

# Memo to Members

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## OSHA: Practices That Could Discourage Reporting

A recent federal OSHA memo has potential ramifications for shaking up traditional safety programs. The [“Employer Safety Incentive and Disincentive Policies and Practices” memo](#) outlined several types of workplace policies and practices that could discourage reporting and could constitute unlawful discrimination and a violation of the OSH Act’s section 11(c) and other whistleblower protection statutes. OSHA’s examples included:

- Employers who have a policy of taking disciplinary action against employees who are injured on the job, regardless of the circumstances surrounding the injury.
- Disciplining an employee who reports an injury on the grounds that the employee has violated an employer rule about the time or manner for reporting injuries and illnesses. While recognizing employers’ legitimate interest in establishing procedures for receiving and responding to reports of injuries, OSHA states that these procedures must be reasonable and may not unduly burden the employee’s right and ability to report.
- Disciplining an employee who reports an injury on the grounds that the injury resulted from the violation of a safety rule by the employee. Among the issues to be considered here are whether the employer also monitors for and disciplines those who break the rule but are not injured – if not, it could be considered discrimination.
- Programs that unintentionally or intentionally provide an incentive to not report injuries. In addition, if the incentive is great enough that it dissuades “reasonable workers” from reporting injuries, the program would result in a recordkeeping violation, since cases that should be reported on the 300 log will not be.

OSHA also makes note that the potential for unlawful discrimination under all of these policies may increase when management or supervisory bonuses are linked to lower reported injury rates.

### Free Member Video Conference: OSHA Final Rule for the Haz Com Standard July 18, 8:00 – 10:00 a.m.

Learn how changes will affect criteria for classification of hazards; new labeling requirements and standardization of substances; changes to Safety Data Sheets (SDSs); training requirements. Viewing location [details online](#). To register, contact [Connie Greguson](#) or [Diane Hall](#): **605-361-7785/800-952-5539**. (See related article on page 6.)

# Lockout/Tagout Procedures

We get a lot of questions from members about lockout/tagout and it continues to be one of the standards most frequently cited by OSHA (see page 6). So, let's take a look at the basics:

The purpose of lockout/tagout procedures is to prevent injuries from the unexpected energization, start-up or release of stored energy that could cause injury. These energies include electrical, mechanical, thermal, steam, chemical, explosive, hydraulic, pneumatic and gravity.

The lockout/tagout procedure must be followed whenever an employee is performing maintenance, service, or repair work on machines or equipment. Maintenance includes constructing, installing, setting up, adjusting, inspecting, modifying, lubricating, cleaning or unjamming machines, making adjustments or tool changes.

The general lockout procedures are:

1. Employee notification: Notify all affected employees that a lockout or tagout system is going to be utilized and the reason for the lockout.
2. Preparation: Locate all energy sources that need to be isolated.
3. Equipment shutdown: Shut down the equipment by normal stopping procedure such as a depress stop button, open toggle switch, etc.
4. Verification: Attempt to engage equipment. Return switch to the "off" position.
5. Safely release stored energy: Drain all valves, bleed off air from the system or eliminate stored hydraulic pressure. Test to make sure all energy was disconnected or released.
6. Implement energy-isolating device: Use a mechanical device to physically prevent the transmission or release of energy.
7. Apply lock/tagout device: Place assigned lock/tag on disconnect switch, valve, or other locking device.
8. Test start: After ensuring that no personnel are exposed and all energy sources have been disconnected, operate the button or other normal operating controls to make sure the equipment will not operate.
9. Perform maintenance.
10. Restore locked equipment: Notify personnel in start-up area. Clear tools and repair equipment from the area. Replace all machine guards. Remove all locking devices. Restore all isolating devices. Notify operating personnel of operation status.

Questions about lockout/tagout? Call us at 605-361-7785/800-952-5539 to connect with Tony Drovda, our occupational safety and health consultant.



