

SOUTH DAKOTA SAFETY COUNCIL

MEMO TO MEMBERS

Build Your Skills and Improve Your Safety Program Conference keeps you current and connected!

Join more than 600 of your colleagues on October 5 for the largest workplace safety event in the region — the 24th annual South Dakota Safety & Health Conference!

Dive into a full day of occupational safety and health sessions, tools and networking at the Sioux Falls Arena and Convention Center.

- ▶ **Stay current.**
Learn about critical workplace safety issues, strategies, tools and trends.
- ▶ **Visit the sold-out exhibit hall.**
Our experienced exhibitors offer products and services that support your workplace safety, health and human resources programs — bring your issues and questions!
- ▶ **Stay connected.**
Network with colleagues and speakers — people who share your issues and concerns, and who have the experience and expertise to help.
- ▶ **If you're involved with your organization's safety program, plan to join us October 5th at the Sioux Falls Arena and Convention Center! Details coming soon!**



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SAFETY COUNCIL
CHAPTER OF THE NATIONAL SAFETY COUNCIL

Federal OSHA News

New OSHA Reporting Rule Stirs Controversy

Federal OSHA's new reporting rule will require employers in high-hazard industries to send OSHA injury and illness data that the employers are already required to collect, for posting on the agency's website. See National Safety Council's [Safety+Health magazine](#) for background on the rule and related controversy; [EHS Today](#) for a range of responses, including concerns from ASSE that the new rule could be a step backward; and a post in the public health blog, [The Pump Handle](#), which argues that OSHA's new injury reporting rule isn't "public shaming" as some have charged; it's just catching up with the actions of other agencies such as MSHA and the FAA.

Final Rules: Silica, Eye and Face Protection

Federal OSHA has released a [final rule on silica dust](#), updating regulations established in 1971. Citing concerns about effects on employers, the American Foundry Society and the National Association of Manufacturers [have requested](#) a judicial review of OSHA's recently released final rule on silica. See more on employer and union objections to the rule from [Bloomberg BNA news](#).

OSHA has also published a [final rule](#) that updates the references in OSHA's eye and face standards to reflect the most recent edition of the ANSI/International Safety Equipment Association (ISEA) eye and face protection standard. It also removes the oldest-referenced edition of the same ANSI standard.



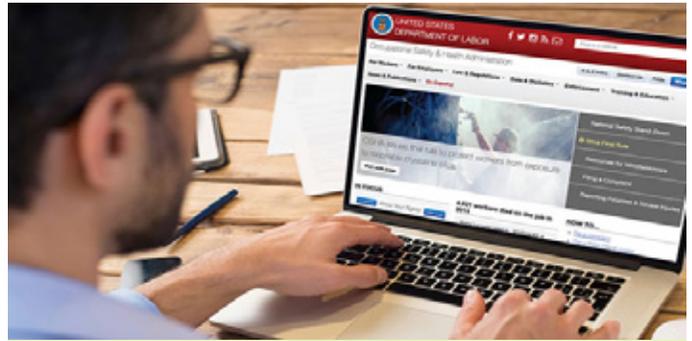
U.S. DOT News

Passengers in Large Commercial Trucks Now Required to Wear Seat Belts

Beginning August 8, passengers riding in large commercial trucks will be required to use seat belts whenever the vehicles are operated on public roads in interstate commerce. Learn more on the [U.S. DOT website](#).

Comment Period Extended on Pipeline Rule

The U.S. DOT has [extended the comment period](#) on the proposed natural gas transmission rule by 30 days, to July 7, 2016. "The proposed regulations address the emerging needs of America's natural gas pipeline system and include commonsense measures to better ensure the safety of communities living alongside pipeline infrastructure and protect our environment," said PHMSA Administrator Marie Therese Dominguez.



ASSE Statement on OSHA's Electronic Recordkeeping Rule

"ASSE reiterates its concern that OSHA's Electronic Recordkeeping rule cannot advance worker safety as well as OSHA hopes. The rule's emphasis on data collected after injuries and fatalities occur is a step backward for safety professionals who work hard to move organizations toward measuring leading indicators, which better indicate how to avoid injuries and illnesses.

