

The Safety Net

San Diego



PDC and Beyond

The President's Catch and Release — April, 2019



Enrique Medina

Dear Chapter members, colleagues and friends,

I'd like to start by giving a big thank you to those of you who attended our 2019 Professional Development

Conference at the Jacobs Center for Neighborhood Innovation to hear our great speakers, visit the excellent exhibitors, and recognize our amazing sponsors, and especially, to the Chapter's leadership team acting as the PDC committee, for your participation, dedication, and effort in making this "the best PDC ever", in the words of several people. I talked to a lot of people that day and saw a lot of smiling faces, but you don't have to take my word for it. You can see the results that back this up in Brooks Carder's excellent article on the results of the PDC survey in this issue. We got over 60 written comments, the vast majority of them compli-

mentary of the program, speakers, venue, and organization. And, yes, we have a list of the things we will do better next year. In fact, you can start making sure next year is better by telling your co-workers, friends and colleagues about your experience, and encouraging them to attend next year.

I wish we could say we're done with our big efforts, but we still have more work to do. This month, our Chapter is hosting the ASSP Regional Operating Committee for a two-day business meeting with presidents and other officers of the 18 chapters that make up our Region I ROC that covers Alaska, the three west coastal states, and Hawaii. We plan to show the 40 or so colleagues a great San Diego time. At the same time, we are in the process of selecting our slate of officers and committee chairs for the 2019-2020 term that starts July 1. You will have a chance to vote on the new officer slate in the

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TO JUMP TO THAT PAGE!*

Thank you to all of our 2019 Professional Development Conference sponsors!



AMERICAN SOCIETY OF SAFETY PROFESSIONALS



"Providing Leadership & Direction to
the Safety Professional since 1911"

next couple of months. We invite all members who are interested in learning more about the several open positions to contact Allie Long, our Past-President and Nominations Committee Chair at asse.allie@gmail.com, or me. I can guarantee that volunteering will enrich your life many times over the effort you will invest in the Chapter. In closing, if you did not have a chance to answer the PDC survey, or you have suggestions for what you

would like to see in next year's program, send me your comments and ideas by email at president@sandiego.assp.org.

Thanks,

Enrique Medina

San Diego ASSP Chapter President

EXECUTIVE COMMITTEE CHAIR UPDATES

Government Affairs Committee:

by Scott Simerson

Did You Know OSHA Has a Drone Inspection Policy?

February 12, 2019

Adele L. Abrams, esq., CMSP
Law Office of Adele L. Abrams PC

In December 2018, a Freedom of Information Act (FOIA) request revealed that OSHA issued an internal memorandum to its regional administrators on May 18, 2018, to provide procedures for the use of unmanned aircraft systems (UAS), commonly referred to as drones, during compliance inspections. To date, no link to the document is publicly available.

Little is known about the memorandum's practical impact on enforcement activities and results, although drones have reportedly been used on nearly a dozen worksite inspections so far. There may be a tension between OSHA's use of drones and protections against unauthorized searches in violation of the Fourth Amendment to the U.S. Constitution. This will likely be the subject of litigation in the future, particularly if done without consent or a warrant.

For the full article, visit <https://www.assp.org/news-and-articles/2019/02/12/did-you-know-osh-a-drone-inspection-policy>

H.R. 1309: Workplace Violence Prevention for Health Care and Social Service Workers Act

(Selected parts of the text of the bill below) as of Feb 19, 2019 (Introduced), Status: In Committee.

A BILL to direct the Secretary of Labor to issue an occupational safety and health standard that requires covered employers within the health care and social service industries to develop and implement a comprehensive workplace violence prevention plan, and for other purposes.

Congress finds the following:

- (1) In a 2016 report entitled, Workplace Safety and Health: Additional Efforts Needed to Help Protect Health Care Workers from Workplace Violence, the Government Accountability Office reported over 730,000 cases of health care workplace assaults over the 5-year span from 2009 through 2013, based on Bureau of Justice Statistics data.
- (2) The health care and social service industries experience the highest rates of injuries caused by workplace violence. Nurses, social workers, psychiatric, home health, and personal care aides are all at increased risk for injury caused by workplace violence. The Bureau of Labor Statistics reported that in 2017, rates of violence and injury caused by persons in these workplaces ranged from 3 times to as high as 61.9 times the average American workplace.
- (10) Nine States have mandated that certain types of health care facilities implement workplace violence prevention programs. On April 1, 2018, the Division of Occupational Safety and Health of the State of California issued a comprehensive standard (Workplace Violence Prevention in Health Care) that requires health care facilities to implement a workplace violence prevention plan.
- (11) Employer organizations have challenged the Occupational Safety and Health Administration's authority to utilize the General Duty Clause of the Occupational Safety and Health Act of 1970 to enforce against workplace violence hazards, arguing that Congress did not intend to cover workplace violence under such clause when the Act was enacted in 1970.

(see **Government Affairs**, page 3)



EXECUTIVE COMMITTEE CHAIR UPDATES

(Government Affairs, continued from Page 2)

H.R. 1309: To deter, prevent, reduce, and respond to harassment in the workplace, including sexual harassment, sexual assault, and harassment based on protected categories; and to amend the Internal Revenue Code of 1986 to modify the tax treatment of amounts related to employment discrimination and harassment in the workplace, including sexual harassment, sexual assault, and harassment based on protected categories.

Status: Introduced on Mar 5, 2019, Text: Not available yet.
(Will provide updates as received – SS)

S. 670: A bill to make daylight savings time permanent, and for other purposes.

Status: Introduced on Mar 6, 2019, Text: Not available yet.
(Will provide updates as received – SS)

Public Affairs Committee:

by Isaac Szmuiłowicz

Red Cross Sound the Alarm

This spring, Red Cross volunteers and our partners will install 100,000 free smoke alarms in high risk neighborhoods nationwide. Sound the Alarm installation and fire safety events will take place in more than 100 communities across the country, providing a lifesaving service in our quest to reduce death and injury from home fires.

