

# OSHA QuickTakes

Occupational Safety and Health Administration

A twice monthly e-news product with information about workplace safety and health.

## New educational resources released to better protect workers from exposures to hazardous chemicals



Each year, tens of thousands of American workers are made sick or die from occupational exposures to hazardous chemicals. While many chemicals are suspected of being harmful, OSHA's exposure standards are out-of-date and inadequately protective for the small number of chemicals that are regulated in the workplace. To help keep workers safe, OSHA has launched two new Web resources.

The first resource is a step-by-step toolkit to identify safer chemicals that can be used in place of more hazardous ones. The [Transitioning to Safer Chemicals toolkit](#) provides employers and workers with information, methods, tools, and guidance on using informed substitution in the workplace.

OSHA has also created another new Web resource: the [Annotated Permissible Exposure Limits](#), or annotated PELs tables, which will enable employers to voluntarily adopt newer, more protective workplace exposure limits. Since OSHA's adoption of the majority of its PELs more than 40 years ago, new scientific data, industrial experience and developments in technology clearly indicate that in many instances these mandatory limits are not sufficiently protective of workers' health.

"From steel mills to hospitals, from construction sites to nail salons, hazardous chemical exposure is a serious concern for countless employers and workers in many, many industries, in every part of this nation," said Dr. David Michaels, assistant secretary of labor for occupational safety and health. "With these new resources, OSHA is making sure that all business owners have access to information on safer exposure limits and safer alternatives to help protect their workers and their bottom lines." To learn more, read the [press release](#) and Dr. Michaels' [new post on the DOL blog](#).

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**Comment period on proposed silica rule extended to provide additional time for public input**



Comments on OSHA's proposed silica rule may be submitted by mail, fax or [regulations.gov](http://www.regulations.gov).

and participating in public hearings," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "We especially hope to hear from employers, workers and public health professionals who have experience in successfully protecting workers from silica-related diseases. We are extending the comment period to ensure we hear from all stakeholders who wish to participate." Read the [press release](#) to learn more about the extended deadlines and visit [www.osha.gov/silica](http://www.osha.gov/silica) for more information about how to participate.

In response to requests, OSHA has extended the public comment period for an additional 47 days on the Notice of Proposed Rulemaking on Occupational Exposure to Crystalline Silica. To allow stakeholders additional time to comment on the proposed rule and supporting analyses, the deadline to submit written comments and testimony is being extended to Jan. 27, 2014. OSHA is also extending the deadline to submit notices of intention to appear at its informal public hearings to Dec. 12, 2013.

"We strongly encourage the public to assist in the process of developing a final rule by submitting written comments and participating in public hearings," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "We especially hope to hear from employers, workers and public health professionals who have experience in successfully protecting workers from silica-related diseases. We are extending the comment period to ensure we hear from all stakeholders who wish to participate." Read the [press release](#) to learn more about the extended deadlines and visit [www.osha.gov/silica](http://www.osha.gov/silica) for more information about how to participate.

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## West, Texas, fertilizer company cited following deadly ammonium nitrate explosion

OSHA has cited Adair Grain Inc. dba West Fertilizer Co. with 24 serious safety violations at its West facility for exposing workers to fire/explosion hazards of ammonium nitrate and liquid burns and inhalation hazards from anhydrous ammonia storage and servicing. Proposed penalties total \$118,300. For additional information about the violations and penalties, read the [citations](#) (\*PDF).

"The tragic loss of 15 lives, including 13 first responders underscores the need for employers that store and handle hazardous substances like ammonium nitrate to ensure the safety of those materials – not just for workers at the facility, but for the lives and safety of emergency responders and entire communities," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "Employers are responsible for knowing the hazards that exist in their facilities and working with the surrounding community to ensure the safety of first responders."

Following the tragic events in West, Texas, President Obama signed an executive order directing federal agencies to work with stakeholders to improve chemical safety and security through agency programs, private sector initiatives, federal guidance, standards and regulations. To learn more, read the [executive order](#).

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## Wyoming OSHA cites Sinclair Refinery for \$707,000 in proposed

## **finest for 22 violations**

The OSHA division within the Wyoming Department of Workforce Services cited the Sinclair Wyoming Refining Company with \$707,000 in fines for 22 violations found at the company's Sinclair, Wyoming refinery operation. The violations are the result of a May 2013 inspection which stemmed from an employee complaint and several gas releases that Sinclair voluntarily reported to DWS OSHA.

