

ADOSH ADVOCATE

Occupational Fatalities Investigated by ADOSH October 1, 2006 through December 31, 2006

- 1) An employee fell out of a backhoe and was crushed when the backhoe rolled down an embankment.
- 2) An employee fell 40 feet when erecting a circus tent.

Region IX Voluntary Protection Program Participants' Association Conference

The Voluntary Protection Programs Participants' Association would like to invite you to attend the 2007 Region IX VPPPA Workshop and Conference. If you would like to register for the conference, please visit the organization's web site at www.vpppa.org.

Dates: April 3-5, 2007

Location: JW Marriott Las Vegas Resort, 221 N. Rampart Blvd., Las Vegas, NV 89145

**ADOSH
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Phoenix, AZ. 85007**

A DOSH ADVOCATE

Improving
workplace
safety &
health



<http://www.ica.state.az.us>

Darin Perkins, Director

Spring 2007

In This Issue

New Minimum Wage Law

Page 1

SHARP Program Changes

Page 2

SHARP & VPP Update

Page 2

Recordkeeping

Page 3

Pandemic Flu

Page 3

The "Inbox"

Page 3

Fatal Mistakes

Page 4

In Memoriam

Page 4

Training Calendar

Page 5

VPPA Conference

Page 6

Occupational Fatalities

Page 6

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New Arizona Minimum Wage Law

On November 7, 2006, Arizona voters approved Proposition 202, which provided for an increase in Arizona's minimum wage. The Industrial Commission of Arizona (ICA) has been tasked to regulate this new law.

Effective January 1, 2007, Arizona's minimum wage increased to \$6.75 per hour. Every employer covered under the Act is required to pay each employee wages not less than this amount.

The Minimum Wage Act applies to all employees except 1) Any person who is employed by a parent or sibling; 2) Any person who is employed performing babysitting services in the employer's home on a casual basis; 3) Any person employed by the state of Arizona or the United States government; and 4) Any person employed in a small business grossing less than \$500,000 in annual revenue, if that business is not covered by the Federal Fair Labor Standards Act.

The Act addresses employees who customarily and regularly receive tips or gratuities and allows employers to take a "tip credit", paying such employees up to \$3.00 per hour less than the minimum wage, provided certain conditions are met.

The Act also prohibits employers from taking any action against any person in retaliation for asserting a right or assisting any person in doing so, or informing any person of rights under the Act.

On December 8, 2006, the ICA filed proposed emergency rules with the office of the Arizona Attorney General. With some changes to the text, the Attorney General approved the emergency rules and filed the rules with the Arizona Secretary of State on January 25, 2007. The rules became effective immediately upon filing with the Arizona Secretary of State. The emergency rules are valid for a period of six months, though this period may be extended for an additional six months.

Adoption of permanent rules to replace the emergency rules will begin shortly and will include the opportunity for public comment. When filed, the proposed permanent rules will be posted on the ICA's website at www.ica.state.az.us, along with notice of the public hearings and comment period. This information will also be posted on the Secretary of State's website at www.azsos.gov.

Employers and employees who are interested in learning more about this new law may contact the State Labor Department, at 602-542-4515. Information, including the emergency rules, the required poster and a listing of frequently asked questions and answers can be found on the ICA's web site.

Changes to the SHARP Program

As many of you already know the State of Arizona has SHARP's (Safety & Health Achievement Recognition Program) under which we recognize those employers in general industry that have excellent health and safety programs. This program is not the same as the VPP program but can be used as a stepping stone to VPP, for those employers who are not ready for the VPP challenge.

In December of 2006 Federal OSHA made several changes to the requirements for inclusion into the SHARPS program and I want to take this opportunity to bring those changes to your attention.

One of the most significant changes is the elimination of the size restriction.

ADOSH now allows employers with more than 250 employees onsite or 501 or more employees corporate wide, to apply for SHARP. However, it is up to each state to determine if a priority schedule would be necessary for those larger employers. In other words if the demand were

such that it was creating a problem, ADOSH may assign a lower priority to those larger employers.

Employers requesting SHARP approval will be required to undergo a comprehensive onsite safety and health survey, including an assessment of the company's safety & health management system for which they must score at least a 2 or higher on all 50 elements of the evaluation form used by the consultant. In addition, all findings from the consultation survey must be corrected prior to final approval. This remains the same.

The employer must have an injury/illness rate for the preceding year that is below the BLS rates for their respective industry just as they did before.

Also included in the changes were some extensions to the exemption period for those employers working on their second or third approval. Employers in the SHARP program have to request renewal of their SHARP status within 180 days of the expiration of the date approved.