I hope everyone in ASSP San Diego and North County will join me in the next Saturdays Sound the Alarm events on:

Saturday, April 6th from 8AM - 1PM

Pepperwood Park in El Cajon – 183 units

Meeting site: Pepperwood Park Mobile Home Community clubhouse

1120 Pepper Dr., El Cajon, CA 92021

Saturday, May 4th from 8AM - 1PM

Chula Vista – Goal is to install 1,000 alarms!

Meeting site: Feaster Charter School

670 Flower St

Chula Vista CA 91910

For registration, please contact:

Isaac Szmuiłowicz

isaacszmuiowicz@icloud.com

(619) 417-7189

Melissa Altman

Melissa.altman@redcross.org

(858) 357-6472

The more volunteers available to help in installations or instruction or documentation, the safer we can make the communities being served.

It is never too late to make a resolution to help others.

Thank you,

Isaac Szmuiłowicz

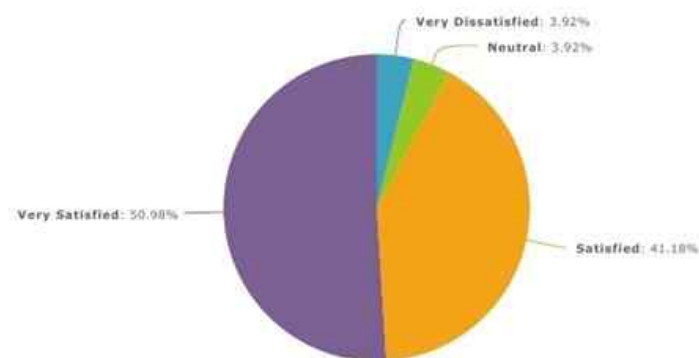
For more details, see [page 9](#) of this newsletter for upcoming dates, or visit <https://www.redcross.org/local/california/san-diego/about-us/news-and-events/news/sound-the-alarm-and-save-a-life-in-your-community.html> for more information about the program.

Professional Development Conference:

by Brooks Carder, PhD

In our survey of conference attendees, about a third of our attendees responded, which is quite high for this type of survey. The results indicated the conference was hugely successful. In writing the conference overall, 92% of respondents were either satisfied or very satisfied:

1. Rate the conference overall:



Rating the speakers overall produced a similar result.

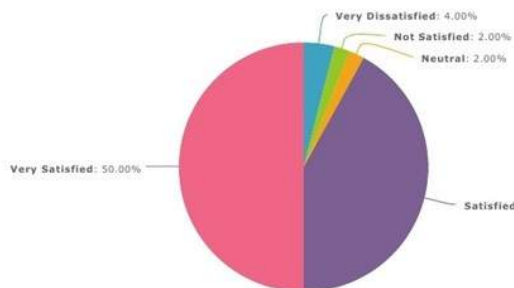
(see Professional Development Conference, page 4)



EXECUTIVE COMMITTEE CHAIR UPDATES

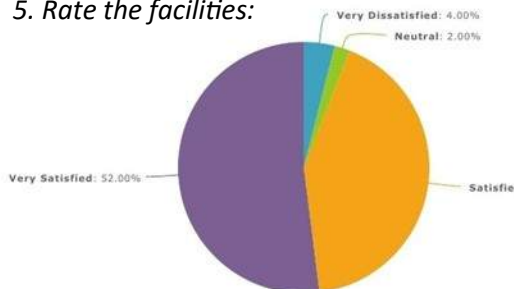
(PDC, continued from Page 3)

3. Rate the speakers overall:



Facilities were also very highly rated.

5. Rate the facilities:



Finally we asked if they are likely to return next year.

7. Will you be likely to attend next year?



All but one of the attendees said they were likely to return. Interestingly the one who was not likely to return was not one of the two individuals who were dissatisfied with the conference.

I do a lot of surveys. I rarely see results this strong. We have set up the goalposts a long ways away.

THANK YOU TO ALL OUR 2019 PDC VENDORS AND SPONSORS!

Name	Company	E-mail address
Mike Murphy	3M Corporation	mmurphy@mmm.com
Derrick Nordquist	3M Corporation	dtnordquist@mmm.com
Jorge Vizcaino	Aero Environmental Consulting	jorge@aero-enviro.com
Jackson Dalton	Black Box Safety	jackson@blackboxsafety.com
Kevin Thompson	Cal OSHA Reporter	kthompson@cal-osh.com
Robert Hoadley	Cardiac Science	rhoadley@cardiacscience.com
Joseph Campisi	Corporate Environmental Advisors	jcampisi@cea-inc.com
Julie Godfrey	Cuyamaca College	julie.godfrey@gcccd.edu
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Glen Granholm	Safe-T Proof disaster Preparedness	gg@safe-t-proof.com
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Andy Carroll	SKC West	custserv@skcwest.com
Giorgio Mizzarelli	State Compensation Insurance Fund	gmizzarelli@scif.com
Pat Conry	Superior Glove Works	pat.conry@superiorglove.com
Stephanie Spann	UCSD OSHA Training Institute	sspann@ucsd.edu
Joey Bombara	Zoll Medical Company	t Wallace@zoll.com

KEYNOTE SPONSOR



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Study Group

Thinking about working on your ASP/CSP? If so, that's outstanding and we are pulling for you! If you'd like to receive personal coaching for your ASP/CSP preparation, contact our Chapter President Enrique Medina, CIH, CSP to start the ball rolling.

By becoming part of our ASP/CSP Study Group Community you will get support, advice, tips, prep course reviews, and post-test debriefing from your peers to assist you in studying for the ASP/CSP professional certification exams. This free service is open to all Chapter members, and members of allied organizations, and you can join at any time. Contact Enrique at (619) 297-1469 or President@sandiego.assp.org.