Injury and illness rates were never intended to be used as a performance measurement, but that's exactly what's going to happen if they are published. Given the difficulty the DOT is having defending its Compliance, Safety, Accountability (CSA) program's publishing of motor carrier roadside inspection data, OSHA should reconsider the complex data interpretation issues even the safest employers will face when the rule goes into effect.

While companies that hire ASSE members will dutifully strive to meet this new rule as they do all OSHA rules, this standard will not affect companies that already do not adequately report these data and are not committed to their workers' safety. Most likely, the requirement that employer injury data are publicly reported will cause the worst employers to report even fewer incidents. As this rule is implemented, OSHA will still need to improve its efforts to identify the worst employers so it can focus its limited resources to workplaces where the best gains in safety can and need to be achieved."

– ASSE President Michael Belcher

Quick Takes

U.S. Worker Death Rate Rises

The Bureau of Labor Statistics' [final report](#) on U.S. worker deaths in 2014 documents the highest number of deaths since 2008 and the first increase in the overall fatal work injury rate since 2010.

NYC Bans Hands-free Devices for Its Fleet

[OHS Online reports](#) that New York City will bar the use of hands-free phone devices by city fleet operators, except for emergency responders.

Final Report on Deepwater Horizon

[Safety + Health magazine](#) reports that the Chemical Safety Board has issued a final report on the Deepwater Horizon oil rig explosion, citing physical, operational and organizational failures.

Appeals Court Upholds NFL Concussion Settlement

In a [recent ruling](#), the 3rd U.S. Circuit Court of Appeals upheld the \$1 billion NFL class action settlement, saying the settlement may not be perfect but is fair.

New Safety Tools and Resources

OSHA Fact Sheets

OSHA has announced the publication of [three new fact sheets](#), covering confined space emergencies, scaffolding and longshoring.



New Guide for Safety & Health Sustainability

National Safety Council [reports](#) that the Center for Safety and Health Sustainability has released a guide with metrics and best practices for sustainability reporting in occupational health and safety. The guide is part of an initiative to improve performance by standardizing OSH reporting at organizations around the world.

Protecting Young Workers

[A recent posting](#) in the NIOSH Science Blog provides background information and resources for protecting young workers in retail settings.

Safety Video for Tower Climbers

[A new video](#) for tower climbers highlights safety tips for selecting and using capstan hoists. The three-and-a-half minute video was created by the National Association of Tower Erectors.



Articles of Interest

▶ NSC President: Prince's Death a "Sign of the Times"

In a [recent blog posting](#), National Safety Council President Deborah Hersmann discussed Prince's death as part of a national epidemic of opioid-related deaths.

▶ 2016 Job Outlook for Safety Pros

Safety + Health's [2016 Job Outlook survey results](#) answer the question: How is worker safety affected by more frequent career movement among safety professionals?

▶ How to Establish a Culture of Safety

To move an organization from safety-maybe to safety-first, managers must fundamentally shift behaviors, beliefs, and values. See [OHS Online](#).

▶ Assessing Workplace Injury and Illness Data

Workplace injury, illness and death: How good are the numbers and what is being done to produce better data? Find answers in the [NIOSH Science Blog](#).

HOW TO REACH US SOUTH DAKOTA SAFETY COUNCIL

1108 N. West Avenue, Sioux Falls, SD 57104

Phone: 605-361-7785/800-952-5539

Fax: 605-361-2156

E-mail: sdsc@southdakotasafetycouncil.org

southdakotasafetycouncil.org

Cary Swenson Executive Director

Moira Beznoska Office Coordinator

Connie Fitch Manager of Member Services

Rick Kiley Director, Motorcycle Rider Education Program



UPCOMING TRAINING

► July 5 [Defensive Driving Course, Basic \(4-hour\)](#)

DDC-4 is designed for employees who have already been through the eight-hour course, employees who have had traffic violations, or those who drive a company vehicle or their own vehicle on company time. This course also meets DOT regulations for special transportation services driver training.

