

# ADOSH ADVOCATE

Improving  
workplace  
safety &  
health



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

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## ADOSH ADVOCATE

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Darin Perkins, Director

## ADOSH Inspection Targeting

*The following notice was recently posted on the Industrial Commission web site ([www.ica.state.az.us](http://www.ica.state.az.us)) and provides a summary of an additional method that ADOSH will use to target some of our general scheduled inspections, particularly in general industry establishments.*

The Arizona Division of Occupational Safety and Health (ADOSH) is given the responsibility to enforce the requirements of the Arizona Occupational Safety and Health Act. This includes enforcement of the requirements that employers comply with OSHA standards and regulations and provide a safe and healthful workplace for employees in Arizona. ADOSH performs this obligation, in part, by conducting unannounced compliance inspections.

Inspections are selected using a variety of methods, which may vary by industry. In the construction industry, ADOSH may select a general scheduled inspection based on either a randomly generated list of construction projects (compiled using Dodge data) or an observation of a hazard that falls within either a local or national emphasis program, such as trenching hazards or fall hazards.

In general industry (non-construction), ADOSH may select a general scheduled inspection using either a list of employers within industries that have higher-than-average injury rates, such as wood product and architectural metal product manufacturers, or a list

of employers with higher numbers of Arizona workers' compensation claims.

To improve its efforts to target inspections of Arizona workplaces, ADOSH will soon add to the methods described the selection of a general scheduled inspection using workers' compensation experience ratings of Arizona employers. In both the general and construction industries, employers with higher than average experience ratings may be targeted for inspection. This information may also be used to identify non-rated employers within industries that are identified through experience ratings. Through this targeting effort, ADOSH anticipates that it will increase its inspection of those workplaces with more serious hazards and/or higher injury and illness frequency rates. ADOSH also expects that this effort will ensure that ADOSH's limited resources are used in a more effective and efficient manner.

*Note: The use of experience rating data is only one of several methods ADOSH uses to target our compliance inspections. If you have a question regarding ADOSH's inspection targeting practices, you can contact our administration offices at 602-542-5795.*

-Darin Perkins, Director

## Fatal Mistakes

The 2008 Arizona fatality statistics are out (viewed at <http://www.ica.state.az.us>) and once again transportation incidents top the list of causes for worker fatalities in our state. The breakdown of the recorded 37 transportation fatalities is as follows: 19 were aircraft related; 10 were highway incidents, of which 8 were collisions between vehicles or mobile equipment; and 7 were pedestrian workers who were struck by vehicles or mobile equipment.

According to the American Society of Civil Engineers, roadway work zone crews sustain nearly 27,000 first aid injuries and 26,000 lost-time injuries per year at an annual cost of \$2.4 billion. Each year in the United States, more than 1,000 workers are killed in roadway work zone incidents—an average of three workers per day.

ADOT has multiple construction projects throughout the state, with highway workzones established to protect both the public and project workers. (See the ADOT website for current project information: [http://www.azdot.gov/Highways/Active\\_Projects.asp](http://www.azdot.gov/Highways/Active_Projects.asp)) The need to provide adequate protection for workers is evident by the number of fatalities that continue to occur year after year.

On September 27, 2006 Oscar Ruiz, a native of Mexico, was working near a conveyer belt that sprayed crushed gravel onto the sides of the freeway, on the shoulder of the Santan Freeway at Gilbert Road, when he was struck by a vehicle and killed. The driver of the eastbound vehicle, who had just worked a 10-hour night shift and had three hours of sleep the previous night, struck a truck pulling a trailer, then veered off onto the shoulder of the road where Ruiz was working. Ruiz was pronounced dead at the scene.

On October 2, 2007 a vehicle killed a worker who was cleaning the edge of northbound Arizona 87 near Gilbert Road. The worker was a female in her mid 40s who was struck at approximately 6:15 a.m. She had been removing debris from the roadway, items that had fallen off vehicles and trucks. The worker died at the scene as a result of the trauma caused by the collision.

