Can You Spot The OSHA Violation?
See page 7 for the answer...

WORKING ALONE

How to Protect Workers Who Work Alone or in Isolation

A disgruntled Connecticut beer plant worker walks into the factory with an assault rifle and opens fire killing 9 of his co-workers and eventually himself. This is the kind of thing we think of when we talk about “workplace violence.” Although cases like the 2010 Connecticut beer plant massacre happen all too often, 80% of all workplace homicide victims are actually murdered by complete strangers rather than co-workers. Here’s what you need to do to protect the workers most vulnerable to such attacks: workers who do their job alone or in isolation.

Who’s At Risk
Workers are generally safest when they’re with co-workers, supervisors and others who can render assistance or keep them out of trouble in the first place. That’s why workers who work by themselves are so vulnerable—not just to acts of violence but other hazards. Such workers include individuals who:

- Work on site at odd hours like security guards, maintenance staff and special plant production personnel; and
- Work away from the site that employs them like delivery drivers, couriers and field representatives.

Workers at especially high risk in non-manufacturing sectors include those who work alone at night at gas stations and other small retail establishments and home care nurses who visit potentially violent patients at home.

OSHA & Safety of Workers Working Alone
Unlike California, Oregon and a few other non-OSHA states, federal OSHA doesn’t have a specific standard on workplace violence or working alone. However, not doing enough to protect workers from violence can lead to OSHA citations under the so-called “general duty clause” (GDC), Sec. 5(a)(1) of the Occupational Safety and Health Act, which requires employers to keep the workplace safe from “recognized hazards” likely to cause death or serious physical harm.

Read More on Page 2

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Starting with a 1992 Interpretation Letter, OSHA has taken the position that violence can be one of the “recognized hazards.” And while GDC citations for workplace violence are nothing new, the past 36 months has witnessed a dramatic step-up in such citations.

Moreover, we know from OSHA guidelines covering workers in high risk industries or operations, like health care and social service workers, late night retail operations and taxi drivers, that the GDC duty to protect workers from violence includes those who work alone or in isolation.

The 5 Things OSHA Requires You To Do to Protect Workers Working Alone

From OSHA guidelines and interpretations, we also know the measures OSHA wants employers to take to protect workers who work alone:

1. Do a Hazard Assessment
   The first step is to conduct a working alone hazard assessment that would involve:
   - Identifying which of your workers work alone or in isolation;
   - Doing a job hazard analysis (JHA) for each of these workers to assess the hazards they face;
   - Revisiting the assessment at least once a year or more frequently in response to incidents, operational changes and other new conditions that renders the original assessment obsolete.

2. Implement Monitoring and Communication Systems
   As with other safety hazards, the preferred way to control workplace violence hazards to workers who work alone is to eliminate them completely, e.g., by getting rid of all tasks that require workers to be alone or substituting methods that allow for several workers to perform the task. In the likely event that elimination or substitution aren’t reasonably practicable, the next preference is to manage the hazard using engineering controls. For working alone, engineering controls would include radios, GPS tracking, and other technology and systems that enable you to constantly monitor and communicate with workers when they’re alone.

3. Implement Work Controls
   You also need to develop and implement administrative and work controls such as:
   - Safe work procedures for working alone;
   - Buddy systems to minimize time workers spend alone;
   - Communication and monitoring routines; and
   - Rescue or emergency response procedures in case workers get into trouble.

4. Training
   You need to provide safety information and training to workers who are alone and workers who monitor and communicate with them. This might even include self-defense training for workers who work alone.

5. Monitoring
   Last but not least, you need to monitor your working alone safety program and ensure it’s working effectively, including identifying and correcting problems.
ASK THE EXPERT

Is the Flu a Recordable Injury?

QUESTION:
Is influenza a work-related illness that must be recorded in the OSHA 300 under the OSHA Recordkeeping standard?

ANSWER:
The short answer is that it depends on the kind of flu the worker gets:

- Have its own bank accounts;
- Maintain separate offices;

Seasonal Flu Not Recordable
Influenza comes in different forms or strains:

- Seasonal influenza—the common flu; and
- Novel strains that emerge from time to time, like avian influenza A H5N1 or swine flu, H1N1

The recordkeeping standard 1904.5(b)(2)(viii) itself states that the common cold or flu are not recordable.

