



CONN-OSHA Quarterly

CONNECTICUT DEPARTMENT OF LABOR DIVISION of OCCUPATIONAL SAFETY and HEALTH

State of Connecticut Department of Labor Division of Occupational Safety and Health (CONN-OSHA) Program and Services

By: Richard T. Palo MS, CIH, Director

For 30 years, CONN-OSHA has worked to improve work safety and health. Despite our age, not one week passes without someone inquiring about our role in the workplace. I welcome this opportunity to present the components of CONN-OSHA and encourage employers to take full advantage of our services.

CONN-OSHA enforces all USDOL-OSHA safety and health regulations in municipal and state agencies. We respond to and investigate complaints, serious accidents, and fatalities in the public sector. We conduct approximately 200 inspections and 130 consultations each year.

In order to achieve the maximum benefit of a safety and health program, the program must be successfully implemented and managed. While our jurisdiction is limited to the public sector, we will partner with private employers to help move your safety and health program forward. CONN-OSHA offers a skilled technical staff, consulting services, educational programs and materials, videos, and statistical data to the private sector. In addition to being free of charge, private sector results are confidential.

The Connecticut Consultation project provides, upon a employer's request, on-site consulting visits at Connecticut businesses in the private sector. The program is geared to assist high hazard establishments and smaller firms that lack the expertise or resources to interpret complex standards or conduct extensive safety or health monitoring. The consultation program conducts outreach and education programs for specific needs of the group or groups served. Training modules, programs, videos, films, media and publications are also provided to employers and employee groups upon request. Industrial Hygiene Equipment is used to measure noise and take air samples. CONN-OSHA will take the samples, pay for the analysis, and interpret the results.

We also offer:

- Ergonomic Evaluations
- OSHA Recordkeeping training
- Health and Safety Training and Education
- Job Hazard Analysis
- Non-Ionizing Radiation Monitoring
- OSHA Standard-Specific Program Development (hazard communication, lockout/tagout, confined space, respirators and more...)
- Sample Programs
- Personal Exposure Monitoring for Biological & Chemical Contaminants

The Occupational Safety and Health Statistics unit collects and publishes data on the occurrence of occupational injuries and illnesses in Connecticut. Estimates of numbers and DART rates of work-related injuries and illnesses by industry, type of injury, worker characteristics, and more are available from this unit. Through the Census of Fatal Occupational Injuries program, data is collected and published on all fatal work injuries, which average 40 lost lives each year in Connecticut.

CONN-OSHA administers the Occupational Health Clinics and Auxiliary Health Clinics program. This program provides critical funding to clinics and auxiliary clinics throughout the State serving workers and employers through recognition, diagnosis and prevention of occupational diseases and injuries. Significant data on occupational health and safety is also collected. Finally, under Industrial Health Facility legislation, approximately 100 private sector facilities are granted licenses to operate health facilities for employees in their businesses.

Like your many other successes, safety and health management requires your commitment, resource management, accountability, and follow-up. It is a difficult and ongoing, yet rewarding, task. CONN-OSHA can help you achieve workplace safety and health.

Committing to SHARP was the right thing to do

By: John E. Dubrowin, Human Resources Director, Sanford & Hawley, Inc.

Sanford & Hawley is a family owned 124-year old lumber and building materials supplier based in Unionville, CT. In addition to the Unionville facility, the company operates lumber yards and stores in Avon CT, Manchester CT, and Springfield MA. Currently, all four of the company's facilities are accepted into SHARP.

In approximately 1988, one of Sanford and Hawley's mill shop employees was injured while using a saw. While the employee recovered, it was still a serious injury and an incident that left fellow employees and the company owners traumatized. The injury along with others also led the company's worker's compensation carrier to threaten to drop coverage if the company's claim rate could not be reduced. The company knew of the OSHA Consultation program, having read about it in the Northeast Retail Lumber Association's magazine, the *Lumber Co-Operator*, but initially feared bringing OSHA in. Instead, they implemented stricter safety procedures, started more training using resources offered by their insurance carrier, and began an incentive program to reward safe work practices. While this led to some improvement, the company felt it was still "vulnerable" based on their limited in house safety and health expertise.

The company's first visit from CONN-OSHA came in 2000. The company took OSHA's recommendations seri-



ously, and invited OSHA back repeatedly to inspect the workplace, review corrective actions they had taken, and identify additional measures they could take. By September 2005 sufficient progress had been made on the management system elements, and all recommended corrective actions had been completed and documented. As a result, the company was recommended for acceptance into SHARP. This did not end the relationship with CONN-OSHA, however. The company continued to invite CONN-OSHA in to conduct inspections, review programs and procedures, and make recommendations.



