Konnichi wa! (Japanese)
11. Kwai! (Abenaki)
12. Nabat! (Somali)
13. Namaskar! (Hindi)
14. Ni hao! (Mandarin)
15. Ok! (Blackfoot)
16. Pryvit! (Ukrainian)
17. Rozhbash! (Kurdi)
18. Salaam! (Arabic/Farsi)
19. Shalom! (Hebrew)
20. Tan kahk! (Passamaquoddy Tribe)
21. Yokwe! (Marshallese)
22. Zhivjo! (Slovenian)

Learning Objectives

Learning objectives for your presentation should include the following:

- Describe the basic principles of good training/adult learning
- Define “culture” and CAT
- Describe what research should take place before CAT
- Explain the importance of involving “persons of culture” in CAT
- Explain the use of CAT surveys
- Approach trainees just before their CAT course
- List three dos and three don’ts of CAT
- Explain the pitfalls of CIT
- Develop CAT

Good Training & ALPs

Before engaging in CAT or any training for that matter, it should be a given that it will be good training and good ALPs will be used. ALPs include, but are not limited to, the following:

Self-Directed: Adult learners are self-directed.

Immediate Need or Nature: Adult learners prefer their training to be about things of an immediate nature or need.

Directly Applicable: The topic and materials should be directly applicable to them.

Involved in Setting the Agenda: Adult learners prefer to be directly involved in setting the agenda.

Draw on Their Experiences: Adult learners like to draw on their own work and life experiences.

Solve Problems: Adult learners are problem-solvers.

Flexibility in Discussions: Adult learners prefer that the discussions and trainer are flexible to accommodate their self-directedness.
Participation: Adult learners like to participate in the training.

Diversity Training
CAT should include but be more than diversity training. Good diversity training typically includes the following elements:

- We are all different, yet we are all the same
- We have different values, but we should value our differences
- We should embrace diversity and be aware of various legal issues, such as discrimination.

What is Culture?
To understand CAT better, we must first understand culture better. What exactly is culture? Below are good questions to help us better understand this:

- What is your definition of culture?
- What is the dictionary definition of culture?
- What is or are your culture(s)?
- How do you identify with your own culture?
- What are some types and examples of culture(s)?

Defining Culture
Rather than an actual dictionary definition, let’s examine a few textbook definitions. Both definitions are from associate professor Ifte Choudhury at Texas A&M University (TAMU). Professor Choudhury defines culture as “the cumulative deposit of knowledge, experience, beliefs, values, attitudes, meanings, hierarchies, religion, notions of time, roles, spatial relations, concepts of the universe and material objects and possessions acquired by a group of people in the course of generations through individual and group striving.”

Choudhury’s working definition of culture is as follows:

“A culture is a way of life of a group of people—the behaviors, beliefs, values and symbols that they accept, generally without thinking about them, and that are passed along by communication and imitation from one generation to the next.”

How do you self-identify your own culture(s)? What types, elements and/or examples do you use for yourself?

Types & Examples of Culture
Both obvious and not-so-obvious types or elements of culture exist.

- Ethnicity
- Native country
- Language
- Race or creed
- Color
- Religion
- Gender
- Sexual orientation
- Age

Some not-so-obvious culture types include:

- Locale (e.g., Texas culture, West coast culture, etc.)
- Disability (e.g., deaf culture)
- Politics (e.g., Conservative, Liberal, Green, etc.)
- Eating (e.g., vegan, etc.)
- Consumerism (e.g., “got to have it now” culture)
- Hobbies/Activities (e.g., model railroaders)
- Profession (e.g., safety culture)
- Education (e.g., college degree, etc.)

Author’s Cultural Self-Images
As you read this article, unless you know me you really well, you have little way of knowing my cultures. If you ask other persons to share information about their culture types, then you must be prepared to share your own culture types. Below are my obvious culture types or examples:

- White
- Middle-aged
- Male
- Baby boomer
- Health-conscious
- Married
- IH/EHS

Culturally Appropriate Training (CAT)
What exactly is CAT? Below are two working definitions of CAT.

1. “…developed and delivered in a way that takes account of a learner’s cultural background and needs.”—Australian National Training Authority
2. “…based in the traditional and cultural values of (Aboriginal) people.”—National Library of Medicine

Valuable Traits
If you develop and/or deliver CAT, some valuable traits to have include:

- Adaptability
- Cooperation
Preparing for CAT
To prepare for CAT:

- Learn as much as you can about their culture
- Ask permission to conduct CAT
- Get buy-in from respected members (e.g., tribal elders)
- Survey both the trainees and stakeholders
- Involve the persons of culture
- Embrace their culture (as appropriate)
- Be empathetic

Involving Others
The most important aspect of CAT is involvement of the cultural group or individuals. To involve others:

- Get buy-in from respected members of their culture (e.g., tribal elders)
- Ask them to help develop various training approaches and methods
- Ask them to deliver the training as co-trainers or as the sole trainers (without you)
- Use surveys of both the trainees and stakeholders
- Approach trainees just before class. At the least you can do this, but not as a substitute for any of the above.

Do’s of CAT
A trainer should do the following when conducting CAT:

- Be prepared
- Involve students
- Show respect
- Learn their culture
- Give students ownership
- Ask questions

Don'ts of CAT
When conducting CAT, do not:

- Use clichés
- Be condescending
- Make jokes
- Do things your way
- Use pop culture references
- Assume
- Pretend to be them
- Give up

Culturally Inappropriate Training (CIT)
To avoid CIT, review the don’ts listed and then review them again. Consider any other don’ts you can think of.

It only takes one innocent faux pas to undo much goodwill. It takes hard work and patience to develop trust with others of a different cultural group, but one relatively innocent slip of the tongue or physical slight can lose that hard-earned trust. Try not to do so.

My Own Mistake: A Case Study
Many years ago, I was conducting asbestos supervisor training for a native tribe. We had spent most of the day building a polyethylene sheeting containment and decontamination facility. We had worked outside in the sun in July, and it was hot—especially in the poly containment. Everyone was hot and tired. We went inside where it was a bit cooler (but no A/C) to do our hands-on session on donning PPE, including disposable suits. The XL suits did not fit everyone, and a taller student had trouble donning his suit.

In an effort to encourage him, I made an unfortunate reference to trying to help my young son. He immediately became mad, pushed me aside and stormed out because natives were often treated as and compared to children. Clearly not my intent but a huge gaffe nevertheless. We took a break, and I found my contact person to explain my mistake and take responsibility for it.