► July 19–20 [OSHA 10-hour General Industry Training Course](#)

This 10-hour course covers specific OSHA standards, including material handling, machine guarding, exit routes, fire protection, electrical, hazard communication and other OSHA compliance regulations. OSHA Training Institute will issue course completion cards to each student.

You will learn how to:

- Locate and apply OSHA safety and health standards, policies and procedures.
- Use OSHA standards and regulations to supplement an ongoing safety and health program.
- Identify common violations of OSHA standards and propose abatement actions.
- Describe appropriate procedures for selected safety hazards.
- Conduct internal training on OSHA regulations.

► July 26 [Forklift Train-the-Trainer PLUS](#)

Looking for a smart and effective way to re-energize or completely revamp your forklift training without a huge time commitment? Get a fresh start by attending our *Forklift Train-the-Trainer PLUS* workshop! You'll get a new DVD program and the training to implement it — all for just the cost of the



program! This is not just another lecture about the standards — this is a chance for you to discuss best practices and motivational techniques with your peers from across the state, facilitated by a great trainer.

► July 27 [First Aid/CPR/AED Training](#)

First Aid training covers the basics: breathing emergencies, sudden illness and injury, bleeding and preventing disease transmission. The CPR/AED training covers basic life support, emergency scene assessment, CPR and rescue breathing and choking. You'll also learn operating characteristics of AEDs and proper precautions and maintenance techniques. Upon course completion, you will receive National Safety Council First Aid/CPR/AED certificates.

► October 3–4, 6–7 [Principles of Occupational Safety & Health](#)

NOTE: The October 2016 POSH course *includes free attendance at the October 5 South Dakota Safety & Health Conference — a \$220 value!* We've scheduled two days of POSH on either side of the conference so that you can also dive into all the learning and valuable networking it provides. (More conference information coming soon.)

This course provides you with solid knowledge of safety practices and terminology. You'll get the confidence you need to implement a comprehensive safety process in your organization.

- Get a balanced perspective on the full scope of occupational safety and health issues.
- Organize and communicate an effective safety program.
- Learn techniques to identify and target hazards specific to your organization, and take actions to prevent incidents and related costs.

Principles of Occupational Safety and Health is a required course for the National Safety Council's [Advanced Safety Certificate](#), recognized by the South Dakota Department of Labor and Industry as a qualifying credential for health and safety professionals.

Training for Emergencies: Be Prepared

Training your employees for an emergency isn't a luxury, it's a requirement — and our proven, flexible [First Aid/CPR/AED training](#) gives you options to meet your internal needs, budget and schedule.

Want to develop in-house trainers? You or designated employees can become [authorized instructors](#) and train on your own schedule.

We can provide employee training at your location, or through our monthly “hands-on” course in Sioux Falls. Learning to respond effectively reduces lost time, increases productivity and improves morale. Our training instills the confidence to respond to emergencies at work, at home and in the community. [Learn more](#) about our First Aid/CPR/AED training options.



► If you have questions or would like to schedule training, contact Moira at 605-361-7785/800-952-5539 or moira@southdakotasafetycouncil.org.

NEW VEHICLE EMERGENCY KIT!

Our Vehicle Emergency Kit keeps you prepared for minor roadside emergencies. Keep your employees and your family safe by putting one in every vehicle!

THE AAA EXPLORER ROAD KIT INCLUDES:

- Double-sided carry bag
- Heavy duty booster cables
- 45-piece first aid kit
- Emergency poncho
- Aluminum flashlight with 9 LEDs
- Batteries
- Roll of duct tape
- Phillips screwdriver
- Flat head screwdriver
- Utility knife
- Shop cloths
- Bungee cord
- Cable ties
- Pair of cotton gloves
- Emergency whistle
- Accident forms and guide



**MEMBER
PRICE
\$39.95**

► To order, visit [our website](#) or contact Moira at 605-361-7785/800-952-5539 or moira@southdakotasafetycouncil.org.

Regulatory Update from AIHA



BY STEVE GUTMANN, CIH, CPE, FAIHA

The following blog posting is a synopsis of the [latest monthly regulatory update](#) from the American Industrial Hygiene Association.