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## At Your Fingertips: Online Resources

### CSB Releases New Safety Video Compilation

The U.S. Chemical Safety Board (CSB) has released its latest compilation of safety videos which includes “Fatal Exposure: Tragedy at DuPont,” (three events over a 33-hour period at a plant in West Virginia); “Experimenting with Danger,” (hazards related to research at chemical labs in academic settings); and “Iron in the Fire,” (three iron dust fires at a plant in Tennessee). You can [review](#) all CSB videos or [request](#) a DVD on the CSB website. All are based on actual CSB investigation findings and recommendations, and are designed to encourage application of lessons learned to real world plant operations.

### Fatal Injury Costs by Industry

NIOSH has published a series of fact sheets showing the cost of fatal occupational injuries for a variety of industries, broken out by industry section. The data, from 2003 – 2006, includes rates, numbers, and worker characteristics (gender, age, race and ethnicity). The fact sheets include

[Transportation, Warehousing and Utilities, Air Transportation, Transit and Ground Transportation, Truck Transportation, Utilities, Warehousing and Storage](#) and other industries.

### Overexertion Leads Top Ten Serious Non-Fatal Work Injuries

Liberty Mutual’s new annual Workplace Safety Index lists the top ten causes of serious non-fatal workplace injuries in 2009 led by overexertion, falls on same level and fall to lower level. Liberty Mutual says the cost of the top ten amounted to \$50.1 billion in direct workers’ compensation costs – 89.3 percent of the entire cost of disabling work-related injuries in 2009. Find more [details on the Liberty Mutual website](#); click the edition of *Research to Reality* titled “Workplace Safety – New Research Directions” and scroll to page 6.



## Boomers, Gen X and Y, and the Transfer of Organizational Knowledge

Many workplaces contain three or four distinct generations of workers: the “silent” generation (born 1933 – 1945); Baby Boomers (1946 – 1964); Generation X (1965 – 1980); and Generation Y/Millennials (1981 – 2000.) As older workers prepare to retire over the next few years, the issue of transferring knowledge within organizations may become a more critical issue. Generational expert Robert Wendover has identified several trends affecting transfer of knowledge within organizations in his article “[Incoming Knowledge – Got a Clue?](#)” Here’s a quick summary:

The various generations may place more or less value on different types of knowledge (e.g., skills-based with immediate use in daily operations versus experiential wisdom that is applied to organization strategy, crisis management, etc.). For some younger workers, knowledge that isn’t available digitally may be judged as less meaningful or relevant.

Technology is driving us toward “menu-driven” thinking that replaces traditional problem-solving approaches. While technology can enhance training for younger workers,

Wendover proposes that relying on menu-driven options comes at the expense of nuanced critical thinking.

Emerging generations are immersed in a multimedia environment, but the nature of knowledge transfer, particularly when it is non-technical, relies on “patient information gathering and processing.” Wendover provides the example of a veteran leader passing wisdom and insights to an emerging leader, which typically involves storytelling, discussion and repeated exposure to the environment. “Veteran workers must distill their experiences and wisdom down to the essentials,” he says. “Emerging workers must accept the fact that the nuances of this transfer will take considerable time and effort.”

Emerging generations equate knowledge and skills with employability and actively seek out new experiences and knowledge bases. However, the act of acquiring these experiences and knowledge does not equal topical mastery, Wendover says, and in fact, can be off-putting to veteran workers, who are more likely to favor someone with experience.

# OSHA Discusses the ROI of Injury/Illness Prevention Programs

A recent OSHA white paper, "[Injury and Illness Prevention Programs](#)," makes the case for the value of injury and illness prevention programs. Among the report's key points:

- Despite the combined efforts of employers, workers, unions, safety professionals and regulators, more than 4,500 workers lose their lives and more than four million are seriously injured each year. Tens of thousands more die or are incapacitated because of occupational illnesses.