The next day, I explained and apologized to the entire class and specifically to the student offended by my remark. I shared with them my own experiences being taunted as a child for being Jewish. Having a common bond helped us get past our differences. To this day, I still provide their refresher training each year.

Conclusion
It is always nice to have something profound to say at the close of an article or training, CAT or otherwise. Here is a great quote on culture, and by extension, on CAT from Margaret Mead, who was an anthropologist, author and culture expert:

(Source: Terence Brake of Transnational Management Associates, Ltd. (TMA), http://www.tmaworld.com)
What Safety Professionals Need to Know About Buying Professional Liability Insurance

By J. Terrence Grisim, CSP, CDS, CPSM, ARM

As business owners, we are all accustomed to buying insurance for our businesses. As a rule, the business risks we want to insure are not difficult to understand for those of us in the risk assessment and accident prevention business. We buy auto insurance, homeowners’, umbrellas, business owners’ policies, workers’ compensation, healthcare, disability and so forth. As a rule, these coverages are pretty standard; all that varies are deductibles, limits and sometimes waiting periods.

The Need for Professional Liability Insurance

For some reason, the need for professional liability insurance is a difficult concept, especially for new entrants into the consulting business. Throughout my career, I have heard endless rationalizations of why consultants need not buy coverage. Perhaps the most common is “I am incorporated.” They do not understand that the coverage is for the professional service they provide and list in the policy via the application for insurance they submit.

Professional liability insurance covers unintentional mistakes in what was done as well as unintentional errors of omission in what was not done. Safety professionals need this coverage because in our legal system, if they are alleged to have done or have failed to do anything that is a breach of the standard of care in our profession and that breach causes damage, someone will likely sue their company for damages. When you are sued, whether or not you were negligent, you must have legal defense. That is one of the expenses a professional liability insurance policy covers.

I think those who want to ignore this necessity have no idea how expensive legal defense can be. As someone who works in this field, I can tell you that it does not take long to go through $100,000 in legal expenses. To those who say they do not need the coverage, all I can say is that legal defense will cost more money than most of us have lying around to cover a business oversight. Some might think “I will just ignore this suit, and it will go away.” Wrong again. If you do not respond, a judgment will probably be entered against your company, whether or not there was negligence on your part. All you would accomplish by ignoring the suit is to admit negligence.

Limits of Coverage

The common question is “what limits of coverage do I buy?” That question has two answers; what do my clients require, and how much do I need to protect my net worth? Consulting firms that work with major multinational corporations can expect a requirement to maintain several million in coverage. That can be very expensive. A business decision must be made as to whether your consulting business can be profitable after the additional insurance expense.

Another frequent issue is a client’s desire to become an additional insured on the consultant’s policy. This is often not a good idea for either party. Additional insured means that the policy limits are divided by the number of parties to the insurance contract. I have always tried to offer a certificate of insurance and have avoided making a client an “additional insured.” That way the limits available to me are not diminished.

Buying Professional Liability Insurance

Professional liability insurance is much more difficult to buy because it is virtually always written on a claims-made basis instead of on an occurrence basis. If a claim was reported the day before or after a policy was in force, there is no coverage. In occurrence coverage, if a claim is reported today that occurred 5 years ago, whichever insurance carrier you had at the date of the occurrence is responsible to cover the claim.

You must always buy “tail” coverage with professional liability insurance back to the initial date when you first started buying coverage to ensure that no gaps exist in coverage that will leave you uninsured for a period of time. Also, when you decide to sell or close your business, you will need to buy this tail for several years to ensure that you have coverage for any claims that have not yet been reported. Buying this tail coverage is the closest you can get to approximating having occurrence coverage.

Coverage for Safety Professionals

Coverage for safety professionals has always been problematic. To understand why this is true, you must realize that insurance policies are written in two different ways, standard forms and manuscript policies. Generic professional liability policies are mostly standard forms and are generally pretty much the same among all carriers. Manuscript policies are custom-written for the policyholder or group they insure to cover their unique risks.
Over the years, many insurance brokers have offered me professional liability insurance. Unfortunately, some of the policies I bought were a waste of money because they would not have covered my most likely causes of loss from safety consulting. You may ask how that can be. The answer goes back to the discussion about standard form and manuscript policies. The safety consulting profession is a very tiny segment of the business world at large. As a result, the standard form policies out there are not written to cover our unique risks; they were written for accountants, insurers, etc. We need coverage from accidents that will result in bodily injury and property damage. These are both excluded causes of loss on the standard professional liability policy.

You may go to any number of insurance brokers, and they will sell you something called a professional liability insurance policy, but it will not cover your business risk because it was not written to include that risk. In other words, just because you find a broker that will sell you a professional liability insurance policy, your investigation is not over. It has just begun.

Anyone who buys this insurance by price alone is naïve. What you bought may be of no value to protect your risk. Use a reputable insurance broker who knows your risk and will properly protect it. The broker must give you a policy that does not exclude loss from bodily injury and property damage. Get that assurance from the broker in writing. Buying from a broker offers another level of coverage in that they carry errors and omissions as well. If they make a mistake in how they cover your business, they also have insurance to cover the loss.

**Association Programs**

Our group’s unique exposure is one of the reasons a group policy specifically written to cover our unique risks is attractive. That said, my broker’s review of our association program revealed that ASSE’s program excluded loss from property damage. That would have been a problem to any of our members who did fire protection work. When I brought this to the attention of our association broker, they said they would amend the coverage.

Generally, association programs are advantageous for coverage and price but only if the group is homogeneous. Unfortunately, our group is not. There are those like myself who do mostly litigation consulting and little accident prevention consulting, and at the other extreme, those who do only construction safety consulting and auditing. The difference in exposure between those extremes is vast. It cannot help but have those of us with little risk subsidizing those with greater exposures to loss. For this reason, the association program is not a complete solution unless the program is large enough to be properly underwritten to fairly price each member’s actual exposure to loss.

Another issue of which we must all be aware is how these policies are priced. Generally, professional liability is written on a gross annual sales number as a measurement of exposure. Most policies are written with $100,000 annual sales as a minimum premium level. If your sales are below that, you will not receive a discount, but if your sales reported to the carrier are above that number, you will most likely be charged additional premium.