Job Line

by David Ferguson, CSP, CEA, REPA

Looking for a new job? Local employers are looking for you! Visit our job-line at <https://sandiego.assp.org/current-openings/> to see current opportunities such as:

- Harper Construction—Site Safety and Health Officer, Temporary
- ASML—[EHS Specialist](#)
- Safety Specialist II, Port of San Diego
- York—Risk Control Specialists (Northern and Southern California)
- EH and S Manager (San Diego)
- Vallecitos Water District—[Risk Management Supervisor](#)
- Environmental Health and Safety Manager
- San Diego Convention Center—Safety Manager
- Janssen Pharmaceuticals—Sr. Environmental Health and Safety and Sustainability Engineer
- Solar Turbines—Environmental Health and Safety Intern
- Liberty Mutual—[Risk Control Internship](#)
- [CAL/OSHA Associate Safety Engineer](#)
- Cal/OSHA Safety and Health Inspectors

The [blue](#) links should take you directly to the posting, when available. Otherwise, see the [San Diego ASSP Job Listing](#) for full details and instructions on how to apply. Check out these and other great jobs today!



Editor's Note: Do you have an item of interest, safety-related event, sister-organization meeting, special accomplishment or other newsworthy article that you would like to share with your fellow San Diego ASSP members? Send it to me via e-mail no later than the 15th of the month and I will do my best to get it published. Here are some conditions: news articles, reports and other text-based submissions should be limited to a maximum of two pages, 10—12 point font. Artwork or graphics (flyers or posters) should be single-page, preferably in MS Word or MS Publisher format. If you are “borrowing” a news item previously published somewhere else (i.e., not your own original work), please provide the source and whether or not you have permission to reprint it. All submissions should be e-mailed to Newsletter@sandiego.assp.org. Please also provide your contact information, including name, e-mail address and phone number.



MONTHLY CHAPTER MEETING, APRIL 9

Relentless Housekeeping

Reese Fortin, CSP, CHST

At this meeting: This presentation will discuss the many advantages of establishing a policy that no construction material ever reaches the floor and that housekeeping must be relentless on every construction site if workers are to be held to a higher level of accountability.

Our Speaker: Reese Fortin, CSP, CHST, Area Safety Manager, Sundt Construction

Reese Fortin is a high-energy construction safety professional who has an endless hunger for continuously improving and protecting people's lives. She graduated from Fresno State with a BS in Safety in addition to coursework in Construction Management. She has since dedicated her career to serving those who work on construction projects. Reese is the HSE Manager for Sundt Construction's California Buildings Group.



Admiral Baker Clubhouse

3604 Admiral Baker Road

San Diego, CA 92120

Registration and Breakfast begins at 7:15 a.m.

Welcome and Speaker begins at 7:30 a.m.



\$18 Members* with RSVP by 4/5/2019 by 5:00 P.M.

\$23 No RSVP by 4/5/2019 and for Non-Members/Guests

\$10 Students

***Members include:** ASSP, ACWJPIA, AHMP, AIHA, IHPM, RNCN, RIMS, PARMA, CPCU, PWI, WUSMA

RSVP/Registration: Please RSVP **OR** register with payment by credit card on the San Diego ASSP Chapter website events page using the **BLUE BUTTON** link.

Please note: RSVPs and pre-registrations are very helpful in determining the head-count for the luncheon catering. Those who RSVP may still pay by check, credit card or cash at the door if preferred.

Directions: Interstate 15 to Friars Road East; left onto Santo Road (traffic light); immediate right on Admiral Baker Road; go STRAIGHT at STOP sign; pass the recreation area and part of the golf course; road curves to right at the driving range; keep going all the way to the club-house parking lot—a total of 0.9 miles from Santo Road.

**CLICK HERE TO GO
TO THE REGISTRATION PAGE**

Next month: Dan Hopwood presents "Coaching and Mentoring the Safety Professional"

June: "The Worker's Compensation System in California as Presented by the WCIRB"

AMERICAN SOCIETY OF SAFETY PROFESSIONALS



"Providing Leadership & Direction to
the Safety Professional since 1911"

2018 - 2019 Officers

PRESIDENT & DELEGATE:

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President@sandiego.assp.org

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TREASURER:

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Allison Long
past-president@sandiego.assp.org

NORTH COUNTY CHAIR:

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ncchair@sandiego.assp.org

NORTH COUNTY SEC/TRES:

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nctreasurer@sandiego.assp.org

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Claire Wilson, DPT
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NEWSLETTER EDITOR:

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newsletter@sandiego.assp.org

PDC COMMITTEE CHAIR:

Steve Workman
president-elect@sandiego.assp.org

HOUSE OF DELEGATES MEMBER:

Gary Couture, MS-OSH, COSS
delegate@sandiego.assp.org

SUCCESSION PLANNING CHAIR

Cait Casey
planning@sandiego.assp.org

SAN DIEGO ASSP EXECUTIVE COMMITTEE MEETING MINUTES

The Executive Committee met in person on Tuesday, March 5. Teresa Bonilla, Brooks Carder, Cait Casey, Gary Couture, Lee Donahue, David Ferguson, Fernand Kuhr, Allison Long, Chris Malicki, Enrique Medina, Isaac Szmuiłowicz, Wesley Williams, and Steve Workman attended.

OLD BUSINESS

1. Review Minutes from February 5, 2019:

The Executive Committee (EC) accepted the February 5, 2019 Executive Committee Meeting Minutes by vote. Lee Donahue motioned to accept the minutes. Gary Couture seconded it. All the attendees approved the motion.

2. Treasurer's Report:

The February 2019 Treasurer's report was included in the provided agenda.

3. Professional Development Conference Update:

Steve Workman updated the EC. Steve provided the EC with written open items list. Discussed the gift drawings, speaker PowerPoint presentations for handouts to attendees and day of contact lists.

4. Quick Updates:

- Spring 2019 ASSP ROC—Allison Long
 - The plan for the ROC "night out" event is a ferry ride from San Diego to Coronado and dinner at the il Fornaio restaurant. The restaurant is making available a menu and drink ticket for \$75 which the attendees are responsible for.
 - The Chapter ROC committee approved \$500 to purchase ferry tickets for all the ROC attendees.