Budget Agreement in Congress is Elusive

Efforts in the House and the Senate for a budget agreement don't look promising. That raises the likelihood of a government shutdown at the end of September or a "Continuing Resolution."

TSCA Reform is Still Alive

Separate bills have passed the House and Senate and there is bipartisan effort to come up with one bill.

Quick Look:

- **Government contracts:** Republicans are trying to stop a Presidential Executive Order that would make it more difficult for companies that violate labor and safety rules to get government contracts.
- **Voluntary Protection Program (VPP):** Legislation has been introduced in the Senate to make the VPP permanent.
- **Common sense OSHA reform:** House Republicans are pushing reforms that would limit OSHA from fining employers for "non-serious" infractions.

Silica Standard Challenged in Court

- **Effective dates:** The standard takes effect June 23, but compliance dates are more than a year away.
- **State action:** OSHA wants states to adopt the rule's requirements within six months.
- **Lawsuits files:** The suits have been consolidated and will be heard by the U.S. Court of Appeals for the District of Columbia.
- **Dr. Michaels weighs in:** Dr. Michaels has said he believes the rule will withstand legal challenges and lives will be saved.
- **Action in Congress:** Hearings were held by a subcommittee in the House. There is also talk of reintroducing an appropriations rider on OSHA prohibiting them from spending money on the rule.



- **Congressional Research Service:** They have issued a 14-page report summarizing silica issues, the history of regulating exposure and recent actions.

Record Keeping Rule Moving Forward

The Office of Management and Budget has notified OSHA the agency can move forward with its efforts to issue an electronic record keeping rule. (See more about the rule on page 2.)

OSHA Fines to Increase

Congress has allowed OSHA to increase penalties by up to 82% to catch up since the last time fine limits were established years ago.

- **Maximum repeat or willful violations:** Maximum fines will increase to \$124,709 from \$70,000.
- **Serious or other than serious violations:** Maximum fines will increase to \$12,471 from \$7,000.
- **Effective date:** OSHA is expected to apply the new fine levels on or after August 1.

Worker Fatality Rate Increases

The fatality rate increased about 5 percent to 3.4 deaths per 100,000 full time equivalent workers. That's the first increase since 2010.

OSHA and NIOSH Guidance on Zika Virus

OSHA and NIOSH have issued interim guidance that provides recommendations on protecting workers who may be at risk for infection with the Zika virus.

OSHA Hot Work/Welding Tips

We've had a couple tragic incidents recently in South Dakota where people were killed while welding in confined spaces. The following information from OSHA highlights hazards of hot work/welding and potential solutions.

All hot work is potentially hazardous and a [hazard assessment](#) should be performed to determine where the hazards exist.

Potential Hazard

- ▶ **Injury and illness caused by hot work (such as, welding fumes, UV light, sparks, noise, or skin injury).**

Possible Solutions

- Inspect the work area to ensure that all fuel and ignition sources are isolated by shielding, clearing the area, lockout/tagout, soaking flammable material with water.
- Wear appropriate personal protective equipment, such as face shield, leather welder's vest, and gauntlet gloves. Use cotton or denim clothing.
- Provide UV shielding for arc welding where practical.
- Inspect welding and cutting equipment before use (arc or gas welding/burning).
- Leak-test gas torches, gauges, and hoses.
- Review the hot work permit if available.
- Ensure the availability of adequate fire watch/fire protection equipment.

- Ensure adequate ventilation from toxic welding and cutting fumes.

Special Hazard

- ▶ **Accumulation of toxic gases within a confined space.**
- ▶ **A hazardous atmosphere exists in oxygen-deficient (atmospheric concentration of less than 19.5 percent) or oxygen-enriched (atmospheric concentration of more than 23.5 percent).** [\[29 CFR 1910.146\]](#)

Possible Solutions

- Ventilate toxic metal fumes mechanically, if entering a [confined space](#), such as inside of a mud tank, water tank, oil tanks, hoppers, sump, pit or cellar.
- Use a written permit system to document authorization to enter, the work to be performed, and the results of the gas monitoring where there is a potential for toxic, flammable, or oxygen-deficient atmosphere. Both a hot work and confined entry permit may be required for welding, cutting or brazing within a confined space.