**Conclusion**

In summary, you must address the following considerations when buying professional liability coverage for your safety consulting business:

1. Do I have “tail” coverage back to the date I started safety consulting?
2. If I am retiring or closing my business, how long should I buy “tail” coverage?
3. Does the policy I will buy cover losses resulting from bodily injury and property damage? If it does not, it is useless.
4. Has my broker evaluated this policy and answered the above question affirmatively in writing?
5. Does my broker carry errors and omissions insurance?
6. What limits of liability should I buy?
7. Do I need to add additional insureds?
8. Where does this policy premium fall in the spectrum of what I have evaluated?
9. If I am looking at a professional group policy, what type of exposure do the members have? How is that likely to affect my future pricing in the program?
10. How will my policy be underwritten? Will it be based on my experience or on the group as a whole? Many group policies are not individually underwritten at all.
11. What are my annual sales? This will be the premium cost basis. Generally, the sales estimates provided on your application are not audited.
12. What is the minimum premium sales assumption in the policy I am looking at? Does it give me some room to grow without increased premium costs?
13. Read, discuss and understand the exclusions on the policy before you buy.

Buying professional liability insurance is not as easy as buying other business coverages; however, it is not a daunting task once you know what you must buy. One of the most important partners you can have in this endeavor is a trusted insurance broker who values your business and... (continued on page 13)
**News You Can Use**

**ASTM Standard Addresses Testing of Arc Protective Blankets**

Arc protective blankets are used in many electrical applications to protect workers who are stationed near energized electrical parts. While these blankets have been used for years, there have been no testing criteria for their evaluation. ASTM International’s new standard, ASTM F2676, Test Method for Determining the Protective Performance of an Arc Protective Blanket for Electric Arc Hazards, determines the effectiveness of arc protective blankets in suppressing the combined effect of an arc flash and an arc blast. The standard was developed by Subcommittee F18.65 on Wearing Apparel, part of ASTM International Committee F18 on Electrical Protective Equipment for Workers.

Subcommittee F18.65 is continuing its research in blanket use and care, and it plans to investigate how blanket installation affects protection and how to further quantify protection. The subcommittee encourages participation, particularly from utilities, in its standards developing efforts.


**New FAA Safety Culture Reflected in Operational Error Reporting**

The Federal Aviation Administration (FAA) has reduced the emphasis on blame in the reporting of operational errors by air traffic controllers.

The names of controllers are not included in reports sent to FAA headquarters on operational errors, which occur when the proper distance between aircraft is not maintained. The controller’s identity is known at the facility where the event took place. Necessary training is conducted and disciplinary action is taken, if appropriate. Both are recorded in the controller’s record. Removing names on the official report allows investigators to focus on what happened rather than on who was at fault.

To avoid disrupting operations, controllers are not automatically removed from their position following an operational error unless it is deemed necessary to remove them. Another change designed to avoid disruptions allows reports to be filed by the close of the next business day unless the operational error is significant. Reports previously needed to be filed within four hours.

This action is part of the transition to FAA’s new non-punitive reporting system for controllers. The Air Traffic Safety Action Program (ATSAP), which covers one-third of the U.S., allows controllers and other employees to report safety problems without fear of punishment unless the incident is deliberate or criminal in nature. The change in reporting requirements for operational errors provides for a more seamless transition as ATSAP is rolled out to the entire country.

The reporting changes do not alter the investigation and analysis of operational errors. They also do not change the requirements for addressing the causal and contributing factors to those events.


**FMCSA Launches Comprehensive Safety Analysis 2010 Initiative**

The Federal Motor Carrier Safety Administration (FMCSA) is developing a new operational model through its Comprehensive Safety Analysis (CSA) 2010 initiative (http://csa2010.fmcsa.dot.gov/). CSA 2010’s goal is to develop and implement more effective and efficient ways for FMCSA, its state partners and industry to reduce commercial motor vehicle crashes, fatalities and injuries. CSA 2010 will help FMCSA and its state partners contact more carriers and drivers, use improved data to better identify high-risk carriers and drivers and apply a wider range of interventions to correct high-risk behavior.

**ILO Meeting Adopts Revised List of Occupational Diseases**

A tripartite meeting of experts on occupational diseases held at the International Labor Office (ILO) has adopted a new list of occupational diseases designed to assist countries in the prevention, recording, notification and, if applicable, compensation of illnesses caused by work.

The panel of experts examined a proposed list of occupational diseases developed through tripartite consultations on the basis of increased recognition of occupational diseases at the national and international levels, new and emerging risk factors and the improvement of diagnostic techniques.

The revised list includes a range of internationally recognized occupational diseases, from illnesses caused by chemical, physical and biological agents to respiratory, skin and musculoskeletal disorders and occupational cancer. It
also includes a section on mental and behavioral disorders. Once it is approved by the ILO Governing Body at its March 2010 Session, the new list will replace the one in the Annex to the Recommendation concerning the List of Occupational Diseases and the Recording and Notification of Occupational Accidents and Diseases, 2002 (No. 194).

Participants at the meeting followed a set of general criteria agreed by the tripartite constituents to decide what specific diseases to include in the updated list: that there is a causal relationship with a specific agent, exposure or work process; that they occur in connection with the work environment and/or in specific occupations; that they occur among the groups of persons concerned with a frequency, which exceeds the average incidence within the rest of the population and that there is scientific evidence of a clearly defined pattern of disease following exposure and plausibility of cause.

The original List of Occupational Diseases Recommendation (No.194) was adopted at the 90th Session of the International Labor Conference in 2002. A first meeting of experts to revise the list took place in 2005.


**MSHA Publishes Final Rule for Underground Coal Mine Rescue Teams**

The Mine Safety and Health Administration (MSHA) published a final rule for mine rescue teams regarding underground coal mines. The final rule amends existing standards published February 8, 2008, in accordance with the Mine Improvement and New Emergency Response (MINER) Act of 2006. The United Mine Workers of America challenged that rule, and on February 10, 2009, the U.S. Court of Appeals for the District of Columbia Circuit issued its decision.

In its decision, the court vacated three portions of the final rule, which allow:
- Mine-site and state-sponsored teams to train at small mines annually rather than semiannually
- State employees who are members of state-sponsored teams to substitute certain job duties for participation in one of the two mine rescue contests required annually
- State employees who are members of state-sponsored teams to participate in mine rescue contests by serving as judges

The final rule requires that mine-site and state-sponsored teams train semiannually at small mines, rather than annually, and state employees who are members of state-sponsored teams to participate in two mine rescue contests annually.

In the preamble to the final rule, MSHA rescinds its intent, as stated in the preamble to the 2008 rule, that members of state-sponsored mine rescue teams may participate in mine rescue contests by serving as judges. Under this final rule, all members of state-sponsored teams who are full-time employees must participate in two local mine rescue contests.