- The Wyndham Hotel was selected by the Society for lodging for the ROC attendees.

NEW BUSINESS

1. At this month's Chapter Breakfast Meeting Enrique Medina will present the Chapter Bylaw changes to a quorum of the membership for vote. Enrique will also present our Chapter's newest Certified Safety Professionals (CSPs) with a certificate marking the achievement.

COMMITTEE REPORTS

1. Government Affairs — Nothing to report.
2. Delegate — Nothing to report.
3. Job Line — 12 job openings are described on the Chapter jobline.
4. Membership — Nothing to report.
5. Newsletter — Some ExCom contributions continue to be late. Transferring to email process, should have an initial release with new system.
6. North County Section — Nothing to report.
7. Programs — Nothing to report.
8. Public Affairs — Nothing to report.
9. Social Media — Nothing to report.
10. Succession Planning — Working on job line position descriptions for ROC.

Next EC Meeting: April 2, 2019 – Call-in meeting

Next Event: Spring ROC: April 4-5, 2019, Wyndham Hotel



Hold the Date

2019 Joint Technical Symposium

ABOUT THE JTS

The JTS has grown to be the Premier EHS Symposium of Southern California. Two ASSP chapters as well as the two founding AIHA sections continue to sponsor the JTS each year. With a diverse membership of over 1000 members, each year the sponsoring organizations of the JTS are proud to attract hundreds of prominent practitioners and dozens of sponsoring companies and exhibitors representing the best in current technology and service to the EHS profession.



HOPE TO SEE YOU THERE!

Registration Opens Late April/Early May!

The Southern California Joint Technical Symposium (JTS) announces a Call for Speakers for the Wednesday, October 16, 2019, conference in Carson, California. Interested presenters should submit a proposal to speak for review by the Symposium Planning Committee. If you or someone you know is a dynamic, knowledgeable speaker with a presentation relevant to one of the broad subject areas listed below, please have complete the below information. Applicants will be contacted a few weeks after the final closing of speaker applications.

POSSIBLE PRESENTATION SUBJECT AREAS

- Occupational Health & Safety
- Industrial Hygiene
- Environmental Issues
- Emergency Management
- EHS Regulatory Issues
- Other Topics with Broad Appeal and/or Related EHS Practice

PRESENTATION PARAMETERS


Speaker applications and parameters may be found under the "Speakers" menu on the JTS website, www.caljts.com. For more information, contact Yi Tian at (949) 798-3624 or ytian@ramboll.com, or Ed Mendieta, ed@sustainedinc.com, (714) 321-2638.

Calendar of Special Events

April 2019

Dates Event

1-30	Distracted Driving Awareness Month
1-30	National Youth Sports Safety Month
1-7	National Window Safety Week
1-7	National Public Health Week
3	National Walking Day
7	World Health Day
11	National Alcohol Screening Day
8-12	National Work Zone Awareness Week
14-20	National Public Safety Telecommunications Week
22-26	National Playground Safety Week
28	Workers' Memorial Day

April 2019 						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Always find the latest San Diego ASSP events at <https://sandiego.assp.org/event/>!



Help us Sound the Alarm about home fire safety.

The American Red Cross is teaming up with fire departments, volunteers, and partners to Sound the Alarm with home fire safety and smoke alarm installation events.

Help us install FREE smoke alarms and make our communities safer.

We need your help!

Every day 7 people die in home fires. You can help change that.

Join us at an installation event:

El Cajon – Saturday, April 6th at 8A

Chula Vista – Saturday, May 4th at 8A

Could you or someone you know use a free installation? *Click here!*

**For more information visit www.SoundTheAlarm.org/SanDiego
or email Melissa.Altman@RedCross.org**



CSUN

ENVIRONMENTAL
AND OCCUPATIONAL
HEALTH

14th Annual CSUN EOH Technical Symposium

Los Angeles is home to a myriad of high hazard industries, and is also the most populous county in the nation. Recent incidents such as the Maywood chemical fire, decommissioning the Santa Susana Field Lab, the explosion at Exxon Torrance, and the lead contamination from Exide Vernon have challenged the ability of agencies to minimize community risk. We will hear from first responders, regulators, activists and researchers on their continued efforts to protect community health during these high risk events. State and federal policy experts will propose new approaches to the management and transport of hazardous and radiological waste with the goal of improved public safety and security.

- **Allison Macfarlane**, PhD, Professor of Public Policy and International Affairs, George Washington University
A perspective on US nuclear waste management
- **Daniel Hirsch**, PhD, retired Director, Program on Environmental and Nuclear Policy, UC Santa Cruz
Regulatory failures at radiologically contaminated sites
- **Mario Tresieras**, Assistant Chief, LA County Fire Department, Health HazMat Division
Responding to the explosive Maywood magnesium fire
- **Anais Valiquette L'Heureux**, PhD, Assistant Professor, Master of Public Administration, CSUN
Vulnerability analysis of the Lac-Mégantic rail catastrophe
- **Sally Hayati**, PhD, Director of Ban Toxic MHF
Eliminating the risk of a deadly disaster: the proposal to ban HF alkylation in California refining
- **Rania Sabty-Daily**, PhD, Assistant Professor, CSUN EOH and **Kevin Riley**, PhD, Director of Research, UCLA Labor Occupational Safety & Health Program
A case study of the Exide Technologies community lead clean up in Vernon
- **Bonnie Holmes-Gen**, Senior Environmental Scientist, Cal-EPA Department of Toxic Substances Control
State permitting protections for vulnerable communities near hazardous waste facilities (SB 673)

Registration:
Friends of CSUN/General \$120
Alumni \$105
Student/Faculty \$20

Scan here to register



Location	Date & Time
Northridge Center at CSUN's University Student Union	Wednesday, April 3, 2019 8 a.m. - 5 p.m.

This symposium will offer 8 hours of Continuing Education Units for CIH, CSP, REHS, and other certifications. A light breakfast, buffet lunch and afternoon coffee will be provided.