H1N1 May Be Recordable
Until 2009, OSHA hadn’t specifically addressed the recordability of novel strains. So the the assumption was that these strains were also unrecordable under Sec. 1904.5(b)(2)(viii). But in November 2009, OSHA issued an enforcement directive on H1N1 that dispels this function.

“Illness due to the 2009 H1N1 influenza is not considered a common cold or seasonal flu,” according to the directive. So it is recordable if:

- It’s a confirmed case of H1N1 as defined by the CDC (Centers for Disease Control), i.e.:
  1. The person has influenza-like illness; and
  2. A lab confirms H1N1 via 1 or more of the following tests via real-time RT-PCR and/or viral culture
  3. The case is work-related under Sec. 1904.5 of the Recordkeeping standard; and
  4. The case involves 1 or more of the recording criteria set out in Sec. 1904.7, i.e.:
     - Death;
     - Days away from work;
     - Restricted work or transfer to another job;
     - Medical treatment beyond first aid;
     - Loss of consciousness;
     - A significant injury or illness diagnosed by a physician or other licensed health care professional.

Caveats Apply
The OSHA enforcement directive on H1N1 applies only to one novel strain of influenza—the 2009 H1N1—which encompasses the 2009-2010 flu season.

Moreover, it covers only workers deemed to be in occupations that carry a “high” or “very high” risk of exposure, including:

- Healthcare workers performing or present during the performance of aerosol-generating procedures on confirmed or suspected 2009 H1N1 patients, such as sputum inductions;
- Healthcare workers in close contact, i.e., working within 6 feet of suspected or confirmed patients or entering into a small enclosed airspace with the patient; and
- Staff transporting suspected or confirmed patients in ambulances or other enclosed vehicles.

The directive doesn’t apply to workers with only medium or low exposure risk, including:

- Employees with high frequency contact with the general population, e.g., teachers or retail workers; or
- Employees in jobs that don’t require close contact, i.e., within 6 feet of others.

Conclusion
What we know for sure is that seasonal flu cases are not recordable.

We also know that 2009 H1N1 cases are/were recordable for workers in very-high and high risk jobs. So you might want to go back to your OSHA 300 logs and ensure that H1N1 cases were properly recorded for covered workers during the 2009-2010 flu season.

The last thing we know based on the 2009 directive on H1N1 is that OSHA may stipulate that certain kinds of novel strains of influenza are recordable.
Confessions of a Workplace Drug Abuser: Common Characteristics of Abuse

Frequently changes jobs
- More likely to be fired
- More likely to be absent
- More likely to be late

Often late or absent
- More likely to be absent
- More likely to be late

Less productive
- 6% more likely to be ineffective than sober employees
- 21% of employees said their own productivity has been affected by a co-worker’s drug use
- 60% of corporate waste comes from lost productivity

Files more Workers Compensation claims
- 5x more likely to seek a claim

More frequently involved in workplace accidents
- 40% of fatal accidents involve drugs
- 47% of serious accidents involve drugs
- Generates 300% greater medical costs

$7,000
- Average cost of hiring a new employee

Top 10 OSHA Fines (all fines proposed)

1. **$280,880 — Respiratory Protection, Trenching, Fall Protection**
   - Who Got Fined: Ohio project contractor for violations at a New Hampshire power plant construction site (5 subcontractors at the site were also fined)
   - Why OSHA Inspected: Response to complaint.
   - Major Violations Cited: 3 willfuls against 3 different employers, including: $49,500 against contractor for respiratory protection violation (letting a worker with facial hair wear a tight-fitting respirator); $70,000 against excavation and utilities subcontractor for letting workers work in trenches without cave-in protection; $44,000 against masonry subcontractor for fall protection (scaffold wasn’t adequately braced).
   - Why OSHA Inspected: Response to complaint.
   - Major Violations Cited: $280,880 for 17 willfuls—confined spaces, fall protection, respiratory protection, trenching, and LOTO violation on press brake.
   - Who Got Fined: Ohio project contractor for violations at a New Hampshire power plant construction site (5 subcontractors at the site were also fined).