Delayed compliance dates of six months and one year, respectively, are included for Kentucky mine operators to establish new teams and to complete the training in accordance with the requirements of the final rule.


**Majority of Firefighter Injuries at Fire Scene Occur When Battling Home Fires**

About three in five firefighters injured at the scene of a structure fire (2003-2006) were battling one- and two-family

(continued on page 14)

**Professional Liability Insurance (continued from page 11)**

understands your risk. Therefore, the beginning of this journey must start with the selection of an insurance broker for your business. I happen to be married to mine, but that is not essential to the search. After that, renewals are simply an annual assessment of what is available and how much it costs.

**Culturally Appropriate Training (continued from page 9)**

“If we are to achieve a richer culture, rich in contrasting values, we must recognize the whole gamut of human potentialities, and so weave a less arbitrary social fabric, one in which each diverse human gift will find a fitting place.”

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home fires at the time, according to the National Fire Protection Association (NFPA) report “Patterns of Firefighter Fireground Injuries” (http://www.nfpa.org/assets/files/PDF/OS.patterns.pdf). Of the nearly 34,450 firefighters hurt at structure fires on average annually during this period, nearly 21,000 were on the scene of a fire at a one- or two-family home.

NFPA launched the Fire Sprinkler Initiative: Bringing Safety Home (http://www.firesprinklerinitiative.org/) to encourage communities to mandate home fire sprinklers in new one- and two-family homes to save lives, prevent injuries and protect property.

An estimated annual average of 40,270 firefighter fireground injuries occurred in the U.S. in 2003-2006. Of these, an average of 29,710 injuries were minor, and 10,560 injuries were moderate or severe. Other key findings from the report include the following:

- The leading types of minor injuries were strain or sprain, accounting for an annual average of 7,035 injuries (24%); pain only, accounting for 3,345 injuries (12%); thermal burns only, accounting for 3,415 injuries (11%) and cut or laceration, accounting for 2,695 injuries (9%)
- The leading types of moderate and severe injuries were strain or sprain, accounting for an annual average of 3,635 injuries per year (34%); thermal burn, accounting for 940 injuries (9%) and pain only, accounting for 920 injuries (9%)
- The leading causes of moderate and severe injuries were slipping, falling or tripping (3,095 or 29%)
- The leading type of activity at time of injury for both minor and major injuries involved handling hose lines
- The highest injury rates per 100 fires occurred in the midnight-to-8:00 a.m. timeframe

—Adapted from NIOSH news release, “Majority of Firefighter Injuries at Fire Scene Occur When Battling Home Fires,” June 1, 2009.

NIOSH Initiative Creates Awareness & Guidance for Green Jobs
The National Institute for Occupational Safety and Health (NIOSH) has launched an initiative with its partners to highlight the importance of incorporating worker safety and health into green jobs and environmental sustainability. The initiative also develops guidance for preventing occupational injuries and illnesses in these growing sectors.

NIOSH’s webpage, “Going Green: Safe and Healthy Jobs” (http://www.cdc.gov/niosh/topics/greenjobs/), serves as an evolving portal to information and resources developed or identified by NIOSH and its partners. Opportunities for NIOSH and its partners under “Going Green: Safe and Healthy Jobs” include:

- Enhancing the safety and health protection of the U.S. workforce
- Expanding and applying occupational safety and health knowledge to new workplaces, products and processes
- Ensuring that worker training and retraining for these new jobs includes relevant safety and health information

Contents of the NIOSH “Going Green” webpage include links to resources for industry sectors, such as agriculture, construction, manufacturing, services, transportation, warehousing and utilities. Also included are links to resources on chemicals, falls from elevations, outdoor work, highway work zone safety, machine safety, nanotechnology, hearing loss prevention, protective clothing and respirators. New information and links are added to the webpage on an ongoing basis.

—Adapted from NIOSH news release, “NIOSH Launches Initiative to Create Awareness, Guidance for Worker Safety and Health in Green Jobs,” June 8, 2009.

NIST Releases Draft Report on Cowboys Facility Collapse
A fabric-covered, steel-frame practice facility owned by the National Football League’s Dallas Cowboys collapsed under wind loads significantly less than those required under applicable design standards, according to a report by the National Institute of Standards and Technology (NIST).

Located in Irving, TX, the facility collapsed on May 2, 2009, during a severe thunderstorm. Twelve people were injured, one seriously.

Based on national standards for determining loads and for designing structural steel buildings, NIST researchers studying the Cowboys facility found that the May 2 wind load demands on the building’s framework—a series of identical, rib-like steel frames supporting a tensioned fabric covering—were greater than the capacity of the frame to resist those loads.

Assumptions and approaches used in the design of the Cowboys facility led to the differences between the values originally calculated for the wind load demand and structural frame capacity compared to those derived by the NIST researchers. For example, NIST researchers included internal...
wind pressure due to the presence of vents and multiple doors in their wind load calculations because they classified the building as “partially enclosed” rather than “fully enclosed” as stated in the design documents. NIST researchers also determined that the building’s fabric could not be relied upon to provide lateral bracing (additional perpendicular support) to the frames in contrast to what was stated in the design documents and that the expected wind resistance of the structure did not account for bending effects in some members of the frame.

NIST’s report recommends that such evaluations determine whether or not: (1) the fabric covering provides lateral bracing for structural frames considering its potential for tearing, (2) the building should be considered partially enclosed or fully enclosed based on the openings that may be present around the building’s perimeter and (3) the failure of one or a few frame members may propagate, leading to a partial or total collapse of the structure.

Shortly after the Cowboys facility’s collapse, NIST sent a reconnaissance team of three structural engineers to assess the failed structure and wind damage in the surrounding area and to collect relevant data, such as plans, specifications and design calculations. Using the data acquired during the reconnaissance, the NIST study team developed a computer model of a typical structural frame used in the practice facility and then studied the frame’s ability to resist forces under two wind conditions: the wind loads based on the design standard wind speed of 90 miles per hour and the actual wind loads based on conditions at the time of the collapse.

NIST worked with the National Oceanic and Atmospheric Administration’s (NOAA) National Severe Storms Laboratory to estimate the wind conditions at the time of collapse. The researchers determined that, at the time of collapse, the wind was blowing predominantly from west to east, perpendicular to the long side of the building. Maximum wind speed gusts at the time of collapse were estimated to be in the range of 55 to 65 miles per hour—well below the design wind speed of 90 miles per hour in the national standard for wind loads. The center of a microburst (a small, intense downdraft which results in a localized area of strong winds) associated with the May 2 thunderstorm was located about one mile southwest of the structure at the time of collapse.