Conditions found during the inspection include: Insufficient or no processes and no corrective action available or taken for a documented history of hydrogen sulfide and sulfur dioxide releases; inadequate or no training provided for operating procedures for processes and hazards associated with the operation of the facility; and an emergency eyewash safety shower out of service despite three previous sets of citations for this violation. Additional details and descriptions of the citations can be viewed in the [press release](#).

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## **OSHA orders Clean Diesel Technologies Inc. to pay \$1.9 million to former CFO fired for reporting conflict of interest**

OSHA has ordered Clean Diesel Technologies Inc. to pay \$1.9 million to its former chief financial officer who was fired for reporting conduct the CFO believed to be damaging to the company's shareholders. In late March 2010, the former CFO provided information to the company's board of directors based on a reasonable belief there was a conflict of interest involving the chair of CDTI's board of directors. The former CFO believed that a proposed merger was detrimental to the company, critical financial information had been withheld from board members, and the conflict of interest violated internal company controls mandated by the Securities and Exchange Commission as well as the company's own corporate code of ethics.

OSHA's investigation found that the company violated the whistleblower provisions of the Sarbanes-Oxley Act when it wrongfully terminated the former CFO for warning the board of directors about ethical and financial concerns raised by a proposed merger. Read the [news release](#) for more information on this case and on OSHA's Whistleblower Protection Program.

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## **Department of Labor seeks more than \$300,000 for Idaho worker who was retaliated against for raising safety concerns**



The Department of Labor has filed a whistleblower complaint in the U.S. District Court for the District of Idaho against Clearwater Paper Corp. in Lewiston, Idaho, for allegedly retaliating against an employee who raised workplace safety and health concerns. The department alleges that a Clearwater Paper employee was fired in 2010 in retaliation for filing a safety complaint with OSHA's Boise Area Office. The employee was first suspended and then fired soon after OSHA conducted an inspection to assess excessive exposure to red cedar dust at Clearwater Paper's sawmill in Lewiston. This facility was later sold in 2011.

The department is seeking reinstatement of the employee as well as payment of more than \$300,000 in damages and fees, including back pay, compensatory damages, emotional distress damages and punitive damages. To learn more about this case, read the [news release](#).

Section 11(c) of the Occupational Safety and Health Act prohibits employers from discharging or in any manner retaliating or discriminating against any worker for exercising their rights under the Act. These rights include filing an OSHA complaint, participating in an inspection, raising a safety and health issue with the employer or the government, or any other right afforded by the OSHA law. Of the whistleblower complaints that OSHA receives every year, 11c complaints comprise the majority. For more information on 11c and the 21 other whistleblower statutes under OSHA's jurisdiction, visit [www.whistleblowers.gov](http://www.whistleblowers.gov).

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## Temporary worker deaths serve as powerful reminder of the need for equal protection

In a new [op-ed](#) in the *Houston Chronicle*, Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels explains how recent reports of temporary worker deaths prompted OSHA to launch a national initiative on protecting temporary workers. He recounts the story of Michael White, an untrained temporary worker who died after suffering heat stroke on his third day working at Republic Services Inc., a waste management company in Houston. Following OSHA's investigation into White's death, the agency cited not only Republic Services but also its temporary labor provider, Recana Solutions. View the citations and additional details in the [press release](#).



"Staffing agencies and their client employers who host temporary workers share the legal obligation to provide workplaces free of recognized hazards," writes Dr. Michaels. "This includes providing required safety training in a language and vocabulary workers can understand. Cutting corners on safety can result in both tragedy and stiff federal penalties."

In a separate enforcement case, OSHA recently cited B R Flowers & Co. Inc. and Tidewater Staffing Inc. of Norfolk, Va. after a temporary worker died from excessive heat while

cleaning up debris on the deck of the USS Nitze. Learn more details of the citations in the [press release](#).

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**HAZCOM reminder for employers!** The first implementation phase of the updated Hazcom standard is **Dec. 1, 2013**. This is the date by which employers must train workers on the new label elements and safety data sheet format. Find training information and resources on OSHA's [Hazard Communications page](#).