CSUN | ALUMNI



Everyone Has a Story

Meet Dusty Walton-Bowen, CSP, CHST

As interviewed by Cait Casey

"Your toolbox is built over time, experience, and learning from others." Dusty grew up in San Diego County surrounded by a family of small business owners in the construction industry. She quickly learned the family philosophy, "Align your goals and work for them. Commit 100% and follow through. Do it by the book, because one mistake and you are out of business."

With a Bachelors in Business Administration from the University of San Diego, she considered law school as the next step. In order to validate the value and benefit of such a significant investment, she decided to further explore the legal profession.

Dusty obtained her paralegal certificate from the University of San Diego. With over a decade in the legal profession she learned about litigation and all the failures that can occur in a business. Law is reactive and after years of responding, Dusty made a decision to be on the proactive side – she wanted to get out in front of the "failures" and join those who can help prevent the injuries and damage – she wanted to shift her career to focus on safety.

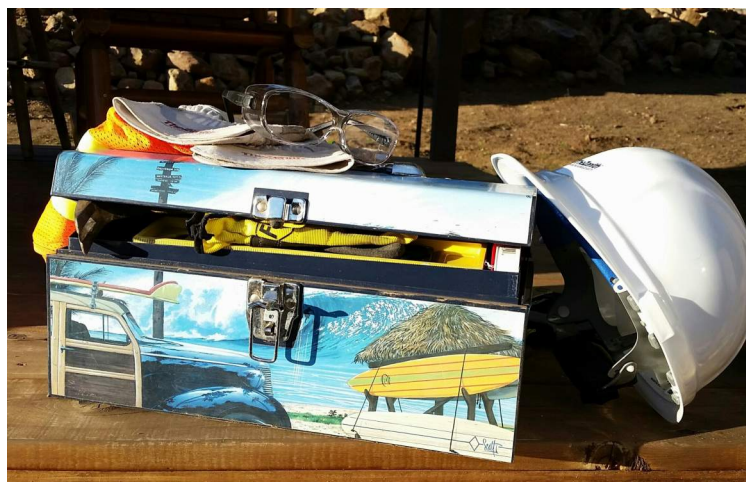
Safety is a small group compared to lawyers. It is a difficult field to enter and Cuyamaca College with Gary Couture was

an introduction to the more formal elements of safety. Dusty made Gary her mentor and sought his input as she made the transition.

Gary invited Dusty to an ASSE meeting and started making introductions. She

took it from there and would network with other members. She learned as much as she could from their careers in safety and the experiences they had as safety professionals. Soon thereafter, Gary suggested Dusty get the COSS designation – so she did.

That was the beginning of her commitment to become a relevant and contributing member of the professional safety community. Dusty left the legal industry and joined Zenith Insurance Company as a Safety & Health Consultant. Dusty knew her next step was to work toward an ASP, an important designation. With sample questions, participating in Enrique Medina's study group, and a drive to succeed, she studied every morning for several months. Dusty passed the ASP, and within a six-month period she also conquered the CSP and CHST. As a life-long learner, Dusty has taken numerous safety courses



and is also an OSHA 500 and 501 Authorized Outreach Trainer. She expects to complete her MBA in 2019 and then has her sights set on the Associate in Risk Management (ARM) for insurance. "The designations complement my understanding of subjects and help me connect. I truly appreciate the experience and perspective of others. I love that safety professionals are so willing to share with each other for the good of the cause."

Speak directly to Dusty and she won't compromise integrity, she values her mentors, and is committed to our profession. Dusty is an advocate of learning and professional development. She encourages her peers to pursue their greatness and credits ASSE for establishing the platform and network that propelled her safety career. She looks forward to giving back to the profession and believes "every girl should have her own toolbox."

Getting Started in Safety?

Are you just embarking down the path of a career in safety? Seasoned active professionals such as Dusty are a fantastic resource for finding your way. Others who are closing out successful careers and are transitioning into retirement would also like to see their bodies of knowledge find new life. ASSP member Miles Katayama has generously offered to hand off his library of safety and health resource materials, spanning over 35 years, to an interested ASSP member learning the ropes of this career path. For more information or to get in touch with Miles, please write the editor at Newsletter@sandiego.assp.org.



OSHA Trade News Release

U.S. Department of Labor
OSHA, Office of Communications



OSHA Requests Information on the Powered Industrial Trucks Standard

March 8, 2019

Washington, DC — The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) is requesting information as the Agency considers rulemaking to update the powered industrial trucks standards for general, maritime, and construction industries. The standards became effective in 1971, and were based on industry consensus standards from 1969. Since then, national consensus standards have been updated several times.

OSHA is requesting information on: the types, age, and usage of powered industrial trucks; maintenance and retrofitting; how to regulate older powered industrial trucks; types of accidents and injuries associated with operating these machines; costs and benefits of retrofitting the machines with safety features; and other components of a safety program. OSHA will use the information received in response to this request to determine what action, if any, it may take to reduce regulatory burdens and create jobs while improving worker safety.

Comments must be submitted on or before June 10, 2019. Comments and materials may be submitted electronically at <http://www.regulations.gov>, the Federal e-Rulemaking Portal, or by facsimile or mail. See the [Federal Register notice](#) for submission details.

Powered industrial trucks include forklifts, fork trucks, tractors, platform lift trucks, motorized hand trucks, and other specialized industrial trucks powered by an electrical motor or an internal combustion engine. ■

USDOL Sues Massachusetts Construction Company For Retaliation for Facilitating Arrest of Injured Employee

March 1, 2019

Boston, MA — The U.S. Department of Labor has filed a lawsuit against Boston, Massachusetts-based contractor Tara Construction Inc. and its chief executive officer, Pedro Pirez, alleging that they retaliated against an

injured employee by facilitating his arrest.