There will also be requirements built in for annual self audits/reports to ADOSH in the off years for those employers with multiyear exemptions. The employer must also have a safety and health program that contains the major elements of the *1989 Safety and Health Program Management Guidelines*.

As you can see SHARP recognition is a great way to show your commitment to safety and health. If you are interested in becoming a SHARP site please contact ADOSH's consultation & training, section to find out more.

For many of you already maintaining this SHARP recognition status let that be an indicator to you that you have a good start towards VPP and should be working towards achieving that goal. To further clarify you do not have to be in SHARP status to achieve the VPP recognition.

Should you have any questions feel free to call or e-mail me anytime.

Mark Norton
Assistant Director

SHARP & VPP Update

We are happy to announce that Waste Management of Arizona, Inc.'s Payson Facility has recently received SHARP certification.



We also welcome one employer into the Voluntary Protection Program (VPP). First Vehicle Services in Scottsdale became the 18th VPP STAR site in January 2007.

ADOSH also would like to congratulate three employers, which successfully completed VPP re-certification.

Waste Management General Dynamics C4 Systems, Scottsdale, AZ; Motorola Global Telecom Solutions Sector, Chandler, AZ; and Honeywell International-Honeywell Engines & Systems, Phoenix, AZ.

Babak Emami
Phoenix Consultation Supervisor

Worth Repeating

An individual contacted ADOSH some time ago with a question regarding the performance of *non-entry rescue* from confined spaces.

"If I have people in the space, do I have to have them connected to a retrieval line?"

ADOSH's reply was simple: "If they need to be rescued, how do you get them out if they are not connected to a retrieval line?"

There was a long, pregnant pause followed by "never mind." The caller then hung up.

Injury & Illness Recordkeeping

Every year about this time I am inundated with questions regarding the recordkeeping requirements. The requirements for recordkeeping changed several years ago. The changes to the recordkeeping rules went into effect January 1, 2002, yet we still see outdated documents (i.e., OSHA 200 logs) being used.

Some of the highlights of the current regulations include the use of the OSHA 300 log and 300A summary, which has to be signed by the *senior site official*. Both the forms are available via the OSHA website. Another important factor is that posting is now for a period of three months, February, March and April. Some of the other changes include a clearer definition of "First Aid" and what is considered "First Aid."

Our review of OSHA 300 logs shows several recurring conditions. First and most common, the totals frequently do not add up. Make sure that you add totals in all columns and that they balance. Also if you had no recordable injuries or illnesses remember you still have to complete the form. Zero is a number so enter your 0's and post the document. Blanks only mean you are not doing it correctly.

Secondly, there is the issue of "Privacy Concern" cases. There are several clearly defined instances in the standards (1904.29(b)(6)) where an employee's name would not be entered onto the 300 log. Rather, the employer would enter the phrase "privacy concern" in place of the name. In addition to that when describing the injury the employer would have to be careful with how much information they present on the form. In other words, do not describe the "privacy" issue. Use general terms such as laceration, bruise, puncture etc. Then keep a

second, more descriptive log only for privacy concern cases.

These are only a few of the problems we see on a regular basis. Please review the standards to make sure you are accurately recording your cases. More importantly, if while reading this article you realize you are not familiar with the current regulations please make sure you get a copy of them and read them. Many of you may not have had to do them before, and due to company growth (greater than 10 employees), or increased awareness you are now tasked with this responsibility. If you have questions give us a call. Furthermore, take a look at the training schedule in this newsletter and register for the next record-keeping class.

Mark Norton
Assistant Director, Tucson

Pandemic Flu

In the event of an influenza pandemic, employers will play a key role in protecting employees' health and safety as well as in limiting the impact on the economy and society. Employers will likely experience employee absences, changes in patterns of commerce and interrupted supply and delivery schedules. Proper planning will allow employers in the public and private sectors to better protect their employees and lessen the impact of a pandemic on society and the economy.

OSHA has developed a guidance document entitled "Preparing Workplaces for an Influenza Pandemic." It is based upon traditional infection control and industrial hygiene practices and was developed to assist employers in their planning for emergencies. The document can be found on OSHA's web site at www.osha.gov.

The "Inbox"

We regularly receive questions and comments via e-mail, at adosh.comments@dol.gov. Following is a selection of some we recently received.

Q: Is there a regulation that all extension cords used for power tools be of 12 gauge or larger conductor?

A: There is no such OSHA standard. You may use whatever extension cord is appropriate for the demands of the job.

Q: Is it acceptable to discard syringes in regular trash cans, clean or dirty?

A: No, it is NOT acceptable to discard syringes in the regular trash. They must be disposed of in a proper sharps container and handled as medical waste.