According to the NIST and NOAA researchers, the wind field in the vicinity of the Cowboys facility at the time of collapse was consistent with design standards and not unusual.

Based on their study of the wind conditions at the time of collapse and the structural response, NIST researchers determined the following likely collapse sequence:

- Buckling of the inner chord (inner side of the roof truss) of a frame in a section of the roof on the east side resulted in the formation of a kink in the frame
- Failures of the east and west “knees” (connections between the side walls and the roof) allowed the frame to sway eastward with the wind
- Compressive failure of the east side at the roof’s highest point (ridge) led to fractures of the nearby inner and outer chords in the vicinity of the ridge
- A progression of frame failures throughout the structure resulted in total structural collapse

Once the final report is published, NIST will brief and provide technical support on the recommendation to the American Society of Civil Engineers (ASCE) committee currently developing a building standard specifically for tensioned fabric structures. NIST also will brief the appropriate committee of the International Code Council (ICC) on the study’s recommendation for use in improving provisions in ICC’s model building code.


**U.S. Mining Boosts Performance**

On October 22, 2009, a mining safety professional highlighted new federal data underscoring the improved safety performance achieved thus far this year by U.S. mines.

“U.S. mining’s annual safety record to date surpasses its record for all previous years at this point,” said Bruce Watzman, senior vice president for regulatory affairs at the National Mining Association (NMA). “Our record for lost time accidents underscores the strong commitment coal and mineral mining companies have made to improving mine safety,” he said.

Speaking at the 2009 joint meeting of the Pittsburgh Coal Mining Institute and Society for Mining, Metallurgy and Exploration, Watzman said data collected through the third quarter by the U.S. Mine Safety and Health Administration (MSHA) show total U.S. mining fatalities are fewer than at the comparable period in 2008, the industry’s record year for mine safety.
Watzman also said coal mining’s safety record to date is on pace to make 2009 the third consecutive year of steadily declining fatalities in the nation’s coal mines. Through 2008, coal mining’s fatality rate had fallen 40% from the 2000 level.

“U.S. mining has returned to our trend of steadily improving safety performance,” said Watzman. “We will not be content until we achieve our ultimate goal of zero fatalities.”

For all U.S. mining, including coal, minerals and metals, federal data show that since 2002, the rate of fatal injuries has declined by 13%, and the rate of non-fatal injuries has declined by 26%.

Watzman noted the abundance and affordability of coal ensures it will be an important part of the nation’s energy mix for decades to come, which he believes is good news for Pennsylvania. The commonwealth ranks fourth in the nation in coal production, valued at $2.5 billion in 2008. More than 21,000 Pennsylvanians are employed directly by coal mining, with wages that are 30% higher than the average wage for all industries in the state.


**NTSB Issues Recommendations to the Helicopter Emergency Medical Services Industry**

The National Transportation Safety Board (NTSB) issued 19 recommendations regarding helicopter emergency medical services (HEMS). These recommendations address various safety issues, including pilot training, safety management systems to minimize risk, collection and analysis of flight, weather and safety data, flight data monitoring, development of a low-altitude airspace infrastructure and the use of dual pilots, autopilots and night vision imaging systems (NVIS).

HEMS operations include an estimated 750 helicopters, 20 operators and 60 hospital-based programs. They transport seriously ill patients and donor organs 24 hours a day in various environmental conditions.

For the HEMS industry, 2008 was the deadliest year on record with 12 accidents and 29 fatalities. In response to this increase in fatal accidents, NTSB placed the issue of HEMS operations on its Most Wanted List of Transportation Safety Improvements.

The hearing, which included testimony by expert witnesses representing HEMS operators, associations, manufactures and hospitals, explored the increasingly competitive environment of the HEMS industry and provided a more complete understanding of why this industry has grown rapidly in recent years. As a result of recent accident investigations and testimony presented at the hearing, NTSB made recommendations to the Federal Aviation Administration (FAA), the Centers for Medicare and Medicaid Services (CMS) at the Department of Health and Human Services, Federal Interagency Committee on Emergency Medical Systems (FICEMS) and 40 government-operated or public HEMS operators.

The 19 recommendations issued include 10 recommendations to FAA to address the issues of improved pilot training, collection and analysis of flight, weather and safety data, flight data monitoring, development of low-altitude airspace in infrastructure and the use of dual pilots, autopilots and NVIS.

Two safety recommendations to CMS are to evaluate the current HEMS reimbursement rate structure and its relationship to patient transport safety. Two recommendations to FICEMS address coordination and integration of helicopter emergency medical transport into local and regional emergency medical systems and selection of the most appropriate emergency transportation mode for trauma victims.

Finally, five recommendations are to public operators to improve pilot training, flight data monitoring and the use of dual pilots, autopilots and NVIS.

In addition to the recommendations issued, NTSB also asked its staff to draft additional recommendations to CMS regarding safety audit standards.


**OSHA Publishes Guidance Document for Ethylene Oxide**

The Occupational Safety and Health Administration’s (OSHA) Small Business Guide for Ethylene Oxide addresses exposure levels and monitoring requirements. The document helps employers understand the ethylene oxide (EtO) standard and explains how to monitor air quality in workplaces where EtO is processed, used or handled.

Last February, NTSB conducted a 4-day public hearing to critically examine the safety issues concerning this industry.
The document includes clarification of the various types of EtO exposure monitoring, lists and explains the exposure levels OSHA uses and provides an outline of what employers should do when monitoring shows EtO exposure levels exceed the allowable limits.

The odorless, colorless EtO gas is widely used in hospitals to sterilize surgical equipment. Among other common products, EtO also is found in antifreeze, detergents, adhesives and spices. Short-term exposure to EtO can cause difficulty breathing and nausea, among other symptoms. Long-term exposure can cause more severe conditions, such as damage to the nervous system and cancer.


**OSHA NEP Targets Workplaces that Release Highly Hazardous Chemicals**

Facilities that could potentially release highly hazardous chemicals resulting in toxic fire or explosion hazards are the focus of a national emphasis program (NEP) developed by OSHA.

The program establishes policies and procedures for inspecting workplaces that are covered by OSHA's process safety management (PSM) standard.

The Chemical NEP, a one-year pilot program, outlines a new approach for compliance officers who conduct site inspections. The program's inspection process includes asking detailed questions designed to gather facts related to PSM requirements and verifying that employers' written and implemented PSM programs are consistent. The NEP intends to conduct quick inspections at a large number of facilities that will be randomly selected from a list of worksites likely to have highly hazardous chemicals in quantities covered by the standard.