The human toll from this loss is incalculable and the economic toll is enormous. One widely-cited source regarding estimates of the magnitude of these costs is the Liberty Mutual Research Institute, which reports the direct cost of the most disabling workplace injuries in 2008 to be \$53 billion (Liberty Mutual Research Institute, 2010).

Another source, the National Academy of Social Insurance (NASI), estimates the annual workers' compensation benefits paid for all compensable injuries and illnesses in 2009 at \$58 billion (National Academy of Social Insurance, 2011).

NASI further reports the total costs paid by employers for workers' compensation increased from \$60 billion in 2000 to \$74 billion in 2009.

In addition to these direct costs, employers incur a variety of other costs that may be hidden or less obvious when an employee is injured or ill, but in most cases involve real expenditures of budget or time, ranging from 1.1 (for the most severe injuries) to 4.5 (for the least severe injuries) times the direct costs.

- Many employers in the U.S. have been slow to adopt a workplace "safety culture" that emphasizes planning and carrying out work in the safest way possible.
- Injury and illness prevention programs are based on proven managerial concepts that have been widely used in industry to bring about improvements in quality, environment and safety, and health performance. Effective

injury and illness prevention programs emphasize top-level ownership of the program, participation by employees, and a "find and fix" approach to workplace hazards.

- Injury and illness prevention programs need not be resource-intensive and can be adapted to meet the needs of any size organization.

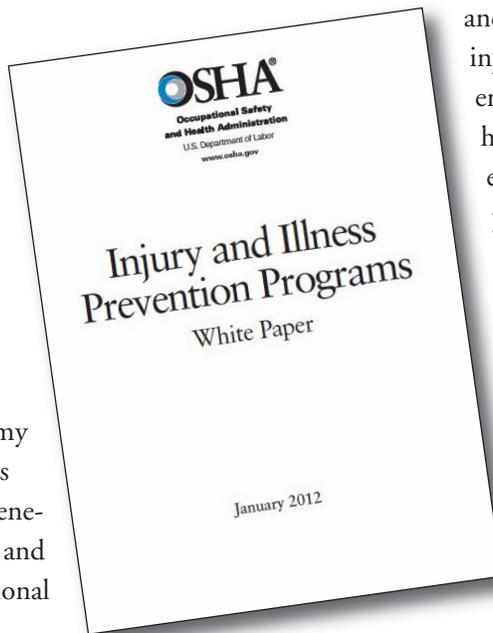
OSHA estimates that implementation of injury and illness prevention programs will reduce injuries by 15 percent to 35 percent for employers who do not now have safety and health programs. At the 15 percent program effectiveness level, this saves \$9 billion per year in workers' compensation costs; at the 35 percent effectiveness level the savings are \$23 billion per year. In addition to these workers' compensation savings, employers could also save indirect costs incurred when an employee is injured or ill.

Beyond the monetized benefits of injuries and illnesses averted, and lives saved, nonmonetized costs of workplace injuries and deaths include uncompensated lost wages, the loss of human capital assets, the

loss of productivity, the cost of other government benefits required by injured workers or their survivors, the loss of government tax revenues, other business expenses, and other losses not compensated by workers' compensation or other insurance.

In summary, OSHA believes that adoption of injury and illness prevention programs based on simple, sound, proven principles will help millions of U.S. businesses improve their compliance with existing laws and regulations, decrease the incidence of workplace injuries and illnesses, reduce costs (including significant reductions in workers' compensation premiums) and enhance their overall business operations.

Read the complete report at <http://www.osha.gov/dsg/topics/safetyhealth/OSHAwhite-paper-january2012sm.pdf>.



## OSHA Launches Heat Illness Prevention Campaign

Federal OSHA has kicked off a national outreach campaign to educate workers and their employers about the hazards of working outdoors in hot weather. Among the at-risk workers highlighted by OSHA: agriculture workers; building, road and other construction workers; utility workers; baggage handlers; roofers; landscapers; and others who work outside. The agency has developed heat illness [educational materials](#) in English and Spanish, as well as a curriculum to be used for workplace



training. Additionally, a Web page provides information and resources on heat illness – including how to prevent it and what to do in case of an emergency – for workers and employers. The page is

available at <http://www.osha.gov/SLTC/heatillness/index.html>.