Sanford and Hawley has appreciated the advantages of having fewer injuries and illnesses since working with OSHA consultation and achieving SHARP. This has helped reduce hidden costs associated with investigating accident and on-the-job injury claims, reduce direct costs such as medical care, days lost, workers compensation and insurance premiums, minimize fluctuations in capacity due to having injured workers unexpectedly being off the job and difficulties associated with training and replacing them with temporary contractors. The company also acknowledged the value of not losing money due to injuries and illnesses during the industry-wide economic downturn. Most importantly, the company wants to provide a safe workplace for its employees and to minimize their chance of injury and harm.

Sanford and Hawley has also taken advantage of its safety and health focus and used it to build its brand and image with customers.

Bob Sanford, president: "*Intuitively, we felt it [committing to become SHARP] was the right thing to do... and we have had no regrets since.*"

Two New Alliance Signings

On September 11, 2008, The Independent Electrical Contractors of New England Inc. (IECNE), The Office of Apprenticeship Training, CONN-OSHA and the U.S. Department of Labor Occupational Safety and Health Administration met and signed two new alliances. These alliances will provide training and education programs covering topics such as safe electrical work practices, scaffold & trench safety and control of hazardous energy.

Shown signing the Office of Apprenticeship Training alliance (from left to right) are: Bill Freeman, OSHA Director, Hartford Area Office; Paul Mangiafico, OSHA, Hartford Area Office; Ken Tucker, CONN-OSHA Program Manager; Jack Guerrero, Office of Apprenticeship Program Manager and Commissioner Patricia H. Mayfield, Connecticut Department of Labor.



THE ORIGIN OF CONN-OSHA AND THE DEVELOPMENT OF WHISTLEBLOWER PROCESSES

BY: Anne F. Eisenman, Principal Attorney

Connecticut has been operating its occupational safety and health program, under approval from the U.S. Department of Labor's Occupational Safety and Health Administration and in accordance with Section 18(b) of the Occupational Safety and Health Act of 1970, since the 1970s. On January 1, 1975, pursuant to Public Act 73-379, the program became operational, covering both public (except for federal employees) and private sector employees. Eventually, the Connecticut General Assembly limited coverage under the program to public sector employees and transferred coverage of private sector employees to federal OSHA. Connecticut's State Plan was initially approved on October 2, 1978 – and received final approval on August 19, 1986.

Under the approved State Plan, CONN-OSHA is required to maintain a program that is "at least as effective" as the federal program. Accordingly, pursuant to Conn. Gen. Stat. 31-372, the Connecticut Department of Labor adopts by reference federal final standards published in the Federal Register. CONN-OSHA is also required, under section 11(c) of the federal Occupational Safety and Health Act, to provide protections for individuals who exercise their rights under the Act. Connecticut's whistleblower process is outlined in Conn. Gen. Stat. 31-379, and in sections 31-379-1 through 31-379-22 of the Regulations of Connecticut State Agencies.

Prior to October 1, 1999, Connecticut investigated "11(c)" whistleblower complaints in the same manner that the federal OSHA investigators employed while investigating federal OSHA whistleblower cases. In 1999, however, the law governing CONN-OSHA's procedures for handling public-sector retaliation cases in Connecticut changed dramatically. Public Act 99-146 not only changed the time frame within which a Complainant may file a discrimination complaint – from 30 days (which is the time frame within which a federal OSHA discrimination case must be filed) to 180 days – it also to a large extent left behind the traditional "11(c)" investigative procedures, and implemented hearing procedures like those successfully utilized in wage and unemployment compensation retaliation cases under Conn. Gen. Stat. §§31-69b and 31-226a, respectively. Essentially, upon the proper filing of a complaint under section 31-379, the matter is scheduled for mediation, which additionally involves the exchange of arguments between the Complainant and Employer. Should mediation prove unsuccessful, the matter is scheduled for a formal administrative hearing,

held in accordance with the Connecticut Uniform Administrative Procedures Act (UAPA), 4-166 et seq. of the Connecticut General Statutes and CTDOL's contested case regulations. Should the Complainant prevail, possible damages include reinstatement, back pay, front pay, statutory interest, costs, and reasonable attorney's fees. An appeal to court in accordance with the UAPA is available to an aggrieved party.

Over the past nine years, most of the whistleblower complaints filed with the Labor Department have been resolved through settlement. Only a handful of the complaints have proceeded to a full administrative hearing.