During its first year, the Chemical NEP will be piloted in several regions around the U.S. using programmed inspections. Programmed inspections are planned and do not result from an accident, complaint or referral. In regions not covered by the pilot, the Chemical NEP will be used to inspect workplaces reporting PSM-related complaints, referrals, accidents or catastrophes.


**OSHA Publishes Combustible Dust Hazards Document**

OSHA's Hazard Communication Guidance for Combustible Dusts (http://www.osha.gov/Publications/3371combustible-dust.html) 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.

Combustible dusts are solids finely ground into fine particles, fibers, 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.

The document addresses the 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.


**OSHA Focuses Inspection Program on Safety of Airport Traffic Control Tower Personnel**

The safety of airport traffic control tower personnel is the focus of an inspection targeting program titled “Federal Aviation Administration’s (FAA) Airport Traffic Control Tower Monitoring Program,” which monitors how workers clear a control tower in case of fire and other emergencies. The inspection targeting program, conducted by OSHA, examines FAA’s air traffic control towers’ provision of safe means of egress for workers at FAA-owned and -operated towers.

The program requires FAA to bring towers into compliance with the alternate standard for egress and fire safety. OSHA inspectors will inspect randomly selected towers to determine if FAA meets this requirement. A description of OSHA’s alternate standard is available at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10114.

Current guidance based on the FAA's alternate standard allows for a single exit route where the building size, occupancy level, type of construction and workplace
arrangement is such that all workers would be able to evacuate safely during an emergency.

The standard also includes requirements, such as incorporating fire detection and alarm systems, fire suppression equipment and emergency action plans. The standard currently covers 386 towers, of which 190 have been certified by FAA as being in compliance.


OSHA Issues Final Rule Updating PPE Standards Based on National Consensus Standards

OSHA published a final rule revising the personal protective equipment (PPE) sections of its general industry, shipyard employment, longshoring and marine terminals standards concerning requirements for eye- and face-protective devices and head and foot protection.

OSHA is updating the references in its regulations to reflect more recent editions of the applicable national consensus standards that incorporate advances in technology. OSHA requires that PPE be safely designed and constructed for the tasks performed.

Amendments to the PPE standards include a requirement that filter lenses and plates in eye-protective equipment meet a test for transmission of radiant energy, such as light or infrared.

The final rule took effect on October 9, 2009.


OSHA Issues Proposed Rule to Adopt the Globally Harmonized Hazard Communication System

OSHA has proposed a rule to align its Hazard Communication Standard (HCS) with provisions of the United Nations Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

The current HCS requires chemical manufacturers and importers to evaluate the hazards of the chemicals they produce or import and to provide information to subsequent users. The current standard requires all employers to have a hazard communication program for workers exposed to hazardous chemicals. The program includes materials, such as container labels, safety data sheets and employee training.

Many countries, including the U.S., international organizations and stakeholders participated in developing GHS to address inconsistencies in hazard classification and communications. GHS was developed to provide a single, harmonized system to classify chemicals, labels and safety data sheets with the primary benefit of increasing the quality and consistency of information provided to workers, employers and chemical users. Under GHS, labels would include signal words, pictograms, and hazard and precautionary statements. Additionally, information on safety data sheets would be presented in a designated order.


OSHA Opens Record on Proposed Rule on Electric Power Generation, Transmission & Distribution

OSHA opened the record on a notice of proposed rulemaking on electric power generation, transmission and distribution and for electrical protective equipment. The opening sought to obtain comments related to safe proximity between a worker and exposed electrical parts.

OSHA published a proposed rule to revise the general industry and construction standards for electric power generation, transmission and distribution and for electrical protective equipment, such as insulating blankets, gloves and rubber sleeves. That proposal included revised minimum approach distances (MADs) to determine how close a worker or an object that the worker is holding can get to an electrical part. The Institute of Electrical and Electronics Engineers later made further corrections for calculating MADs and the proposed rule includes those revisions. A public hearing was held on October 28, 2009.

OSHA Begins NEP on Recordkeeping to Determine Accuracy of Worker Injury & Illness Data

OSHA is initiating a national emphasis program (NEP) on recordkeeping to assess the accuracy of injury and illness data recorded by employers. The recordkeeping NEP involves inspecting occupational injury and illness records prepared by businesses and appropriately enforcing regulatory requirements when employers are found to be under-recording injuries and illnesses. Inspections include a records review, employee interviews and a limited safety and health inspection of the workplace. NEP will focus on selected industries with high injury and illness rates.

At the request of the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and Labor, the Government Accountability Office (GAO) issued a study on the accuracy of employer injury and illness records. NEP will help OSHA work cooperatively with GAO. It also complements the Bureau of Labor Statistics’ (BLS) efforts to investigate factors accounting for differences between the number of workplace injuries and illnesses estimated by BLS and those estimated by other data sources.

—Adapted from OSHA news release, “OSHA Begins National Emphasis Program on Recordkeeping to Determine Accuracy of Worker Injury and Illness Data,” October 1, 2009.

OSHA Revises Enforcement Policies for Fall Protection During Steel Erection

OSHA has revised the steel erection compliance directive for the agency’s steel erection standard to change two enforcement policies related to tripping hazards and installation of nets or floors during steel erection.

One of the revised policies addresses the standard’s requirement that employers install a floor or net within two stories or 30 feet, whichever is less. The other policy states that employers must comply with the requirement that steel studs, known as shear connectors, be installed at the worksite. Shear connectors bind concrete to the steel.

2007 Bureau of Labor Statistics data show that 1,204 fatalities occurred in the construction industry, 447 of which resulted from falls. The steel erection standard sets forth requirements to protect workers from the hazards associated with steel erection activities when constructing, altering and repairing single and multistory buildings, bridges and other structures where steel erection occurs.

—Adapted from OSHA news release, “OSHA Revises Enforcement Policies for Fall Protection During Steel Erection,” October 1, 2009.

OSHA Issues Letter of Interpretation for High-Visibility Warning Garments

A new OSHA letter of interpretation states that high-visibility warning garments are required safety attire for highway and road construction workers. In 2004, OSHA issued a letter of interpretation about the use of high-visibility apparel in highway construction. The letter emphasized that Section 5(a)(1) of the OSH Act requires workers in highway work zones to wear high-visibility apparel.

However, the Occupational Safety and Health Review Commission ruled that OSHA’s letter indicated a more limited position: high-visibility garments are only required where the Federal Highway Administration’s Manual on Uniform Traffic Control Devices (MUTCD) mandates their use.