To make workzone workers more visible to drivers employers must provide high visibility clothing such as fluorescent orange or green shirts and vests. The use of such apparel is required by OSHA and is referred to in a letter of interpretation issued on 08/05/2009 - "**Whether use of high-visibility warning garments by construction workers in highway work zones is required**"- which states the following:

Road and construction traffic poses an obvious and well-recognized hazard to highway/road construction work zone employees. OSHA standards require such employees to wear high visibility garments in two specific circumstances: when they work as flaggers and when they are exposed to public vehicular traffic in the vicinity of excavations. However, other construction workers in highway/road construction work zones are also exposed to the danger of being struck by the vehicles operating near them; for such workers, section 5(a)(1) of the OSH Act, 29 U.S.C. §654(a)(1), also known as the General Duty Clause, requires similar protection.

In the preamble to the Worker Visibility Rule (Volume 71 of the Federal Register, page 67792), the FHWA (Federal Highway Administration) stated: High visibility is one of the most prominent needs for workers who must perform tasks near moving vehicles or equipment. The need to be seen by those who drive or operate vehicles or equipment is recognized as a critical issue for worker safety. The sooner a worker in or near

(Cont'd on page 6)

### Abatement Documentation

When citations are issued to an employer, one of the more frequent questions ADOSH receives concerns the type of documentation necessary to show abatement, or correction, of the hazard(s).

The type of information required is dependent upon 1) the classification of the violation, and 2) the condition cited.

For all non-serious citations, employers must only provide a certification form to ADOSH that specifies the action taken to correct each condi-

tion. For serious citations, documentation must be included with the certification form. Documentation can vary, but may include photographs, invoices, copies of written safety programs, or monitoring results. Essentially anything showing correction of a hazard and efforts to prevent recurrence.



## A Thousand Words

This is probably one of the best examples of an electrical hazard as we've ever come across. Open conductors, no enclosures, missing covers... the list goes on.

Electrical contact is one of the leading causes of workplace fatalities across the nation. Too often, it is the result of a lack of respect for electricity and appreciation for the potential hazards. Too many individuals believe that standard household current (120 volts) is harmless. Too many individuals have lost their lives as a result of that mistaken belief. Remember: all energized parts need to be protected against contact!

## The "Inbox"

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

Q: Recently we have been going over what items are required to be provided by the employer to the employee. As far as I can tell, we are required to provide employees items such as hardhats, work gloves, safety glasses, hearing protection, etc. How about sturdy work boots, rubber over boots, rain gear, etc.? Also, are we required to provide drinking water for our outside crew?

A: An employer must provide all protective equipment necessary for employees to safely perform their work. However, they are not required to provide clothing to protect against the weather.

As for work boots, if they are non-specialty boots an employer does not have to pay for them if they are permitted to be worn off the job.

An employer must provide potable drinking water for employees or at

least allow employees to obtain water when necessary.

Q: What is the maximum height a business can bulk stack loose product on the top shelves in a warehouse?

A: There is no maximum height under OSHA standards, but the materials must be stacked in a manner that does not constitute a hazard, such as a potential to fall over. Additionally, they must be kept a sufficient distance from overhead sprinklers, usually 18 inches. You may wish to check your local fire codes for other restrictions.

## OSHA Issues H1N1 Influenza A Virus Inspection Directive

On November 20, 2009, OSHA issued a directive providing enforcement policies when conducting inspections to minimize high to very high occupational exposure to the H1N1 Influenza A virus. The directive is found on OSHA's web site at: [http://www.osha.gov/OshDoc/Dirctive\\_pdf/CPL\\_02\\_02-075.pdf](http://www.osha.gov/OshDoc/Dirctive_pdf/CPL_02_02-075.pdf)

## Steel Erection Policy Change

The Occupational Safety and Health Administration recently revised the steel erection compliance directive for the agency's Steel Erection Standard to change two enforcement policies related to tripping hazards and installation of nets or floors during steel erection.