Comment: I've added you as a friend on Facebook..."

Response: We're excited to be added as a friend on any list. We can't have too many.

Q: If we are the general contractor or property manager, do we need to complete OSHA 300 logs for each department or as one unit?

A: For employees who are part of a "mobile workforce" such as construction, one log should be kept for all employees from all sites.

Comment: I've looked at the ADOSH website and cannot find any links to the state regulations.

Response: ADOSH adopts the federal OSHA standards, with few exceptions. The OSHA standards can be found on OSHA's web site at www.osha.gov.

Fatal Mistakes

Working under or around a raised object can be dangerous. If the object is not blocked, braced or cribbed to prevent lowering, an unplanned lowering of the object can be unpleasant, disruptive and sometimes fatal.

A farm employee working underneath a corn head on a tractor, had raised the corn head hydraulically and was making adjustments. The hydraulic system had a leak that the employee was not aware of, and the corn head was not blocked or cribbed to prevent it from lowering to the ground. The employee was caught and crushed under the corn head when it lowered.

An employee was working on a surface milling machine being held up by a skid steer loader. The milling machine required work on the under side of the machine, but was not blocked or cribbed to prevent it from coming down while the work was being performed. The machine slipped from the loader, falling on top of the employee's head, resulting in his death.

The owner of a business was working under a T-Top automobile that was being held aloft by a forklift with its forks placed through the car side windows. The car was supported by the center section of the T-Top. The car, which was not blocked or cribbed to prevent a fall, fell on top of the business owner when the T-Top failed. The business owner was crushed.

An operator at a plating plant was working under a parts hanger arm while standing on the guard rail above a very hot tank of plating solution. An inadvertent cycling of the hanger conveyor caused the hanger arm to descend on top of the operator pinning him above the hot solution. His yells caused another operator to reverse the hangar arm motion, releasing the first operator but allowing him to drop into the hot liquid. His injuries were fatal. Had he been working at platform level and had the hangar arm been locked out or blocked to prevent lowering, this would not have occurred.

An employee was dismantling a wooden building for removal. He had removed exterior paneling, and went inside the structure to remove the interior paneling. After some interior removal, the fully roofed structure fell onto the employee causing fatal injuries. The structure should have been dismantled from the top down, or the structure made stable and secure during demolition.

A mechanic was attempting to disconnect a windrow elevator from an asphalt lay down machine. He entered the hopper of the lay down machine and disconnected two hitch pins. The front of the windrow elevator fell, pinning the mechanic which resulted in fatal injuries. The elevator should have been blocked or cribbed to prevent collapse.

These tragic accidents all happened during calendar year 2005. Since this is not ancient history, it is apparent that these old lessons are not being revisited often enough. No one should work under any object that is not stable, supported and blocked or cribbed to prevent an inadvertent lowering of the object. Each of these fatal accidents occurred in a different segment of industry or business. None was related to another in any way. Each is a lesson to be learned.

-Ernie Miller, Safety Consultant

The Passing of Two Friends

It is with great sorrow that we report the passing of two of ADOSH's own.

Fernando Mendieta, an ADOSH employee of almost 20 years, passed away on December 26, 2006 as a result of ongoing medical complications.

Fernando was born and raised in Puerto Rico. He received a BS in Biology from the University of Puerto Rico ('84). He received an

MS in Industrial Hygiene from Central Missouri State University ('85) and came to work for ADOSH in March of 1987.

During his time with ADOSH, Fernando served as a compliance officer, an industrial hygiene compliance supervisor and, most recently, as a consultant and trainer.

On January 22, 2007, Linda Wheeler Bowles passed away after a coura-

geous battle against cancer. Linda was a former employee of ADOSH, having worked with us for many years as a compliance officer and a compliance supervisor. Most recently she worked for the City of Phoenix as a member of their safety and health team.

Fernando and Linda will be fondly remembered and missed by all who knew them and we extend our deepest sympathy to their families and friends.

ADOSH Education and Training Calendar

Registration for each class begins 30 days prior to the date of the class. Location and time will be provided at the time of registration. ADOSH classes are free of charge but are subject to change or cancellation without notice.