Therefore, OSHA is issuing a new letter stating that all highway and road construction workers must wear high-visibility apparel regardless of whether MUTCD requires them. OSHA considers road and construction traffic a well-recognized hazard to highway/road construction workers. The Bureau of Labor Statistics reinforced the need for using safety apparel when data from 2003 to 2007 showed that 425 road construction work zone fatalities had occurred.


OSHA Issues Record-Breaking Fines to BP

OSHA issued $87,430,000 in proposed penalties to BP Products North America Inc. for the company’s failure to correct potential hazards faced by employees. The fine is the largest in OSHA’s history. The prior largest total penalty, $21 million, was issued in 2005, also against BP.

Safety violations at BP’s Texas City, TX refinery resulted in a massive explosion—with 15 deaths and 170 people injured—in March 2005. BP entered into a settlement agreement with OSHA in September of that year, under which the company agreed to corrective actions to eliminate potential hazards similar to those that caused the 2005 tragedy. OSHA’s announcement came at the conclusion of a six-month OSHA inspection designed to evaluate the extent to which BP has complied with its obligations under the 2005 agreement and OSHA standards.
For noncompliance with the terms of the settlement agreement, the BP Texas City Refinery has been issued 270 “notifications of failure to abate” with fines totaling $56.7 million. Each notification represents a penalty of $7,000 times 30 days, the period that the conditions have remained unabated. OSHA also identified 439 new willful violations for failures to follow industry-accepted controls on the pressure-relief safety systems and other process safety management violations with penalties totaling $30.7 million.

The BP Texas City Refinery is the third largest refinery in the U.S. with a refining capacity of 475,000 barrels of crude per day. It is located on a 1,200-acre facility in Texas City, southeast of Houston in Galveston County.

A willful violation exists where an employer has knowledge of a violation and demonstrates either an intentional disregard for the requirements of the Occupational Safety and Health Act of 1970 or shows plain indifference to employee safety and health. A penalty of up to $70,000 may be assessed for each willful violation.

A notification of failure to abate can be issued if an employer fails to correct a cited condition and the citation is a final order of the Occupational Safety and Health Review Commission. A penalty of up to $7,000 may be assessed for each day that the violation remains uncorrected.


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ILO Meeting Adopts Revised List of Occupational Diseases

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http://www.nfpa.org/newsReleaseDetails.asp?categoryId=488&itemId=43642

NIOSH Initiative Creates Awareness & Guidance for Green Jobs
http://www.cdc.gov/niosh/updates/upd-06-08-09.html

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OSHA Issues Record-Breaking Fines to BP

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Rules & Regulations

Mine Safety & Health Administration (MSHA)

30 CFR Parts 7 & 75
RIN 1219-AB58

MSHA Issues Final Rule & Correction
The Mine Safety and Health Administration (MSHA) has issued a final rule to inform the mining community that MSHA rescinds the agency’s intent stated in the preamble to the final rule on Refuge Alternatives for Underground Coal Mines, concerning preemption of private tort litigation with respect to the agency’s approval of specifications for a refuge alternative. This rule took effect on November 25, 2009.

MSHA Makes Grant Funds Available
MSHA has made $500,000 available in grant funds in FY 2009 for educational and training programs to help identify, avoid and prevent unsafe working conditions in and around mines. The focus of these grants is on training and training materials for mine emergency preparedness and haulage safety for mines. MSHA has expanded this grant opportunity to cover all mines, both surface and underground metal and nonmetal and coal mines.

30 CFR Part 49
RIN 1219-AB66

MSHA Issues Final Rule
MSHA has issued a final rule to revise existing standards for mine rescue teams for underground coal mines. On February 10, 2009, the U.S. Court of Appeals for the District of Columbia Circuit held that MSHA’s mine rescue teams rule, issued on February 8, 2008, is inconsistent with Section 4 of the Mine Improvement and New Emergency Response (MINER) Act in three respects. The final rule revises those portions of the existing rule in accordance with the MINER Act, consistent with the court’s decision.

30 CFR Parts 70, 71 & 90
RIN 1219-AB48

MSHA Requests Info on CPDM
MSHA requests information related to the use of the continuous personal dust monitor (CPDM) as a sampling device to measure a miner’s exposure to respirable coal mine dust.

In September 2006, the National Institute for Occupational Safety and Health (NIOSH) published the results of a collaborative study designed to verify the performance of the pre-commercial CPDM in laboratory and underground coal mine environments. According to the NIOSH Report of Investigations 9669, “Laboratory and Field Performance of a Continuously Measuring Personal Respirable Dust Monitor,” CPDM is a new monitoring device that is accurate, precise and durable in providing continuous exposure information previously not available to coal miners and coal mine operators.

MSHA requests information regarding whether the use of CPDM would lead to more effective monitoring and control of miners’ exposure to respirable coal mine dust during a working shift. Responses to this request for information will assist MSHA in determining how to best use the monitoring capability of CPDM to improve miner health protection from disabling occupational lung disease, the feasibility of more effective exposure monitoring given the availability of CPDM and what regulatory and non-regulatory actions to consider regarding the use of CPDM in coal mines.

Occupational Safety & Health Administration (OSHA)

29 CFR Part 1910
[Docket No. OSHA-2007-0006]
RIN 1218-AC29

OSHA Withdraws Proposed Rule
After reviewing comments and other information available in the record for the proposed rulemaking, OSHA has decided that the abbreviated Bitrex\textsuperscript{reg} qualitative fit test is not sufficiently accurate to include among the qualitative fits tests listed in Part II of Appendix A of its respiratory protection standard. Therefore, OSHA has withdrawn the proposed rule without prejudice and invites resubmission of the proposed fit test after conducting further research to improve the accuracy of the protocol.