One of the revised policies addressed the standard's requirement that employers install a floor or net within two stories or 30 feet, whichever is less.

The other policy states that employers must comply with the requirement that steel studs, known as shear connectors, be installed at the worksite. Shear connectors bind concrete to the steel.

The news release can be viewed at: [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=NEWS\\_RELEASES&p\\_id=16485](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=16485)

## 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. Classes sponsored by ADOSH are free of charge but are subject to change or cancellation without notice. Some classes or seminars listed are not exclusively sponsored by ADOSH and may carry a nominal fee to cover the cost of course materials, space rental, etc. **NOTE: The phone number listed for each class is the number participants need to call for registration purposes and may or may not be a direct number to ADOSH or the trainer. While ADOSH trainers can answer questions specific to the class such as content, attendees will need to call the specific number listed to register.**

<u>Date</u>	<u>Class</u>	<u>Location</u>	<u>Trainer</u>	<u>Registration No.</u>
January 7	OSHA 300/Recordkeeping	Phoenix	Jenny Mandeville	602-631-2228
January 12	Slips/Trips/Fall Prevention	Flagstaff	Jenny Mandeville	928-522-3032
	Preparing for OSHA Inspections	Flagstaff	Jenny Mandeville	928-522-3032
January 13	Scaffold/Aerial Lift Safety	Flagstaff	Jenny Mandeville	928-522-3032
	Fall Protection for Utilities	Flagstaff	Jenny Mandeville	928-522-3032
January 14	Forklift Train-the-Trainer	Tucson	Bill Garton	520-628-5478
	Forklift Train-the-Trainer	Mesa	Jenny Mandeville	480-857-5501
January 19	OSHA 300/Recordkeeping	Peoria	Jenny Mandeville	623-773-7679
January 20	OSHA 300/Recordkeeping	Tucson	Cheryl Caballero	520-628-5478
January 28	Safety & Health Management	Yuma	Mark Norton	928-373-1138
	Basic Accident Investigation	Yuma	Mark Norton	928-373-1138
February 3	Hazard Communication	El Mirage	Jenny Mandeville	623-876-4253
February 4	Scaffolding Safety Awareness	Tucson	Bill Garton	520-628-5478
	Medical Office Safety	Phoenix	Jenny Mandeville	602-631-2228
February 9	Aerial/Scissors Lift Safety	Peoria	Jenny Mandeville	623-773-7679
February 10	Electrical Safety/LOTO	Tempe	Jenny Mandeville	480-250-5325
February 11	Bloodborne Pathogens	Estrella	Jenny Mandeville	623-935-8888
February 16	OSHA 300/Recordkeeping	Prescott	Jenny Mandeville	928-541-5001
	Forklift Train-the-Trainer	Prescott	Jenny Mandeville	928-541-5001
February 17	Violence in the Workplace	Prescott	Jenny Mandeville	928-541-5001
	Office Safety	Tucson	Cheryl Caballero	520-628-5478
February 18	OSHA 300/Recordkeeping	Prescott	Jenny Mandeville	928-541-5001
February 23	Workplace Violence	Tucson	Mark Norton	520-628-5478
February 25	Excavation Safety Awareness	Tucson	Bill Garton	520-628-5478
March 2	JHA & Accident Investigation	Peoria	Jenny Mandeville	623-773-7679
March 3	Driver Safety	El Mirage	Jenny Mandeville	623-876-4253
March 4	Forklift Train-the-Trainer	Phoenix	Jenny Mandeville	602-631-2228
March 10	Electrical Safety Awareness	Tucson	Cheryl Caballero	520-628-5478
	Safety Management	Show Low	Jenny Mandeville	928-522-3032
	OSHA 300/Recordkeeping	Show Low	Jenny Mandeville	928-522-3032
March 11	Forklift Train-the-Trainer	Show Low	Jenny Mandeville	928-522-3032
	Violence in the Workplace	Show Low	Jenny Mandeville	928-522-3032
	Machine Guarding	Tucson	Mark Norton	520-628-5478
March 16	Hazard Communication	Tucson	Bill Garton	520-628-5478
March 18	Fall Protection	Peoria	Jenny Mandeville	623-773-7679
March 19	Excavation Safety Awareness	Scottsdale	Jenny Mandeville	602-274-6545
March 24	OSHA 300/Recordkeeping	Kingman	Jenny Mandeville	928-757-0894
	Safety Management	Kingman	Jenny Mandeville	928-757-0894
March 25	Job Hazard Analysis	Lake Havasu	Jenny Mandeville	928-757-0894
	Accident Investigation	Lake Havasu	Jenny Mandeville	928-757-0894
March 31	Personal Protective Equipment	Tucson	Cheryl Caballero	520-628-5478