The Department's complaint - filed with the U.S. District Court for the District of Massachusetts on February 27, 2019 - states the employee sustained a serious injury when he fell from a ladder on March 29, 2017. He reported his injury to the defendants. The Department's Occupational Safety and Health Administration (OSHA) made an inquiry into the employer after finding out about the employee's fall. Reporting an injury to an employer and causing an OSHA proceeding to be instituted are protected activities under Section 11(c) of the Occupational Safety and Health Act (OSH Act), which prohibits retaliation against employees because they engage in such activities.

The Department alleges that shortly after the employee engaged in protected activities, the defendants initiated a law enforcement investigation and facilitated the employee's detainment by U.S. Immigration and Customs Enforcement. Defendant Pirez arranged for the employee to meet him at the Tara Construction office and the employee was arrested immediately after leaving the building. Although defendant Pirez testified to OSHA that he had no idea how law enforcement knew where the employee would be when he was detained, a law enforcement account indicates that Pirez told an officer present at the arrest when the employee would be at Tara Construction's office. Pirez further advised the officer that he had no objection to the employee's arrest there. This account is supported by text messages and records of approximately 14 telephone calls between defendant Pirez and law enforcement in the days surrounding the arrest. An investigation by OSHA's Whistleblower Protection Program concluded that the defendants' actions constituted retaliation against the employee for protected activity under the OSH Act and would dissuade a reasonable worker from reporting an injury.

"Employees must be able to report injuries and unsafe workplaces without fear that their employers will retaliate," said OSHA

Regional Administrator Galen Blanton.

"OSHA enforces the law to protect all employees and level the playing field for law-abiding employers."

"The OSH Act prohibits retaliation against employees for exercising their workplace rights, regardless of the employees' immigration status," said Regional Solicitor of Labor Maia Fisher. "This case demonstrates that through legal action the Department promotes safe and healthful workplaces free from unlawful retaliation."

The Department's suit asks the court to order the defendants to comply with the OSH Act's anti-retaliation provisions, and pay the employee back wages, interest, and compensatory and punitive damages. It also seeks an order requiring that Tara Construction provide a neutral letter of reference, expunge from their files any information regarding the adverse action against the employee in this case, and notify employees of their whistleblower rights under the OSH Act. The Department's Office of the Solicitor in Boston is litigating the case.

OSHA enforces the whistleblower provisions of [22 statutes](#) protecting employees who report violations of various airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, motor vehicle safety, healthcare reform, nuclear, pipeline, public transportation agency, railroad, maritime, and securities laws. For more information on whistleblower protections, visit OSHA's [Whistleblower Protection Programs webpage](#). ■

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to help ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.



NIOSH Observes National Ladder Safety Month



John Howard, M.D.
Director, NIOSH

This month marks the third year of National Ladder Safety Month presented by the American Ladder Institute (ALI). This observance raises

awareness about ladder safety to reduce ladder fall-related injuries and deaths. Each year more than 500,000 people are treated—and about 300 people die—from ladder-related injuries. In the United States alone, ladder injuries cost more than \$24 billion in medical, work, legal, liability, and pain and suffering expenses.

Falls from ladders continue to be a persistent problem for workers across many industries. For example, it was estimated that over 120 miners and 10,350 construction workers sustain a ladder fall-related injury on the job each year. Slipping at the ladder base is the leading cause of extension ladder falls, and improper ladder set-up angle can impact ladder stability and contribute to falls.

To help educate employers, safety and health professionals, and workers, NIOSH

has developed resources to draw attention to work-related ladder falls. The free, award-winning [NIOSH Ladder Safety app](#) provides users with a host of tools to safely use extension and step ladders, from proper ladder selection to set up and use. The app has been downloaded more than 273,000 times. We also have a [GIF](#), or animated image, that demonstrates how the angle measuring tool works.

Besides the ladder safety app, NIOSH has developed a number of infographics related to ladder use, including one that identifies [six steps that miners can take to safely use a ladder](#). Another [social media graphic](#) shows how ladders account for 24% of all deaths from falls in construction. A number of [ladder-specific resources](#) are also available on the [Stop Construction Falls](#) website, which was developed with OSHA, CPWR—The Center for Construction Research and Training, and other partners, to prevent all fall types that occur in the construction industry.

In addition to these resources, NIOSH partnered with ALI and other groups to evaluate the effectiveness of two extension ladder positioning methods that use different body postures. Results showed that when setting up a ladder, users

should hold the ladder rails at shoulder level, also known as the fireman's body method, versus the standard method of holding a rung. The fireman's body method is another way to more accurately set the ladder angle when users don't have access to the NIOSH Ladder Safety app. The ANSI A14 standard committee adopted this ladder positioning method in the latest revision to the ladder safety standards. Extension and straight ladders sold after January 1, 2018, and following the new standard, will include new safety product labels with detailed graphics describing the correct body positioning method.

I encourage you to use the many resources NIOSH has created to prevent worker ladder-related falls and share them with your colleagues as a way to mark this very important observance. Also, be sure to follow us on Facebook ([@NIOSH](#)), Twitter ([@NIOSH](#)), and Instagram ([@nioshusa](#)) to learn more about our efforts to help keep those who use ladders for work safe on the job. ■

Thank you to Dr. John Howard for his presentation of "Perspectives on the Opioid Crisis" at the 2019 San Diego ASSP!

A Tree Feller Dies when Struck by a Tree Limb while Felling a Fire-damaged Tree—California

A tree feller, working from a bucket truck as part of a small crew, died when he was struck by a large tree limb. The crew had been directed to take the tree down in small sections. After the supervisor left, the tree feller decided that the crew should try to bring the tree down in two large sections. Neither section fell in the direction intended; the second section fell uphill against the bucket truck, fatally crushing the tree feller.

This Month in History

In March 1976, NIOSH released a bulletin alerting the occupational safety and health community of the potential hazards of workplace exposure to chloroform. At the time, NIOSH estimated that about 40,000 workers could be exposed to chloroform in many industries. More information is available: [Current Intelligence Bulletin 9: Chloroform \(DDM\)](#).