Connecticut & U.S. Fatal Occupational Injuries 1997 - 2007

Year	Number of deaths	
	CT	U.S.
1997	32	6,238
1998	57	6,055
1999	38	6,054
2000	55	5,920
2001	41	5,915
2002	39	5,534
2003	36	5,575
2004	54	5,764
2005	46	5,734
2006	38	5,840
2007	38	5,488

Since 1992, the Bureau of Labor Statistics has documented fatal work-related injuries. Data for 2007 showed that Connecticut lost 38 workers to work-related injuries. This translates into a rate of 2.1 deaths for every 100,000 workers. Nationally, the 2007 rate was 3.7 per 100,000. Additional information is available at <http://www.ctdol.state.ct.us/osha/shstats.htm>

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To receive the *Quarterly* electronically, contact gregory.grayson@dol.gov. In the subject line type "subscribe" and provide your e-mail address. You may also reach us by phone at (860) 263-6900 or visit our website at <http://www.ctdol.state.ct.us/osha/osha.htm>

Hazard Corner...

SUMMARY

At approximately 3:45 on a Friday afternoon late in October, in response to reports of inclement winter weather, a 32-year-old Department of Transportation Maintainer was preparing a dump truck for sand/salt dispersal. The preparation process included outfitting the truck with a plow and chains, and ensuring the sanding mechanism is free from obstructions by running the conveyor and spinner.

The employee drove the vehicle to the far end of the facility to run the conveyor. While the conveyor was running, this employee attempted to enter the dump body via a ladder mounted to the dump body on the driver's side of the vehicle. At this time, the employee's foot became lodged under the gate where the conveyor pushes the sand mixture through to the spreader chute. The trauma sustained from the running conveyor ultimately resulted in the amputation of the employee's foot.

RECOMMENDATIONS

Recommendation #1: Follow all manufacturer recommendations for safe use of equipment.

In addition, do not remove any factory installed placards and be sure to replace those that have become unreadable.

Recommendation #2: Ensure that employees are protected from the hazard of ingoing nip points and rotating parts.

According to 29CFR1910.212, the employer must ensure that machine operators and other employees in the machine area are protected from hazards including but not limited to those from ingoing nip points and rotating parts. There are multiple

ways guarding can be accomplished depending on the piece of equipment. The employer should consider which method or combination of methods would be most effective.

Recommendation #3: Perform a hazard analysis prior to equipment use.

Once the employer has identified the potential hazards that exist through the hazard analysis, written policies and procedures should be developed that eliminate or reduce employee exposure to the hazard(s).

Recommendation #4: Provide training and education for employees on the hazards and proper use of equipment at the workplace.

Once the employer has identified a hazard and has put policies and procedures in place to eliminate or minimize employee exposure to the hazard, the employer should communicate this information to the affected employees through training and education. In this case, a warning placard which warned of the danger of a moving chain, was affixed to the vehicle body adjacent to the ladder. However, because it was acceptable to enter the dump body for some purposes, employees likely became indifferent to the placard and the potential hazard. Effective policies and procedures are those which are CLEARLY communicated to EACH affected employee and are reinforced on a regular basis. It is important to remember that every employee has different levels of experience and knowledge and what seems obvious to one employee may not be as obvious to another. Training and educational materials should take all levels of experience into consideration.

CONN-OSHA ~ Training Update...

Material Handling and Ergonomics December 2, 2008 This session will help attendees develop a process for recognizing and quantifying risks, creating cost-effective solutions and documenting the effectiveness of the results.

OSHA Recordkeeping December 12, 2008 This session will help you fill out the OSHA Log of Work-Related Injuries and Illnesses (Form 300) accurately and correctly. **This class will be held from 9:00-12:00 noon.**

Construction Site Safety December 18, 2008 This session will discuss the four major hazards of the construction industry: Fall Protection, Scaffolding and Ladders, Electrical Hazards, and Trench Safety. **This class will be held from 8:30 to 11:30.**

HAPPY★NEW★YEAR

Workplace Violence January 6, 2009 This workshop is designed to make you more aware of the issues related to workplace violence and to provide tools to help manage, defuse, and prevent it.

Powered Industrial Trucks January 27, 2009 Learn how to meet OSHA's Powered Industrial Truck Standard 29 CFR 1910.178 requirements. This workshop will cover safe work practices, methods of providing formal and practical training, and tools for operator evaluation.

Breakfast Roundtable This discussion group meets the third Tuesday every month from 8:15 am to 9:45 am.

Pre-registration is required. To be placed on the e-mail distribution list, contact John Able at, able.john@dol.gov

Classes are free and held at 200 Folly Brook Boulevard, Wethersfield, CT in Conference Room A/B from 10 am - 12 noon, unless otherwise noted in the class description. To register, contact John Able at able.john@dol.gov.

Pre-registration is required. For more training information, visit www.ctdol.state.ct.us/osha/osha.htm

Fatality & Casualty Reporting

State & Town: CONN-OSHA (860) 263-6946 (local) or 1-866-241-4060 (toll-free)

Private Employers: Report to Federal OSHA at 1-800-321-OSHA(6742)