Trainers may be contacted by e-mail 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.

## ADOSH ADVOCATE

### Premier Building - Newest VPP Member



Premier Building Systems located in Phoenix is Arizona's newest addition to the VPP family. Premier is a manufacturer of structural insulated panels, whose products are used mainly in the building construction industry.

Premier has 23 full-time employees and four additional temporary employees. Their injury and illness rates are well below the national averages for their industry.

Premier's commitment to employee safety and health is evident in their low rates, but more importantly in the way employees and management take responsibility for safety and health.

### Influenza Directive

OSHA has issued a compliance directive that addresses how compliance officers are to conduct inspections at workplaces where there is a high or very high risk of occupational exposure to pandemic influenza viruses, such as H1N1 influenza A virus, by workers whose activities involve contact with patients or contaminated material in a healthcare, home healthcare, or clinical laboratory setting.

Employers in these workplaces should review the directive, as well as additional guidance from ADOSH on respiratory protection, particularly as it relates to potential respirator shortages.

The federal OSHA directive is posted on their website at [www.osha.gov](http://www.osha.gov). Any guidance from ADOSH will appear on the Industrial Commission's web site at [www.ica.state.az.us](http://www.ica.state.az.us). Sign up on that site to receive automatic e-mails regarding important information.

### Highway Construction Workers and High Visibility Vests

OSHA recently issued a letter of interpretation clarifying the requirement for highway and road construction workers to wear high-visibility warning garments. The letter states that all highway and road construction workers must wear high-visibility apparel regardless of whether the MUTCD requires them. OSHA (and ADOSH) considers road and construction traffic a well-recognized hazard to highway/road construction workers. Data from the Bureau of Labor Statistics shows there were 425 road construction work zone fatalities from 2003 to 2007.

The entire letter of interpretation, which ADOSH will follow, is at [https://www.osha.gov/pls/oshaweb/owadis.show\\_document?p\\_table=INTERPRETATIONS&p\\_id=27155](https://www.osha.gov/pls/oshaweb/owadis.show_document?p_table=INTERPRETATIONS&p_id=27155)

Please see the "Fatal Mistakes" article, related to this topic, on page 2.



### A Thousand Words - Bonus!

Submitted by an avid reader and fan of the Advocate (that's what we're calling him anyway), we couldn't leave this photo unpublished.

Wearing stilts is difficult enough, but wearing them and then climbing a ladder to gain additional height? To steal a quote from Brian Fellow, "That's crazy!"

We give this employee a "G" for guts, but that's about it.

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the path of travel is seen, the more time the operator has to avoid an accident. The FHWA recognized this fact and included language in the 2000 Edition of the Manual on Uniform Traffic Control Devices (MUTCD) to address this issue.

The FHWA's reasoning makes clear that all employees who are exposed to the hazards of working near road traffic need the protection provided by high-visibility apparel. Typically, workers in a highway/road work zone are exposed to that hazard most of the time. Accordingly, high-visibility apparel is required under the General Duty Clause to protect employees exposed to the danger of being struck by public and construction traffic while working in highway/road construction work zones.

