

Excerpts from JJ Keller's Online Weekly Updates

– ESH News and Alerts –



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Fatal forklift accident leads to \$187,000 in proposed penalties

OSHA has issued citations against a drilling company and proposed penalties totaling \$187,000 for safety violations that led to a worker's death.

"This tragic loss of life should in itself spur the employer to take greater precautions to protect workers," said U.S. Secretary of Labor Elaine L. Chao. "To increase worker protection, this Administration will continue to use strong enforcement to reduce workplace injuries and illnesses. The significant penalty of \$187,000 in this case demonstrates our commitment to protecting the health and safety of America's workers."

Following an inspection that began August 12, OSHA alleged that the Texas-based oil and gas land drilling company committed three willful, one serious and two repeat violations. The agency was responding to a fatality that occurred the day before at a company oil rig site in Oklahoma.

The alleged willful violations include failing to secure the man basket to the forklift; to provide the proper training to operate a forklift, and to retrain employees when workplace conditions changed. A willful citation is issued by OSHA when an employer either knew that a condition constituted a violation or was aware that a hazardous condition existed and made no reasonable effort to correct it.

The alleged serious citations were issued for failure to remove a defective forklift from service which resulted in the death of one worker and serious injury to another. OSHA defines a serious violation as one in which there is a substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Alleged repeat violations included failing to provide training for the safe use of powered industrial equipment and failing to provide certification for operating a forklift. A repeat violation is defined by OSHA as a violation that has been cited previously for a substantially similar condition.

In the past three years, 11 fatalities have occurred at the company's various rig sites. OSHA has cited the company with 17 safety violations and proposed penalties totaling \$725,900.

The company has 15 working days from receipt of the citations to comply, request an informal conference with the Oklahoma City area office, or contest them before the independent Occupational Safety and Health Review Commission.

TSA makes Pledge to Travelers

The Transportation Security Administration (TSA) recently unveiled its 'Pledge to Travelers,' which is a statement of rights and expectations for all persons who go through the screening process at America's airports. The Pledge is TSA's latest demonstration of the agency's ongoing commitment to customer service in the fulfillment of its security mandate. "TSA's mission is to provide world class security with world class customer service," said Rear Admiral David M. Stone, USN (Ret.), Assistant Secretary of Homeland Security for TSA. "Security and Customer Service are at the core of all screener duties. This pledge reflects our continued commitment to perform each day in a manner that demonstrates our understanding that we are servants of the American people."

The Pledge to Travelers, which consists of seven points, can be viewed by clicking here:

http://www.tsa.gov/public/interweb/assetlibrary/Pledge_v5.pdf

- We pledge to do everything we can to ensure that your flight is secure.
- We pledge to treat you with courtesy, dignity, and respect during the screening process.
- We pledge that if additional screening is required, we will communicate and explain each step of the additional screening process.
- We pledge to honor your request for a private screening at any time during the screening process.
- We pledge that if additional screening of your person is required, it will be provided by a screener of the same gender.
- We pledge to accept all feedback and to consider your input as a vital part of our effort to continually enhance the screening experience.
- We pledge to respond to your comments in a timely manner.

The Pledge is a tangible reminder of TSA's promise to the traveling public to provide top-notch security and customer service in the performance of all duties. TSA welcomes all customer comments at: (866) 289-9673 or by E-mail to tsa-contactcenter@dhs.gov.

OSHA to withdraw direct final rule for national consensus standards

OSHA plans to withdraw its direct final rule for updating OSHA standards that are based on national consensus standards and industry standards. The announcement is scheduled to appear in the February 18 *Federal Register*.

On November 24, 2004 OSHA announced the agency is engaging in an overall effort to update OSHA standards that reference or include language taken directly from outdated consensus standards. This included a proposed direct final rule to revoke references to outdated industry and consensus standards.

As part of the direct final rule approach, OSHA also published a proposed rule in the same Federal Register notice. The Agency stated that if significant adverse comments were received, they would withdraw the direct final rule.

OSHA has determined that a comment received will be treated as a significant adverse comment. The agency will address comments on the direct final and proposed rules in a new final rule, which the agency expects to issue shortly. OSHA will not institute a second comment period.

The serious threat of extension cords

Even when used properly, extension cords, power strips, and surge protectors can pose a serious fire and electrocution threat. According to the U.S. Consumer Product Safety Commission (CPSC) in 1996 electrical cords and plugs were involved in over 7,000 fires resulting in 120 deaths. In 1997, more than 2,500 people were treated at hospital emergency rooms for injuries associated with extension cords.

Since 1994, CPSC has announced 25 recalls involving two million extension cords, power strips, and surge protectors having undersized wires, loose connections, faulty components, or improper grounding.

Review the following information with your facility managers and employees on how they can protect themselves at work and at home:

- Use extension cords only when necessary and only on a temporary basis.
- Look for a certification label from an independent testing lab such as UL or ETL (Electrical Testing Laboratory) on the package and on the product itself.
- Use cords with polarized plugs or grounded three-pronged plugs.
- High wattage appliances need special, heavy-duty extension cords.
- Extension cords used outside should be specifically designed for such use.
- Always insert plugs fully so that no parts of the prongs are exposed.
- Never cover cords with rugs or other objects. Trapped heat can result in a fire.
- Don't overload cords with too many appliances.
- If a cord feels hot to the touch, stop using it, and throw it away.

Make sure that experienced people examine extension cords on a regular schedule. Damaged cords should be immediately removed from service and discarded or repaired.

Electronics recycling: Moving from concept to implementation

EPA is convening a meeting on March 1 and 2, 2005, to identify and initiate solutions that will contribute to a system for electronics recycling across the country. Participants in EPA's National Electronics Meeting will:

- Be updated on the challenges and opportunities encountered in nationwide electronics management programs and systems, public-private voluntary projects, and legislative initiatives;
- Confirm a collective commitment to a longer-term system for the management of used electronics across the country;
- Create action plans for multiple and diverse projects for cross-industry and government collaboration that can move from conceptualization towards broad acceptance and implementation (e.g., National Center for Electronics Recycling, Third Party Organization, Host for Safe Management Guidelines, National Database); and
- Contribute to the development of a list of science/research questions that could be addressed by EPA's Office of Research and Development and/or a collection of other research organizations.

Participants are being asked to commit to two full days of working sessions so that EPA can develop an action plan to foster greener design and more comprehensive recycling.

- **Participate in working sessions**

Unlike a conference where attendees listen to a series of presentations, at this meeting, attendees will participate in working sessions developed by a multi-stakeholder planning team of representatives from industry, retailers, government, non-profits, and recyclers. The working sessions are geared to move electronics recycling from concept to implementation.

If you cannot participate for the full two days, contact EPA to discuss the potential to join this meeting as an observer.

- **Cell phone end-of-life management**

In conjunction with the electronics meeting, EPA is convening a related meeting on February 28, 2005, to initiate discussions among members of the electronics community in regard to the safe reuse and recycling of unwanted cell phones.

For more information, visit <http://www.epa.gov/epaoswer/osw/conserved/plugin/materials.htm>.

** For more information on these articles, contact JJ Keller Online at <http://www.kelleronline.com> or by calling 800-230-4094.*