Date	Class	Location	Trainer	Phone number
April 3	Fall Protection	Phoenix ICA	Joe Gates	602-542-1641
April 4	Heat Stress Prevention	Phoenix	Melissa Drate	602-542-1640
April 10	Construction Safety Management	Avondale	Joe Gates	602-542-1641
April 11	Safety & Health Management	Tucson	Mark Norton	520-628-5478
April 12	Safety Management	Peoria	Joe Gates	602-542-1641
April 12	Violence Prevention	Flagstaff	Melissa Drate	602-542-1640
April 12	Fall Protection	Tucson	Tom Webb	520-628-5478
April 16	Excavation Safety Awareness	Tucson	Mark Norton	520-628-5478
April 17	Hazard Communication	Tucson	B. Garton /F. Mendoza	520-628-5478
April 17	Forklift Train-the-Trainer	Prescott	Joe Gates	602-542-1641
April 18	Heat Stress Prevention	Bullhead City	Melissa Drate	602-542-1640
April 18	Noise and Hearing Conservation	Bullhead City	Melissa Drate	602-542-1640
April 18	Forklift Train-the-Trainer	Tucson	Bill Garton	520-628-5478
April 19	Lockout/Tagout	Peoria	Joe Gates	602-542-1641
April 25	Ergonomics	Yuma	Melissa Drate	602-542-1640
April 25	Heat Stress Prevention	Yuma	Melissa Drate	602-542-1640
April 25	Ergonomics	Yuma	Melissa Drate	602-542-1640
April 25	Heat Stress Prevention	Yuma	Melissa Drate	602-542-1640
April 26	Construction Safety Management	Mesa	Joe Gates	602-542-1641
May 1	Fall Protection	Peoria	Joe Gates	602-542-1641
May 3	Scaffold Safety	Flagstaff	Joe Gates	602-542-1641
May 3	Fall Protection	Flagstaff	Joe Gates	602-542-1641
May 3	Excavation Safety	Tucson	Tom Webb	520-628-5478
May 4	Recordkeeping	Tucson	Cheryl Caballero	520-628-5478
May 10	OSHA in the Medical Office	Avondale	Melissa Drate	602-542-1640
May 15	Hand & Power Tool Safety	Tucson	Bill Garton	520-628-5478
May 15	Heat Stress prevention	Peoria	Melissa Drate	602-542-1640
May 16	OSHA in the Medical Office	Yuma	Melissa Drate	602-542-1640
May 16	Bloodborne Pathogens	Yuma	Melissa Drate	602-542-1640
May 16	Safety Management	Kingman	Joe Gates	602-542-1641
May 16	Concrete & Masonry Safety	Kingman	Joe Gates	602-542-1641
May 17	Hazard Recognition/Construction	Tucson	Mark Norton	520-628-5478
May 21	Hazard Recognition/Gen. Ind.	Tucson	Mark Norton	520-628-5478
May 22	Lockout/Tagout	Phoenix ICA	Joe Gates	602-542-1641
May 23	Fall Protection	Phoenix	Joe Gates	602-542-1641
May 24	Hazard Communication	Tucson	B. Garton /F. Mendoza	520-628-5478
May 30	Respiratory Protection	Prescott	Melissa Drate	602-542-1640
May 30	Bloodborne Pathogens	Prescott	Melissa Drate	602-542-1640
June 5	VPP Overview	Tucson	Bill Garton	520-628-5478
June 7	Electrical Safety	Tucson	Tom Webb	520-628-5478
June 7	Scaffold Safety	Prescott	Joe Gates	602-542-1641
June 7	OSHA in the Medical Office	Mesa	Melissa Drate	602-542-1640
June 12	Scaffold Safety Awareness	Tucson	Mark Norton	520-628-5478
June 13	Forklift train the Trainer	Tucson	Bill Garton	520-628-5478
June 13	Violence Prevention	Bullhead City	Melissa Drate	602-542-1640
June 13	OSHA in the Medical Office	Bullhead City	Melissa Drate	602-542-1640
June 19	Hazard Communication	Peoria	Melissa Drate	602-542-1640
June 19	Back Injury Prevention	Tucson	Brian Knutson	520-628-5478
June 20	Machine Guarding	Tucson	Bill Garton	520-628-5478
June 20	Concrete & Masonry Construction	Yuma	Joe Gates	602-542-1641
June 20	Violence Prevention	Phoenix	Melissa Drate	602-542-1640
June 21	Welding Safety	Yuma	Joe Gates	602-542-1641
June 21	Confined Space Entry	Snowflake	Melissa Drate	602-542-1640
June 21	Bloodborne Pathogens	Snowflake	Melissa Drate	602-542-1640
June 25	Excavation Safety	Phoenix ICA	Joe Gates	602-542-1641

Trainers may be contacted by e-mail by using the following format: <lastname>.<firstname>@dol.gov

"Phoenix ICA" classes are held at the Phoenix ICA building located at 800 W. Washington St.

All Tucson classes are held at the Tucson ICA building located at 2675 E. Broadway Rd.