Pedestrian workers are at high risk of injury or death, particularly when working at times of low visibility such as early morning or evening hours. Employees are required to wear high visibility apparel (i.e., Class 2) during all day-light hours of work near traffic zones however; darker hours will require a higher visibility factor (i.e., Class 3).

"High-visibility safety apparel" is defined by FHWA as any garment meeting the American National Standards Institute (ANSI) 107-2004 Class 2 or 3 standard:

## **Class 2 Apparel - Required**

- Required as a minimum for all workers within highway workzones.
- Provides superior visibility over Class 1 apparel for wearers by the additional coverage of the chest and back.
- Helps protect workers exposed either to traffic or to construction equipment within the work area.
- Typical use on lower speed, lower volume, and secondary road environments.

## **Class 3 Apparel - Recommended**

- Offers the greatest visibility to make the wearer stand out against a variety of backgrounds.
- Allows workers to be easily seen through a full range of body motions at a minimum of  $\frac{1}{4}$  mile (1,280 feet).
- Additional background and reflective material on the apparel increases visibility beyond what is provided by Performance Class 2 apparel.
- High-risk environments including, but not limited to, high speed roadways, highly congested areas, complex lane shifts, bad weather, and/or complex work zones.
- Class 2 apparel in combination with Class E apparel is considered Class 3 Ensemble.
- Class E apparel is either trousers or shorts that have retroreflective material encircling each leg.
- Enhances visibility of worker and helps differentiate a person from a traffic control device.

The American National Standards Institute/International Safety Equipment Association (ANSI/ISEA) provides the industry standard on use of high-visibility safety apparel. These standards specify minimum areas of retroreflective material, location of that material, and special features of the apparel. The 2003 edition of the MUTCD provides national guidance for and refers to the ANSI/ISEA standard on the use of high-visibility safety apparel.

MUTCD 6D.03 requires that selection of the apparel be made by a competent person designated by the employer. For further guidance in selecting high visibility apparel, consult the High Visibility in Work Zones Pocket Guide, available on line at <http://www.atssa.com/galleries/rsti/Product6HighVisibilityinWorkZonespocketguide.pdf>

Worker visibility during dawn or dusk conditions may be enhanced by the use of fluorescent colored high-visibility apparel. Consider that the use of colors such as yellow-green for the worker apparel may help to differentiate the worker from the orange colored work vehicles, signs, drums, etc.

Effective training and enforcement will help workzone employees understand the need to inspect apparel routinely to ensure apparel has not become faded, torn, dirty, soiled, worn, or defaced. Apparel that is worn on a daily basis has a service life expectancy of approximately 6 months, although apparel that is not worn on a daily basis may have a useful service life of up to 3 years.

While you are driving through an Arizona workzone, you may want to remember that 85% of those killed in Arizona workzones are drivers or passengers.

-Jenny Mandeville, Trainer

**Occupational Fatalities Investigated by ADOSH  
July 1, 2009 through September 30, 2009**

- 1) An employee was crushed when a stack of hay bales fell on him.
- 2) An employee was crushed in a farm implement used to collect and stack bales of hay.
- 3) A hydraulic press fell onto an employee, fatally crushing him.

Note: As of November 30, 2009, ADOSH investigated 12 occupational fatalities which, if figures hold through December, will be the fewest fatalities investigated by ADOSH in a single calendar year since before 1990.

**Employer Forum**

An employer forum was held in the Tucson ADOSH office on November 4, 2009. The purpose of the forum was to allow interested parties to spend time with the ADOSH director and assistant directors, listening to an update on the status of ADOSH and the Industrial

Commission and taking advantage of an opportunity to ask a variety of questions.

Based upon the feedback received after the two-hour meeting, it appears to have been a success. Consequently, ADOSH plans on scheduling similar meetings in other parts of the state.

Our next forum will be held on Monday, February 22, 2010, in Phoenix at the ICA auditorium located at 800 W. Washington St. The meeting will begin at 10:00 AM. There is space for approximately 150 individuals. If you plan on attending, please notify Rosemary Montanez at 602-542-1769 so we can monitor capacity.

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