2. **$153,900 — LOTO, Hazcon, Confined Spaces, Noise, Respiratory Protection, Silica**
   - Why OSHA Inspected: Response to complaint about silica, respirators, dust and noise.
   - Major Violations Cited: $63,000 for 1 willful—not developing, implementing and inspecting LOTO procedures; and $90,900 for 16 serious, including lack of Hazcon program and training, failure to check the workplace for permit-required confined spaces, hearing conservation violations (no audiometric testing or training of workers exposed to noise above 85 dBA), no lack of medical evaluation and fit testing of tight-fitting respirators and other respiratory protection violations and exposing workers to unsafe levels of silica.
   - Who Got Fined: New Jersey project contractor for violations at a New Hampshire power plant.

3. **$147,600 — Machine Guarding**
   - Who Got Fined: Ohio garage door hardware manufacturer.
   - Why OSHA Inspected: Prompted by complaints and expanded under national emphasis program on amputations and regional emphasis program for powered industrial vehicles.
   - Major Violations Cited: $115,400 for 1 willful—failing to guard 2 power presses; and 15 serious, including lack of LOTO training and periodically inspect power presses.
   - Who Got Fined: Wisconsin machine manufacturer.

4. **$140,000 — Confined Spaces, Grain Handling**
   - Who Got Fined: Wisconsin ethanol plant.
   - Why OSHA Inspected: Worker who entered grain bin to unclog the floor chute gets engulfed by 100,000 bushels of flowing corn and suffocates.
   - Major Violations Cited: 1 willful—violating grain handling regulations—failing to lockout conveyors used to empty grain bins; and 5 serious, including failure to guard floor chute openings or have observer oversee the entry procedure. OSHA sticks plant into Severe Violators Enforcement Program (SVEP).

5. **$136,400 — Respiratory Protection, Silica, LOTO, Fire Extinguishers**
   - Who Got Fined: Ohio tile manufacturing plant.
   - Why OSHA Inspected: Follow-up to ensure correction of violations cited in 2012.
   - Major Violations Cited: 8 failure-to-abate, including lack of engineering controls to prevent exposure to silica dust above PELs, failure to implement a respiratory protection program, no LOTO program, not training workers in use of fire extinguishers and electrical violations.
   - Who Got Fined: Alabama wooden pallet manufacturer.

6. **$115,400 — LOTO, Forklift, Fire Extinguishers**
   - Why OSHA Inspected: Follow-up to verify correction of violations cited in previous inspection.
   - Major Violations Cited: $11,000 for 3 failures-to-abate: failure to implement written LOTO program; not requiring forklift operators to have their performance evaluated at least once every 3 years and lack of training for workers in use of fire extinguishers; and $4,400 for one repeat—no machine guarding on a press brake.

7. **$115,000 — LOTO, Recordkeeping**
   - Who Got Fined: Maine-based fabric manufacturer for violations at Ohio plant.
   - Why OSHA Inspected: Not specified.
   - Major Violations Cited: 3 repeats, including failure to implement LOTO devices and annually inspect energy control procedures, and recordkeeping (not recording complete injury and illness information in OSHA logs), same violations OSHA cited at Maine plant in 2011. Company placed into SVEP. [Former Fiber Technologies Inc., No. 13-2063-CHI, Reg. 5, Oct. 28, 2013].

8. **$113,400 — Confined Spaces**
   - Who Got Fined: Arkansas trucking company.
   - Why OSHA Inspected: Temporary worker is suffocated while cleaning inside of a tanker trailer, a permit confined space with an oxygen-deficient atmosphere.
   - Major Violations Cited: $113,400 for 1 willful—failing to maintain air monitoring equipment or evaluate the conditions of a permit confined space before entry; and 7 serious, including not guarding floor hole openings, no training for workers on confined spaces and lack of confined spaces, Hazcon, and respiratory protection programs.
   - Who Got Fined: Arkansas trucking company.

