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Review Commission upholds OSHA's multi employer citation policy

The Occupational Safety and Health Review Commission has upheld OSHA's [multi-employer citation policy](#) in a reversal of a decision the Commission made during the previous administration. Under the policy, OSHA inspectors may cite employers on multi-employer worksites for violations that do not expose their own workers to occupational hazards. For example, a general contractor who controls the worksite may be responsible for violations created by a subcontractor whose workers are exposed to safety or health hazards. In reaching its [Aug. 19 decision](#),* the Commission agreed with an earlier decision by the Eighth Circuit Court of Appeals, which had rejected the Commission's previous contrary view that employers are only legally responsible for protecting the safety and health of their own workers. The case under consideration involved Summit Contractors Inc., a general contractor constructing an apartment complex in Lebanon, Pa., in 2005. An OSHA compliance officer cited Summit for a safety violation after observing workers of a subcontractor using electrical equipment that lacked ground fault circuit interrupters and which had been brought onto the worksite by Summit.

-Federal OSHA [QuickTakes](#)
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Workers Rate Workplace Safety a Top Priority

In a recent [study](#) from the National Opinion Research Center at the University of Chicago, 85 percent of workers say staying safe on the job is their biggest concern—more so than family leave, paid sick days, wages, union rights and overtime pay. “Public Attitudes Towards and Experiences with Workplace Safety” is based on dozens of surveys and polls administered between 2001 and 2010. NORC conducted the study on behalf of the Public Welfare Foundation in an effort to gain an understanding of the American experience with workplace safety.

According to the study, the media and public frequently overlook workplace safety issues and notice safety problems only when tragedies occur. Even when catastrophic events do occur in the workplace, more attention is given to the incident than to the workers injured or killed.

While most workers reported that they were satisfied with the safety conditions at their jobs, they also noted that work-related stress is a contributing factor to workplace injury. Exhaustion, dangerous working conditions, and other negative work experiences can often lead to workplace accidents, says Tom W. Smith, director of NORC's General Social Survey (GSS).

[Read more about the “Public Attitudes Towards and Experiences with Workplace Safety” study.](#)

-From AIHA Weekly E-ssential Connection, September 8, 2010



House Committee Considers Changes to Toxic Substances Control Act

A House of Representatives subcommittee held a hearing July 29 to consider changes to the Toxic Substances Control Act that would restrict use of chemicals that endanger the public.

EPA to Consider Banning Benzidine, HBCD

EPA plans to address the potential health risks associated with the use of benzidine dyes, hexabromocyclododecane (HBCD) and nonylphenol (NP)/nonylphenol ethoxylates (NPEs)—chemicals typically used in both consumer and industrial applications—the agency [announced](#) Aug. 18. The chemicals identified are used in dyes, flame retardants, and industrial laundry detergents. Benzidine dyes are used by workers in the production of consumer textiles, paints, printing inks, paper, and pharmaceuticals, while HBCD is used as a flame retardant in expanded polystyrene foam in the construction and building industry. NP/NPEs are used in detergents, cleaners, agricultural and indoor pesticides, and food packaging.

Exposure to benzidine dyes can lead to a variety of health problems, including cancer. HBCD may cause reproductive, developmental and neurological effects in humans.

EPA plans to add HBCD and NP/NPE to EPA's Chemicals of Concern list, issue new use rules for all three chemicals, and, for benzidine and HBCD, implement new reporting requirements on the EPA Toxic Release Inventory and possibly ban or limit their production or use.

Although development of the Chemicals of Concern list has long been authorized by the Toxic Substances Control Act, EPA has not previously made use of this authority.

[Read about EPA's existing chemical programs.](#)

-From AIHA Weekly E-ssential Connection, August 25, 2010

A House of Representatives subcommittee held a hearing July 29 to consider changes to the Toxic Substances Control Act that would restrict use of chemicals that endanger the public.

Under the Toxic Chemicals Safety Act of 2010 (H.R. 5820), all chemicals that the public is exposed to would be reviewed for health and safety purposes. Chemicals proven to be a risk would be restricted.

The legislation would also compel the chemical industry to develop and provide data to EPA and ensure that non-confidential information submitted to EPA is disclosed to the public. In addition, EPA would be compelled to identify specific communities, or “hot spots,” with high levels of exposure to toxic substances.

Witnesses who testified against the legislation warned that it presents a threat to the chemical manufacturing industry. Beth Bosley, who testified on behalf of the Society of Chemical Manufacturers and Affiliates (SOCMA), stated, “As written, H.R. 5820 poses overwhelming challenges for the industry, and substantive loss of high-paying manufacturing jobs will result. It would have a substantial negative impact on a strategic American industry that is already fighting recession and foreign competition.”

Supporters of H.R. 5820 argued that passage of the bill will improve the chemical manufacturing industry and create “green” jobs.

“This bill will address the failures of TSCA and set up a flexible, responsive, and workable system for protecting health and the environment while promoting American jobs and innovation,” said Rep. Henry A. Waxman, Energy and Commerce Committee Chairman.

[Read details from the hearing on H.R. 5820.](#)

[View a summary of the Toxics Chemicals Safety Act of 2010.](#)

-From AIHA Weekly E-ssential Connection, August 4, 2010



Cal/OSHA Adopts Revised Heat Safety Regulations

Sacramento, CA – California continues to be a national leader in taking measures to keep employees safe while working outdoors in the heat. Today, the Occupational Safety and Health Standards Board approved revisions to the Heat Illness Prevention Standard. The modifications address high-heat procedure requirements for five industries, clarification of the shade requirement including temperature triggers, and the provision for flexibility to employers under this requirement.



“I commend the Board for its action today to strengthen workplace safety in this important area,” said Department of Industrial Relations Director John C. Duncan. “This is a critical part of our overall mission which includes enforcement, outreach and forging partnerships to educate employers on their responsibilities and workers on their rights. Our ultimate goal here is to keep all outdoor workers safe in the heat.”

High-Heat Rules

High-heat procedures are now required for five industries when temperatures reach 95 degrees or above. These procedures include observing employees, closely supervising new employees and reminding all workers to drink water. The industries specified under this modification are:

1. Agriculture
2. Construction
3. Landscaping
4. Oil and gas extraction
5. Transportation or delivery of agricultural products, construction material or other heavy materials

Shade Requirements

- Must be present when temperatures reach or exceed 85 degrees. When temperatures are below 85 degrees, employers shall provide timely access to shade upon an employee’s request.
- Shade must be located as close as practicable to the areas where employees are working.
- Allow for all industries excluding agriculture to implement alternative procedures for providing access to shade in instances where the employer can demonstrate that it is infeasible or unsafe to have a shade structure, or otherwise to have shade present on a continuous basis. The alternative procedures/cooling methods must provide equivalent protection as shade and can include methods such as misting machines.

“The amendments adopted today represent important measures to clarify and strengthen the heat illness prevention standard,” said Cal/OSHA Chief Len Welsh.

The Office of Administrative Law now has 30 business days to approve the modifications. The revisions are expected to take effect this fall.

Under the leadership of Governor Schwarzenegger, in 2005, California became the first state in the nation to develop a safety and health regulation to protect workers from heat illness. Labor Code Section 3395 went into effect in 2006. The regulations include providing employees with water, shade and rest as well as heat illness training for employees and supervisors.



Vuvuzela horn is a confirmed noise related hazard



Southern California continues to witness brush fire incidents this summer



Sampling equipments involved in Char particulates surveys