HEALTH AND SAFETY NEWS

Stop Underrides Act: Lawmakers Introduce Bipartisan Legislation in House, Senate

Washington – Legislators from both chambers of Congress have introduced bills intended to reduce injuries and deaths that result when passenger vehicles slide under large trucks.

On March 5, Reps. Steve Cohen (D-TN) and Mark DeSaulnier (D-CA) introduced the Stop Underrides Act ([H.R. 1511](#)) in the House, while Sens. Kirsten Gillibrand (D-NY) and Marco Rubio (R-FL) introduced an

identical bill ([S. 665](#)) in the Senate. The legislation would require underride guards on the sides and front of large trucks, as well as updating current standards for underride guards on the rear of trucks. Federal law only requires guards on the rear of trucks.

At least 300 people die each year from underride crashes, DeSaulnier said in a March 5 press release. This type of crash renders a vehicle’s safety features useless and can cause severe head and neck injuries, including decapitation, according to the release.

“This is commonsense legislation that will save lives,” Cohen said in the release. “It’s the right kind of legislation that should be adopted in Congress more often.”

The legislation has support from the Commercial Vehicle Safety Alliance, Advocates for Highway and Auto Safety, *Consumer Reports*, the Truck Safety Coalition, and the National Safety Council Road to Zero Coalition. ■

This article originally appeared in [Safety+Health](#) on March 12, 2019.

OSHA, MSHA Slated for Increases Under Trump Administration’s FY 2020 Budget Proposal

Washington – OSHA is slated to receive a relatively small increase in funding, while the Mine Safety and Health Administration is in line for a modest raise, under President Donald Trump’s fiscal year 2020 budget proposal.

[A Budget for a Better America: Promises Kept. Taxpayers First.](#) – released March 11 – allocates \$300,000 more to OSHA than the \$557.2 million the agency received in FY 2019. It also adds 26 full-time equivalent compliance safety and health officers and five FTE whistleblower investigators to the agency.

MSHA is slated for an increase of more than \$2.2 million to its \$373.8 million FY 2019 budget. The budget proposes combining coal mine safety and health enforcement with metal/nonmetal mine enforcement and allocating about \$273,000 less for these activities.

Overall, the Department of Labor budget

would be slashed by 9.7 percent, or \$1.2 billion, to \$10.9 billion in FY 2020.

If enacted, OSHA’s federal enforcement budget would increase by nearly \$3.8 million. Safety and health statistics (\$5.5 million), whistleblower programs (\$1.1 million), and federal compliance assistance (\$433,000) also are in line for hikes.

However, to offset these increases, the Trump administration is proposing – for the third fiscal year in a row – to eliminate the [Susan Harwood Training Grant Program](#). Congress has not complied with these attempts, allocating a little more than \$10.5 million to the program in FY 2019. DOL wants to “maximize flexibility and use alternative methods to develop and distribute training materials to reach the broadest possible audience,” the department’s budget summary states.

The administration also reportedly is pushing, for a third straight year, to [eliminate the Chemical Safety Board](#). The White House Office of Management and Budget has not released its “Major Savings and Reforms” supplement, in

which it has notified the public of that proposed move in previous budgets. The supplement is expected to be released March 18, an OMB spokesperson wrote in an email to [Safety+Health](#).

Congress has rejected previous requests to eliminate CSB, and likely will do so again, with Democrats holding a majority in the House. CSB, in its FY 2020 budget request, is seeking a 3.7 percent increase, or nearly \$1.5 million, to approximately \$12.5 million.

The Department of Health and Human Services, meanwhile, is proposing to cut \$146 million from NIOSH’s \$336 million FY 2019 budget. Recent budget requests have featured similar proposed cuts to the agency’s funding, but Congress has not complied.

Unlike this past fiscal year, the administration will not attempt to shift NIOSH to the National Institutes of Health from its current position as part of the Centers for Disease Control and Prevention. ■

This article originally appeared in [Safety+Health](#) on March 12, 2019.

Elevator-Related Fatalities in Construction Industry Increasing

Silver Spring, MD – A total of 145 construction workers were killed in elevator-related incidents from 2011 through 2016 – more than twice the combined total for all other industries, according to a [recent report](#) from the Center for Construction

Research and Training, also known as CPWR.

Falls to a lower level were the leading cause of elevator-related construction deaths, accounting for 53.5 percent of the fatalities. Nearly half of the fatal falls – 47.9 percent – were from heights of 30 feet or more.

The report includes injury prevention strategy recommendations from CPWR, OSHA and NIOSH, including guidance for fall protection systems, personal protective equipment, and safety training and management. ■

This article originally appeared in [Safety+Health](#) on February 18, 2019.

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Consumer Product
Safety Commission
4330 East West Hwy
Bethesda, MD 20814
www.cpsc.gov



US Health & Human Services
Food & Drug Administration
10903 New Hampshire Ave.
Silver Spring, MD 20993
www.fda.gov



U.S. Department of Transportation
Nat'l Highway Traffic Safety Admin.
1200 New Jersey Avenue, SE
Washington, DC 20590
www.nhtsa.gov