9. **$77,000 — Fire Protection, Emergency Response**
   - Who Got Fined: Women’s handbag and clothing manufacturer for violations at its New York City corporate office.
   - Why OSHA Inspected: Response to complaint.
   - Major Violations Cited: $70,000 for 1 willful—obstructed fire exits in sixth floor office. OSHA claims the employer knew about the problem but allowed the operation to continue, and tossed in a $7,000 fine for a serious for slip, trip and fall violation.
   - Who Got Fined: Women’s handbag and clothing manufacturer.

10. **$137,400 — LOTO**
    - Who Got Fined: Alabama wooden pallet manufacturer.
    - Why OSHA Inspected: Scheduled as part of local emphasis program on noise reduction.
    - Major Violations Cited: $63,910 for 2 repeats—exposing workers to electrical hazards and failure to implement a hearing conservation monitoring program, similar to violations company was cited for in 2009; and 3 serious, including for combustible dusts and unsafe forklifts.
    - Who Got Fined: Alabama wooden pallet manufacturer.

Average compensation claims:
- 1 in 4
- 1 in 5
- 1 in 10

<table>
<thead>
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Drug users account for 38 to 50% of claims.
OSHA has cited Georg Fischer Central Plastics LLC and Nationwide Plastics Inc. for 16 safety and health violations at the plastic manufacturing facility in Dallas, after a worker and a self-employed truck driver were struck and killed by a forklift in June.

"By failing to implement OSHA standards, these employers put its workers at risk. Ultimately, two people paid the price with their lives," said Stephen Boyd, OSHA’s area director in Dallas. "It’s the employer’s responsibility to find and fix the hazards that expose workers to injuries and illnesses."

When they were fatally injured, the Georg Fischer employee and the truck driver were caught between a forklift and a flatbed trailer being loaded with plastic pipe. Georg Fischer and Nationwide Plastics occupy the same commercial space.

The 16 serious safety violations for both companies include failing to do the following:

- Ensure the manufacturer-provided safety latch was intact on the hook of the overhead hoist;
- Ensure that buildings or other structures used for storage purposes had load ratings;
- Guard platforms with standard railing;
- Provide a lockout and tagout program to control energy sources;
- Ensure all workers complete required forklift training;
- Block wheels of powered industrial trucks parked on inclines;
- Plainly mark the rated loads on each side of the crane;
- Provide tongue guards on bench grinders;
- Train workers to ensure familiarity with safety-related work practices; as well as
- Lockout or tagout parts of fixed electrical equipment or circuits; and
- Administer a continuing and effective hearing conservation program.

A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Proposed penalties total $97,200. The company has 15 business days from receipt of the citations and penalties to comply, request an informal conference with OSHA’s Dallas area director, or contest the findings before the independent Occupational Safety and Health Review Commission.

Sherman Brothers Trucking Inc. of Arkansas, doing business as Team Transport Inc., has been cited by OSHA for 11 safety and health violations, including one willful, for deficiencies of its permit-required confined space program and other workplace hazards at its Crossett facility. An inspection began in April after a temporary worker, who was cleaning the inside of a tanker trailer without proper training, was found unconscious and later died from an oxygen-deficient atmosphere. Proposed penalties total $113,400.

"Confined spaces can potentially contain hazardous atmospheres. In this case, the employer failed to implement all aspects of a confined space program, including training its workers," said Carlos Reynolds, OSHA’s area director in Little Rock. "This lack of regard for worker safety is unacceptable and led to a loss of life."

A willful violation was cited for failing to maintain air monitoring equipment and evaluate permit-required confined space conditions prior to entry. A willful violation is one committed with intentional, knowing or voluntary disregard for the law’s requirements, or with plain indifference to worker safety and health.

The seven serious violations cited included failing to do the following:

- Guard open floor holes to prevent falling into the next level;
- Stabilize a platform used to access a tanker cleaning area with railings or posts to prevent fall hazards;
- Train workers on confined spaces;
- Train workers on associated occupational hazards;
- Implement respirator,
- Confined space, and
- Hazard communications programs.

A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The three other-than-serious violations involve the availability of confined space training certifications and ensuring drums and totes containing chemicals were properly labeled with identity and hazard warnings. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.
United Ethanol LLC has been cited for 15 health and safety violations by OSHA after a worker was fatally engulfed in corn inside a grain storage bin on April 19 at the Milton, Wisconsin ethanol manufacturing facility.