OSHA also has released a free application for mobile devices that enables workers and supervisors to monitor the heat index at their work sites. The app displays a risk level for workers based on the heat index, as well as reminders about protective measures that should be taken at that risk level. Available for Android-based platforms and the iPhone, the app can be downloaded in both English and Spanish by visiting <http://s.dol.gov/RI>.

Every year, thousands of workers across the country suffer from serious heat-related illnesses. If not quickly addressed, heat exhaustion can become heat stroke, which has killed – on average – more than 30 workers annually since 2003. Labor-intensive activities in hot weather can raise body temperatures beyond the level that normally can be cooled by sweating. Heat illness initially may manifest as heat rash or heat cramps, but quickly can become heat exhaustion and then heat stroke if simple prevention steps are not followed. OSHA notes that simply drinking plenty of water and taking frequent breaks in cool, shaded areas are incredibly important in the hot summer months.

## New Report: Nearly a Third of Workers Are Sleep Deprived

A recent report from the National Institute for Occupational Safety & Health (NIOSH) focuses on inadequate sleep among U.S. workers. The report was published in the [April 27 issue](#) of the U.S. Centers for Disease and Control's (CDC) *Morbidity & Mortality Weekly Report*. The report found that overall, 30.0% of civilian employed U.S. adults (approximately 40.6 million workers) reported an average sleep duration of six hours or less per day. The prevalence of this short sleep duration varied by industry. It was significantly higher among workers in manufacturing (34.1%) compared with all workers combined. Among all workers, those who usually worked the night shift had a much higher prevalence of short sleep duration (44.0%, representing approximately 2.2 million night shift workers) than those who worked the day shift (28.8%, representing approximately 28.3 million day shift workers). An especially high prevalence of short sleep duration was reported by night shift workers in the transportation and warehousing (69.7%) and health-care and social assistance (52.3%) industries.

## Young Worker Safety and Health

As we approach the summer hiring season, many workplaces will add seasonal workers who are teens. Find numerous resources for young worker safety on the NIOSH web site at <http://www.cdc.gov/niosh/topics/youth/pubs.html>. Industry-specific publications address restaurant work; landscaping, greenhouses and nurseries; and farm work.

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# Federal OSHA's Most Frequently Cited Standards, Federal Fiscal Year 2011

- Scaffolding, general requirements, construction ([29 CFR 1926.451](#)) [[related OSHA Safety and Health Topics page](#)]
- Fall protection, construction ([29 CFR 1926.501](#)) [[related OSHA Safety and Health Topics page](#)]
- Hazard communication standard, general industry ([29 CFR 1910.1200](#)) [[related OSHA Safety and Health Topics page](#)]
- Respiratory protection, general industry ([29 CFR 1910.134](#)) [[related OSHA Safety and Health Topics page](#)]
- Control of hazardous energy (lockout/tagout), general industry ([29 CFR 1910.147](#)) [[related OSHA Safety and Health Topics page](#)]
- Electrical, wiring methods, components and equipment, general industry ([29 CFR 1910.305](#)) [[related OSHA Safety and Health Topics page](#)]
- Powered industrial trucks, general industry ([29 CFR 1910.178](#)) [[related OSHA Safety and Health Topics page](#)]
- Ladders, construction ([29 CFR 1926.1053](#)) [[related OSHA Safety and Health Topics page](#)]
- Electrical systems design, general requirements, general industry ([29 CFR 1910.303](#)) [[related OSHA Safety and Health Topics page](#)]
- Machines, general requirements, general industry ([29 CFR 1910.212](#)) [[related OSHA Safety and Health Topics page](#)]

## OSHA Issues Alert on Defective Respirator

Federal OSHA has issued an [alert](#) to employers and workers using the CSE Corporation's SR-100 Self-Contained Self-Rescuer (SCSR). Some of these devices have a critical defect that may cause the release of insufficient oxygen during start-up, which could immediately result in a life-threatening situation. While it's predominantly used for emergency escape in underground coal mines, the respirator does get used in other settings. OSHA says that employers should immediately take steps to replace these respirators and must remove them from service no later than May 31, 2012.