FEATURED SAFETY RECALLS

- 1/28: Volkswagen Beetle—Fuel Supply Line May Become Porous and Leak Fuel: <https://www.nhtsa.gov/recalls?nhtsald=19V057>
- 2/1: Ford Ranger—Unintentional Shift Out of Park: <https://www.nhtsa.gov/recalls?nhtsald=19V071>
- 2/5: Hyundai—Engine Oil Leak May Cause Stall or Fire: <https://www.nhtsa.gov/recalls?nhtsald=19V063>
- 2/13: Volkswagen Beetle—No Visual Warning of Brake Failure: <https://www.nhtsa.gov/recalls?nhtsald=19V094>
- 2/15: Kia—Engine Oil Leak May Cause Stall or Fire: <https://www.nhtsa.gov/recalls?nhtsald=19V101>
- 3/5: Arctic Cat Recalls Textron Off-Highway Utility Vehicles Due to Crash Hazard: <https://is.gd/5qKjDV>
- 3/5: Arctic Cat Recalls Textron Off-Highway Utility Vehicles Due to Fuel Leak and Fire Hazard: <https://is.gd/8Fd6Ji>
- 3/6: Honda, Acura—Driver Frontal Air Bag Inflator May Explode: <https://www.nhtsa.gov/recalls?nhtsald=19V182>
- 3/8: TJX Recalls Heating Pads Due to Fire and Burn Hazards; Sold Exclusively at T.J. Maxx and Marshalls: <https://is.gd/ZvilbR>
- 3/12: HP Expands Recall of Batteries for Notebook Computers and Mobile Workstations Due to Fire and Burn Hazards: <https://is.gd/JUFHpf>
- 3/12: Claire's Stores, Inc., Announces Voluntary Recall of Three Make-Up Products: <https://www.fda.gov/Safety/Recalls/ucm633237.htm>
- 3/12: Hometown Food Company Recalls Two Production LOT Codes of Pillsbury® Unbleached All-Purpose 5lb Flour Due to Possible Health Risk: <https://www.fda.gov/Safety/Recalls/ucm633320.htm>
- 3/13: H-E-B Recalls Sauté Pans Due to Laceration Hazard: <https://is.gd/KcBdq0>
- 3/14: Kawasaki USA Recalls Off-Highway Utility Vehicles Due to Fuel Leak, Fire Hazards: <https://is.gd/IRYERu>
- 3/14: Brush Art Recalls WIC Nutrition Plates Due to Fire Hazard: <https://is.gd/JxY3YR>
- 3/14: O'Brien Watersports Recalls Water Skis Due to Injury Hazard: <https://is.gd/ZHK111>
- 3/14: Tech Gear 5.7 Recalls Performance Heated Socks Due to Fire and Burn Hazards: <https://is.gd/LVVr11>
- 3/19: Weatherbeeta USA Recalls Riding Saddles Due to Fall Hazard: <https://is.gd/W76aVM>
- 3/19: myStromer Recalls Electric Bicycles Due to Crash and Injury Hazards: <https://is.gd/FCHyop>
- 3/20: Kubota Recalls Zero Turn Mowers Due to Fire Hazard: <https://is.gd/KZmAPJ>
- 3/20: American Honda Recalls Portable Generators Due to Fire and Burn Hazards: <https://is.gd/DhUVMj>
- 3/21: Air King America Recalls Wall-Mounted Range Hoods Due to Injury Hazard: <https://is.gd/rdfPag>
- 3/21: Alpha Guardian Recalls Stack-On Gun Safes Due to Lock Failure and Injury Hazard: <https://is.gd/kQbXE8>
- 3/21: Bulk Unlimited Recalls Children's Globes Due to Fire and Burn Hazards: <https://is.gd/wLP8Rv>
- 3/23: Henry Avocado Recalls Whole Avocados Because Of Possible Health Risk: <https://www.fda.gov/Safety/Recalls/ucm634230.htm>
- 3/26: Rechargeable Power Banks Recalled by Daniel M. Friedman & Associates Due to Fire Hazard: <https://is.gd/JTbvkm>
- 3/27: Cambridge Elevating Recalls Home Elevators Due to Fall Hazard: <https://is.gd/FogghT>
- 3/28: Interline Brands Recalls Swivel Fittings Due to Fire Hazard: <https://is.gd/2IAAvE>
- 3/28: Midwest-CBK Recalls Baby Rattle Socks Due to Choking Hazard: <https://is.gd/bTPDXy>
- 3/29: Nestle Purina PetCare Company Voluntarily Recalls a Limited Amount of Muse Wet Cat Food Natural Chicken Recipe in Gravy in Three-ounce Cans due to the Potential Presence of Rubber Pieces: <https://www.fda.gov/Safety/Recalls/ucm634850.htm>



Note: Agency logos are used here solely for identification and familiarity purposes, and do not constitute an endorsement by those agencies.



HELPFUL LINKS AND OTHER INFORMATION

American Industrial Hygiene Association: <http://www.aiha.org/>

American Red Cross: <http://www.redcross.org/>

American Society of Safety Professionals Main Website: <https://www.assp.org/>

ASSP Center for Safety and Health Sustainability: <http://www.centershhs.org/>

ASSP Learning Library: <http://www.safetybok.org/>

ASSP Risk Assessment Institute: <https://www.assp.org/advocacy/risk-assessment-institute>

California Division of Occupational Safety and Health (DOSH), (Cal/OSHA): <http://www.dir.ca.gov/dosh/>

Center for Disease Control and Prevention (CDC): <http://www.cdc.gov/>

Consumer Product Safety Commission (CPSC): <https://www.cpsc.gov/>

Electronic Library of Construction Occupational Safety & Health: <http://www.elcosh.org/index.php>

Environmental Protection Agency (EPA): <http://www.epa.gov/>

Federal Emergency Management Agency (FEMA) Main Page: <http://www.fema.gov/>

FEMA “Be Ready” Website: <http://www.ready.gov/>

Federal Motor Carrier Safety Administration: <http://www.fmcsa.dot.gov/>

Food and Drug Administration: <https://www.fda.gov/> **NEW**

Mine Safety and Health Administration (MSHA): <http://www.msha.gov/>

National Institute of Health Sciences (NIH): <http://www.niehs.nih.gov/>

National Institute of Occupational Safety and Health (NIOSH): <http://www.cdc.gov/niosh/>

National Occupational Research Agenda (NORA): <https://www.cdc.gov/nora/> **NEW**

Occupational Safety and Health Administration (OSHA) Main Website: <https://www.osha.gov/>

OSHA Silica Fact Sheets: <https://www.osha.gov/pls/publications/publication.searchresults?pSearch=Controlling+Silica+Dust+in+Construction+&pSearch=>

OSHA Silica Frequently Asked Questions: https://www.osha.gov/dsg/topics/silicacrystalline/generalindustry_info_silica.html **NEW**

San Diego ASSP Website: <https://sandiego.assp.org/>

US Chemical Safety Board (CSB): <http://www.csb.gov/>