“This was a terrible, preventable tragedy that underscores the importance of safety compliance,” said Kim Stille, OSHA’s area director in Madison. “Engulfment is one of the six major hazards present in grain bin handling facilities. Employers are responsible for identifying hazards and ensuring workers follow proper procedures to prevent injury or death.”

The worker entered the grain bin, which held approximately 140,000 bushels of corn, in an attempt to unplug the floor chute. The worker was engulfed when corn began to flow again.

One willful violation was cited under OSHA’s grain handling regulations for failing to lockout conveyors used to empty grain bins, which exposed the now-deceased worker to the engulfment hazard. A willful violation is one committed with intentional, knowing or voluntary disregard for, or plain indifference to, employee safety and health.

Serious violations of OSHA’s grain handling standards are defined by substantial probability of death or physical harm that the company knew or should have known about. United Ethanol LLC failed to meet the following 5 OSHA grain handling standards:

- Implementation of floor chute opening guards
- Prevention of exposure to moving grain hazards
- Prevention of workers entering bins when engulfment hazards exist
- Assignment of an observer to oversee entry procedures
- Certification that all bin entry requirements had been followed

In 2010, following the deaths of at least 26 U.S. workers in grain bin entrapment—the highest number on record—OSHA focused its enforcement efforts on the grain and feed industry’s six major danger areas: engulfment, falls, auger entanglement, struck-by, combustible dust, and electrocution hazards.

OSHA offices in 25 states, including Wisconsin, have developed a local emphasis program dealing with grain. OSHA has also published information related to common grain industry hazards and abatement methods, proper bin entry techniques, sweep auger use and many other grain-related topics at www.osha.gov/SLTC/grainhandling/index.html.

The April fatality at United Ethanol LLC resulted in OSHA initiating a comprehensive health inspection of the company’s ethanol plant in May. A total of 9 violations were cited, 7 of which were serious violations. The United Ethanol LLC failed to meet the following standards:

- Development of emergency shutdown procedures for the ethanol distillation process
- Regular inspections
- Regular testing of control systems
- Proper storage of incompatible chemicals in close proximity
- Annual certification of operating procedures of the distillation process to ensure currency
- Annual certification of operating procedures of the distillation process to ensure accuracy
- Correction of deficiencies noted in June 2010 compliance audits

The other 2 violations involved failing to retrain ethanol distillation process operators at least every 3 years, and to consult workers on the development of refresher training and operating procedures. Proposed fines total $140,000, following the two inspections.

Due to the nature and severity of violations, United Ethanol LLC has been placed in OSHA’s Severe Violator Enforcement Program (SVEP), which mandates targeted follow-up inspections to ensure compliance with the law. OSHA’s SVEP focuses on recalcitrant employers that endanger workers by committing willful, repeat or failure-to-abate violations. Under the program, OSHA may inspect any of the employer’s facilities if it has reasonable grounds to believe there are similar violations.

The company has 15 business days from receipt of the citations and notice of proposed penalties to contest the citations and proposed penalties before the independent Occupational Safety and Health Review Commission. If a company does not file or contest within that period, it must abate the cited conditions within the period ordered in the citations and pay the proposed penalties.
SPOT THE OSHA VIOLATION

Is This a Safe Way to Work Over Water?

WHAT’S WRONG WITH THIS PICTURE?

Answer: I’ll bet that water is cold. And should he fall in—a prospect made more likely by his lack of fall protection—he may drown by the time somebody fishes him out.

The Moral: Failure to provide workers working over water protection against drowning hazards is not only highly dangerous but a violation of OSHA standards (Sec. 1926.106(a)).

WHAT’S AT STAKE

3 Things You Need to Know
If you work on or over water or another liquid deep enough to drown you:

1. You need some kind of fall protection so you don’t fall in.
2. You need a life vest or personal flotation device in case you do fall in.
3. If you don’t have this protection, you’re in deep danger—no matter how strong a swimmer you are.