## FAQs About the New Haz Com Standard

In late March, federal OSHA published a [major overhaul of the Hazard Communication standard](#) (1910.1200). HazCom is the rule addressing MSDS and chemical labeling. The rule is effective May 25, 2012, but the compliance dates allow lots of time to transition to the new rules. Here's what you need to know:

### What is the reason for the revision to the standard?

The new rule standardizes HazCom with the international Globally Harmonized System of Classification and Labeling of Chemicals (GHS) system, and will require a complete overhaul of all MSDSs, chemical labels, and employee training programs. The goal is standardization of chemical information, better classification of hazards and more complete information for chemical users.

**What are the compliance dates for the federal rule?** In the new system, MSDSs will be called "SDSs" — safety data sheets. Covered employers must complete all training regarding the new label elements and SDS format by **December 1, 2013**

since employees will begin seeing the new style labels considerably earlier than the compliance date for labeling.

OSHA is requiring compliance with all of the provisions for preparation of new labels and safety data sheets by **June 1, 2015**. Systems that meet either the new or old rules are acceptable until that date. However, distributors will have an additional six months (until **December 1, 2015**) to distribute containers with old labels in order to accommodate those they receive very close to the compliance date. Employers will also be given an additional year (until **June 1, 2016**) to update their hazard communication programs or any other workplace signs, if applicable.

Additional information is available on OSHA's [Hazard Communication Safety and Health topics page](#). It includes links to OSHA's revised Hazard Communication Standard and guidance materials such as Q and A's, fact sheets and Quick Cards. Also, attend our July 18 video conference (see front cover for details.)



## Prepare Your Employees for the One Hundred Deadliest Days

Warmer weather brings a significant spike in roadway deaths. Whether your employees drive on the job or simply to and from work, they are at greatest risk when our weather is at its best – and that puts your organization’s resources, productivity and bottom line at risk, too.

Although we see more crashes in the winter, more people are killed on our roads in the summer. Why? Weather is ideal and roads are clear, so people let their guards down – they’re complacent. More people are on the roads and often driving in unfamiliar areas. Speeds are higher, leading to more severe impact if a crash occurs.

How can you most effectively target your resources and messages? Focus on the following behaviors:



**Speed**, which includes going too fast for existing conditions, is one of the leading factors in crashes on our roads. Drivers need to follow speed limits and adjust for road and weather conditions.

**Distraction/inattention** is another leading factor. We tend to think of cell phone use or texting when we talk about distraction, but it can be as simple as daydreaming or looking at a billboard. We need to be mentally engaged with our driving. Plan ahead to eliminate distractions. For longer trips, put someone else in charge of the map or communicating with others in the vehicle.

**Alcohol impairment** is a factor in about 30 percent of traffic deaths. Alcohol impairs judgment, which leads to bad decisions. The result? Arrests, crashes, injuries and worse. Anyone who plans to drink has to plan ahead for a safe and sober ride home. State troopers report that when an impaired driving crash or death happens, people who knew the victim will often say they “knew it was going to happen sometime.” If you have an employee with an alcohol problem, step in and help them get help.

Also promote awareness of the effect of prescription drugs. Persons taking them should ask questions about how they’ll be affected, the impact on their ability to drive safely, and potential interactions with other medications.

**Wearing a seat belt** is the law, but it’s still a significant factor in crashes, particularly in rural areas where people feel “safer,” away from heavier urban traffic. However, it’s in those rural areas that we have the highest percentage of deaths in which people weren’t belted. We need to buckle up in every seat, every time. It’s the easiest thing we can do to protect ourselves – and it’s the law.