29 CFR Part 1910
[Docket No. OSHA-2009-0023]
RIN 1218-AC41

OSHA Seeks Comments on Combustible Dust
OSHA is requesting comments, including data and other information, on issues related to the hazards of combustible dust in the workplace. The term “combustible dust” includes all combustible particulate solids of any size, shape or
化学成分，当这些成分悬浮在空气或其他氧化性介质中时，可能会产生火灾或爆炸危险。OSHA 计划根据收到的信息开发一个拟议的标准来规范可燃性粉尘。

29 CFR Parts 1910, 1915, 1917 & 1918
[Docket No. OSHA-2007-0044]
RIN 1218-AC08

OSHA Issues Final Rule
OSHA 已发布最终规则，对一般行业、船厂就业、远洋和码头标准中关于防护设备、头部保护和足部保护的要求进行修订。OSHA 正在更新其法规中的参考文献，以承认最新版本的适用国家标准，并删除指定日期前必须购买的国家标准。此外，OSHA 还修正了安全鞋必须符合特定 ANSI 标准和防护镜片和防护罩必须符合特定 ANSI 标准的规定。在修正这些条文时，OSHA 将要求防护设备必须符合适用的 PPE 设计条文。这些修订是对 OSHA 努力更新或删除位于标准中的具体共识和行业标准的延续。该最终规则于 2009 年 10 月 9 日生效。

29 CFR Parts 1910, 1915 & 1926
[Docket No. OSHA-H022K-2006-0062 (formerly Docket No. H022K)]
RIN 1218-AC44

OSHA Proposes to Modify HCS
OSHA 拟修改其现有的《危险化学品信息标准》（HCS），使其符合联合国（UN）的《全球化学品统一分类和标签制度》（GHS）。OSHA 已做出了初步决定，认为这些修改将提高信息的质量和一致性，并为就业者和员工提供有关化学危害和相关防护措施的信息。该机构预计这些改进的信息将增强 HCS 的有效性，使员工了解他们可能暴露的化学危害。

OSHA Approves IL State Plan for Public Employees Only
《伊利诺伊州仅适用于公共雇员的安全与健康计划》被批准为开发性计划，适用于州政府雇员（州政府及政治下属的雇员）。根据 1970 年《职业安全与健康法》和 OSHA 规则，该批准的计划由伊利诺伊州劳动部负责，该部门负责制定和执行适用于州内公共就业的标准。OSHA 保留对全州的私人部门雇员以及联邦政府雇员的全面管辖权。
Links:

**MSHA Issues Final Rule & Correction**

**MSHA Makes Grant Funds Available**

**MSHA Issues Final Rule**

**MSHA Requests Info on CPDM**

**OSHA Withdraws Proposed Rule**

**OSHA Seeks Comments on Combustible Dust**

**OSHA Issues Final Rule**

**OSHA Proposes to Modify HCS**

**OSHA Approves IL State Plan for Public Employees Only**

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Standards Update

A10 Standards Receive Final ANSI Approval
The standards, “Safety Requirements for Tunnels, Shafts and Caissons Administration” (ANSI/ASSE A10.16-2009) and “Work Zone Safety for Highway Construction” (ANSI/ASSE A10.47-2009), have received final ANSI approval.

ASSE is preparing the standards for publication. An announcement will be made once the standards are available for purchase.

Comparison Document Explains Changes to ANSI/ASSE Confined Spaces Standard
To help explain the more than 160 changes to “Safety Requirements for Confined Spaces” (ANSI/ASSE Z117.1-2009), ASSE has developed a comparison document that highlights the changes between the current standard and its 2003 and 1995 versions.

The revised standard provides safety requirements for entering, exiting and working in confined spaces at normal atmospheric pressure. A combination package is available for purchase, which includes the revised Z117.1-2009 standard and the Z117 Comparison Document.

New ASSE Technical Report Available
ASSE’s new technical report, “Prevention Through Design: Guidelines for Addressing Occupational Risks in Design and Redesign Processes” (TR-Z790.001-2009), provides guidance on including prevention through design concepts and processes as a specifically identified element in a safety and health management system so that decisions pertaining to occupational risks are incorporated into the design and redesign processes, including consideration of the lifecycle of facilities, materials and equipment.

New Standards Added to Z359 Fall Protection Code
By K. Lamorris Waller


Approved by ANSI on June 3, 2009, the Z359.6 standard outlines requirements for the design and performance of complete, active fall protection systems. Z359.12, also approved June 3, addresses the performance, design, marking, qualification, test methods and removal from service of connectors. Z359.13, approved June 23, requires energy-absorbing lanyards and personal energy absorbers to reduce gravity pull force on the user to less than 10gs and states users of energy-absorbing lanyards must weigh between 130 and 310 pounds.

The new standards took effect on November 16, 2009.

Purpose of New Standards
The new Z359 standards will provide more clarity to the OSHA mandate that fall protection systems be designed, installed and used under the supervision of a qualified person. According to OSHA, it has been argued that this phrase does not provide employers with enough information to ensure that fall protection systems are properly installed. The Z359.6, Z359.12 and Z359.13 standards attempt to remedy this issue.

Tim Fisher, ASSE’s Director of Practices and Standards, says the standards complement each other. “Each portion of the Code is designed to address areas not previously included in the standards.”

The new standards do not apply solely to manufactured products. Instead, they are meant for engineers with expertise in one-off fall protection system designs, and they also address manufactured products still under development.
In addition, the standards cover:

- Requirements for the design and performance of complete, active fall protection systems
- Travel restraint and vertical and horizontal fall arrest systems
- Failure of freestanding systems
- Multiple-worker falls
- Multiple impacts on fall protection systems

**Future Z359 Standards**

Other Z359 standards in development include:

- Safety Requirements for Personal Fall Arrest Systems (PFAS) (ANSI/ASSE Z359.5-200x)
- Requirements for Third-Party & Self-Certification for Personal Fall Arrest Systems (PFAS) (ANSI/ASSE Z359.7-200x)
- Requirements for Rope Access (ANSI/ASSE Z359.8-200x)
- Safety Requirements for Full-Body Harness for Personal Fall Arrest Systems (PFAS) (ANSI/ASSE Z359.11-200x)
- Safety Requirements for Self-Retracting Devices for Personal Fall Arrest Systems (PFAS) (ANSI/ASSE Z359.14-200x)
- Safety Requirements for Vertical Lifelines for Personal Fall Arrest Systems (PFAS) (ANSI/ASSE Z359.15-200x)
- Safety Requirements for Fall Arresters for Personal Fall Arrest Systems (PFAS) (ANSI/ASSE Z359.16-200x)
- Safety Requirements for Horizontal Lifelines for Personal Fall Arrest Systems (PFAS) (ANSI/ASSE Z359.17-200x)
- Safety Requirements for Anchorage Connectors for Personal Fall Arrest Systems (PFAS) (ANSI/ASSE Z359.18-200x)

Fisher says more Z359 standards projects are always an option because falls from heights are a major factor in U.S. occupational fatalities across many industries. The new Z359.6, Z359.12 and the Z359.13 standards are expected to have a significant impact on the Z359 Fall Protection Code.

For more information on Version 2.0 of the Z359 Fall Protection Code, visit:


To meet the Z359 Accredited Standards Committee, visit:

http://www.asse.org/publications/standards/z359/committee.php