PERSONAL FLOTATION DEVICES

The 5 Kinds of PFDs
Whether you’re at work or on the water for fun, one of the most important ways to avoid drowning is to wear a device that will keep you afloat in the water. There are 5 principal types of personal flotation devices (PFDs):

1. Type I: Offshore Life Jackets are vests designed to keep you afloat, face-up and visible to rescuers and are suited for rough, open or remote waters where it’s likely to take a long time for rescuers to arrive.

2. Type II: Near-Shore Vests are less bulky and thus offer less protection than Type I PFDs and are suitable for calm, inland waters where it probably won’t take a lot of time to rescue you.

3. Type III: Flotation Aids are lighter and less bulky garments that keep you upright. Although more comfortable, you shouldn’t use Type III PFDs unless you’re pretty sure you can be rescued fast.

4. Type IV: Throwable Devices are cushions or ring buoys that rescuers throw to you if you’re in the water. Type IVs are a supplement to and not a substitute for a Type I, II, or III vest or garment.

5. Type V: Special-Use Devices are PFDs approved only for particular activities like kayaking, waterskiing or windsurfing—always check the label to see what use the device is approved for.

DON’T BECOME A DROWNING CASUALTY

7 Drowning Safety DO’s & DON’Ts

1. DO wear drowning protection vests when working on or over water
2. DON’T chuck away your life vest because it’s bulky or uncomfortable
3. DO use the buddy system so you and your co-workers can look after each other
4. DON’T rely solely on buoy rings and Type IV PFDs to protect you from drowning
5. DO learn how to swim
6. DON’T drink alcohol when you’re working on or over water (or anywhere else for that matter!)
7. DO know the rescue procedure and how to put it into action in case you or a co-worker fall into water

Featured Tool

Fall Protection General Requirements Checklist
Use this checklist to ensure floor and wall openings are maintained and your workers are protected.

Quick Code: 1179
4 Ways to Verify Effectiveness of Chemical Safety Training

The first deadline for GHS compliance was to ensure that all your workers had the required chemical safety training and information by Dec. 1, 2013. As with any other OSHA safety training requirement, simply delivering training isn’t enough. You must now ensure that GHS training is effective, meaning that workers understand and are capable of applying it. Here are 4 ways to do that.

1. Make GHS Training Participants Demonstrate What They Learned
Verification of training involves more than simply asking workers whether they understood the lesson. “Many workers will tell you that they understood even if they didn’t, either because they don’t want to seem dumb of because they want to get training over with,” explains a Syracuse, NY, GHS and chemical safety training consultant.

Workers who receive GHS training should be able to demonstrate they understood the concepts they were taught. This way, workers can’t hide what they did and didn’t absorb. Demonstrating training is also a teaching device that forces the trainee to apply the information and thus learn it more thoroughly, according to the consultant.

Example: After you provide training on the differences between the current Material Safety Data Sheet (MSDS) and the new Safety Data Sheet (SDS), give trainees actual copies of each and explain how they differ. Do the same thing with current v. new GHS chemical labels.

2. Administer Post-GHS Training Quiz
Have workers take a quiz like the Model Quiz in the SafetySmart Compliance Toolbox after the training session to test their understanding of GHS. Workers who don’t score a certain percentage should get additional training. Repeat the quiz a few weeks or months later to ensure that workers retain what they were taught.

3. Conduct Post-GHS Training Evaluation
You should have some form of evaluation to get worker feedback on their GHS training. There are lots of different techniques—interviews, questionnaires, focus groups and even informal chats. One common practice is to make workers fill out a Comprehension & Understanding Form.

4. Conduct Post-GHS Training Observation
The only sure way to determine if GHS training is effective is to observe what the workers do when they get back to the jobsite. For example, if you train workers about GHS labels and 3 days later observe them applying a chemical for a use warned against on the label, you know you have a problem and need to correct it immediately.

Conclusion: Keep Form Documenting GHS Training Verification
Always put it in writing. For each trainee, prepare a GHS Training Verification Form describing:
- The GHS training subject for which worker understanding was verified;
- The method of verification;
- The date of verification; and
- Whether additional GHS training is necessary and if so, when it was/will be provided.

Keep the form in the worker’s personnel or training file and update it every time you provide additional GHS training or re-testing.