Find employee awareness materials, sample policies, suggested activities and other resources to support your efforts at [www.southdakotasafetycouncil.org/traffic/index.cfm](http://www.southdakotasafetycouncil.org/traffic/index.cfm) or contact Diane: [dhall@southdakotasafetycouncil.org](mailto:dhall@southdakotasafetycouncil.org); 605-361-7785/800-952-5539.

### Younger Workers at Greater Risk

Younger workers, particularly teens, are at greater risk on our roads. Traffic crashes are the leading cause of death for teens and young adults. The crash rate for 16 – 19 year-olds is four times that of older drivers. While risky behavior increases the chances of a crash, teens who are not risk-takers and who are responsible, smart, “good” kids can make mistakes or errors in judgment while driving. Primary risk factors for young drivers include:

- Poor hazard detection, related to inexperience
- Low risk perception – a tendency to underestimate crash risk and to overestimate the ability to avoid threats
- Risk taking – the part of the brain that helps us anticipate the consequences of our actions doesn’t fully develop until the mid-20s
- Failing to wear seat belts
- Distracted or inattentive driving
- Carrying passengers – the more passengers, the higher the risk
- Driving at night
- Alcohol and drug impairment

The information in the Memo to Members is compiled from sources believed to be reliable. We've exercised reasonable care to assure its accuracy, but make no guarantees. The South Dakota Safety Council makes no representation or guarantees of results and assumes no liability in connection with the information contained in the Memo, including whether such information or suggestions are appropriate in all circumstances. Statements attributed to other sources do not necessarily reflect the opinion or position of the South Dakota Safety Council.

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## Motorcycle Program Honors Highway Safety Director Lee Axdahl



*South Dakota Motorcycle Rider Education Program Director Rick Kiley (right), presented an award to Lee Axdahl, Director of the South Dakota Office of Highway Safety, in appreciation of his support and dedication to the motorcycle program, which is coordinated by the South Dakota Safety Council. The award was presented at the South Dakota Transportation Safety Conference in April.*

## Boating Safety, Bicycle Safety and More

Have fun on the water and still be a responsible boater with these reminders from the South Dakota Department of Game, Fish and Parks:

- Wear your life jacket. Always.
- Make sure your boat has *all* required safety equipment.
- Avoid alcohol while boating. Alcohol use affects judgment, vision, balance, and coordination. Reports suggest that alcohol was a contributing factor in about one in five boating fatalities.
- Complete an approved boating safety course. You may save on your boat insurance, and you most certainly will be a more knowledgeable operator for it.
- Know the rules. They were developed for your safety, and the safety of those around you.
- Don't overload. Know the capacity of your boat and stay within those limits.
- Boat with a partner, and let family or friends know of your boating plans.
- Check the weather forecast.

Find links to more boating safety information, regulations and boating safety courses at <http://gfp.sd.gov/fishing-boating/boating/default.aspx>.

### Bicycle Safety Quick Tips

With warmer days on the way (and gas prices still, well, pricey), more people are using bicycles to get from place to place. A bicycle on a roadway is considered a vehicle with the same responsibilities as other motor vehicle drivers, including riding in the same direction as traffic and obeying traffic signs, signals, and lane markings.

- Bicyclists and motorists share responsibility as they share the road. Courtesy while driving a bicycle or a motor vehicle is important to everyone's safety.
- Before heading out, bicyclists should routinely check brakes, chains and tires.
- Whether the ride is short or long, wearing a properly fitted bicycle helmet is the single most effective way to prevent head injury in case of a crash.
- Motorists should allow at least three feet clearance when passing a bicyclist on the road, look for cyclists before opening a car door, and be especially watchful of bicyclists at intersections and when making turns.



Find fact sheets on numerous summer safety topics on our website at <http://www.southdakotasafetycouncil.org/facts/f-home.cfm>.