Additional Information

- [ANSI Z49.1-67](#) Safety in Welding and Cutting, American National Standards Institute
- [AWS Z49.1-88](#), Safety in Welding and Cutting and Applied Processes, American Welding Society

Source: Federal OSHA
[osha.gov/SLTC/etools/oilandgas/general_safety/hot_work_welding.html](https://www.osha.gov/SLTC/etools/oilandgas/general_safety/hot_work_welding.html)

Off-the-Job: Fire Marshal Offers Fireworks Safety Tips

Certain fireworks can be sold legally in South Dakota from June 27 through July 5. Since some cities may have fireworks limits that are stricter than state law, South Dakota State Fire Marshal Paul Merriman suggests that citizens check local ordinances and regulations. Recent hot weather also has increased the fire danger index in many areas of the state. Merriman says those who use fireworks have to be even more careful and use common sense.

Consider these backyard fireworks safety tips from the American Pyrotechnic Association:

- Buy from a licensed dealer and read all instructions.
 - Don't give fireworks to children — even simple devices like sparklers can cause severe burns.
 - Alcohol, drugs and fireworks don't mix — save your alcohol for after the show.
 - Wear safety glasses.
 - Set off one firework at a time and quickly move away.
 - Have a bucket of water and a hose near by.
 - Don't carry fireworks in your pocket and never point them at people.
- ▶ **More tips at americanpyro.com/backyard-fireworks-tips.**





In the Swim – Safely!

Whether it's a trip to the beach or a dip in the community or backyard pool, here are a few tips to ensure that swimming is safe as well as fun!

No Substitute for Active Supervision

- Actively supervise children in and around water — including pools, spas, lakes and water parks — giving them your undivided attention.
- Remain within arm's reach of infants or toddlers when they're in or around water.
- We all feel the need to multi-task, but this is the time to avoid distractions of any kind.
- Learn about the Water Watchdog Program; download a [Water Watcher card](#) here.

Extra Steps Around Pools

- Make sure backyard pools have four-sided fencing that's at least 4 feet high and a self-closing, self-latching gate to prevent a child from wandering into the pool area unsupervised.
- When using inflatable or portable pools, remember to empty them immediately after use. Store them upside down and out of children's reach.

Check the Drains

- Educate your children about the dangers of drain entanglement and entrapment and teach them to never play or swim near drains or suction outlets. Pools that pose the greatest risk of entrapment are children's public wading pools, in-ground hot tubs, or any other pools that have flat drain grates or a single main drain system.
- If you spot a loose, missing or broken drain cover, report it to the pool operator or hotel management immediately.
- Check to make sure your pool or hot tub's drains are compliant with the [Pool and Spa Safety Act](#).

Be Prepared! Learn CPR

- We know you have a million things to do, but learning CPR should be on the top of the list. It will give you tremendous peace of mind.

Sources: *Safe Kids Worldwide; Abbey's Hope*

Free Life Jacket Loaner Program for All Ages

South Dakota Game, Fish and Parks (GFP) is reminding anglers and boaters that the state's life jacket loaner program offers sizes for infants to adults. All life jackets are in clean working order and approved by the U.S. Coast Guard. They are free and can be loaned out for up to two weeks at a time. The program is designed to educate the public about life jacket wear and safety and provides a way to get life jackets to those who need them. Life jackets are required by state law for every person aboard a watercraft.

- ▶ For a loaner program in your area, see gfp.sd.gov/news/news/june/20.aspx.



MEMO to Members is a publication of the South Dakota Safety Council.

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EDITOR Ann Kulenkamp | EDITORIAL ASSISTANT Kristy Zack | DESIGNER Melissa Litecky



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1108 N. West Avenue, Sioux Falls, SD 57104

Phone: 605-361-7785 / 800-952-5539

Fax: 605-361-2156

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