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## Tens of thousands of construction employers and workers learn how "Safety Pays and Falls Cost"



Since October of last year, OSHA has provided potentially life-saving information on fall prevention to thousands of workers and employers in the construction industry. Working with construction contractors, unions, trade associations, state plan states and many others, OSHA's [Fall Prevention campaign](#) conducted more than 1,600 outreach activities to raise awareness of the number one killer in construction and how to prevent falls through the three simple steps, "Plan. Provide. Train." Fall prevention safety stand-downs held across the country have impacted nearly 50,000 construction workers so far. Fall prevention outreach was also an important part of OSHA's efforts to protect clean-up and recovery workers after Hurricane Sandy. In addition, OSHA's [On-site Consultation Program](#) has conducted more than 2,000 on-site visits, 450 training sessions and 200 presentations related to fall protection in residential construction.

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## RAND study finds U.S. workplace fatality rate three times higher than U.K.

Workers in the United States were killed on the job at three times the rate of their peers in the United Kingdom in 2010, according to a study published online Sept. 30 in the *American Journal of Industrial Medicine*. Authors John Mendeloff and Laura Staetsky also found that U.S. construction workers' fatality rate was four times the U.K. rate in 2010 — a difference that has grown substantially since the 1990s. Read the [abstract](#) for additional details about the study findings.



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## **Updated procedures issued for maritime cargo gear certification**



OSHA recently issued revised [instructions](#) for compliance officers, crane inspectors, state programs, federal agencies and industry groups regarding maritime cargo gear certification. Cargo gear certification standards require that all vessels used to load and unload cargo in the United States, and material handling devices and equipment used to handle cargo on land in marine terminals meet minimum certification and inspection requirements. The instruction was revised primarily to provide information on OSHA's new, Web-based maritime crane application database, which replaces the previous four-part carbon OSHA Forms 71 and 72. The instruction also includes a list of common questions and answers regarding the new database, OSHA enforcement on all vessels and an overview of the maritime 29 CFR Part 1919 Gear Certification Program.

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## **Secretary Perez, Assistant Secretary Michaels meet with victim's families to discuss ways to improve worker safety and health**

On Oct 24, Secretary of Labor Thomas Perez and Assistant Secretary of Labor Dr. David Michaels met with family members of workers killed on the job to discuss ways to improve workplace safety and health. The family members, who were in the nation's capital as part of the [United Support and Memorial for Workplace Fatalities](#), thanked OSHA for its effort to stay in close communication with families of victims following workplace fatalities, shared their emotional stories about the loss of their loved ones and offered ideas for improved worker protections. Secretary Perez and Dr. Michaels praised the families for their courage and advocacy on behalf of victim's families and workers.

The USMWF was established in 2005 by Tammy Miser of Lexington, Ky., following her brother's work-related death. The organization, which is dedicated to comforting family members, offers support, guidance and resources for families affected by preventable work-related deaths or serious injuries throughout the United States.



Photo: David Y. Lee for Public Welfare Foundation.

**Secretary of Labor Thomas Perez (left) meets with family members of workers killed on the job.**

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## Florida plastics company works with free On-site Consultation Program to update its safety program and eliminate workplace injuries

After seeing its injury and illness rates nearly double, King Plastics Corporation began working with OSHA's free [On-site Consultation Program](#) in 2011 to update its safety program and address hazards involving fall protection, electrical issues, chemical container labeling and the use of compressed air. The company's efforts helped reduce the number of workplace injuries from seven in 2011 to zero in 2013. OSHA has recognized King Plastics' exemplary safety and health management system and efforts



in changing its safety culture by accepting the company into OSHA's [Safety and Health Achievement Recognition Program](#). See the [story on King Plastics' success](#) for more information.

On-site Consultation services are separate from enforcement and do not result in penalties or citations. Consultants from state agencies or universities work with employers to identify workplace hazards, provide advice on compliance with OSHA standards, and assist in establishing injury and illness prevention programs. To request a free consultation, visit OSHA's [On-Site Consultation page](#) or call 800-321-OSHA (6742) to find an office in your area.

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## New OSHA resource illuminates lighting practices to protect shipyard workers

A new OSHA fact sheet provides information on protecting workers on shipyards: "[Safe Lighting Practices in the Shipyard Industry](#)" (PDF\*) alerts employers to the importance of well-lit workplaces and features a reference table with minimum required lighting levels for shipyard workers, requirements for temporary lighting and situations that may pose a risk of fire or explosion.

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