



NEWS FROM STEEL TANK INSTITUTE-STEEL PLATE FABRICATORS ASSOCIATION

Safety & Health SPOTLIGHT

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MARCH 2016 Members Only

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What to do before and after OSHA



knocks: Legal aspects of OSHA and citation defense

Webinar March 23

Presented by Fisher & Phillips LLP of Atlanta, this interactive and comprehensive presentation offers attendees an in-depth, practical examination of the Occupational Safety and Health Act (the "Act") and how it, and the Secretary of Labor's right to enforce the Act, may potentially affect his or her business.

Attendees will be provided a thorough analysis of the Act, including its history and purpose, the type of citations (e.g., serious, other-than-serious, willful, and repeat), penalties, including both civil and criminal, that may be issued under the Act, and a step-by-step discussion of the legal process implicated when a citation is issued.

Throughout the presentation, attendees will be provided practical, "real world" information regarding the various legal aspects of the Act, including references to many actual scenarios (e.g., photos, videos, factual circumstances) under which citations under the Act have been issued. Education regarding the Secretary of Labor's right to issue the various types of citations will be a focus. Specifically, attendees will learn the ramifications that may result from the payment of citations (e.g., repeat and willful citations), even after settlement negotiations with the Secretary of Labor have taken place.

[Click here to learn more and register for this webinar...](#)

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Should someone

Confined Space in Construction: What's new?

Jim Rhudy and Wilson Frazier report

It's been nine years since an OSHA standard for "confined spaces in construction" was proposed. Introduced in 2007, the comment period and public hearing on the standard began in 2008. STI-SPFA presented both written and oral testimony on behalf of the steel tank industry. The Final Rule was published May 4 and the effective date was October 2, 2015.

Throughout that time, Wilson Frazier of Caldwell Tanks and Jim Rhudy, STI-SPFA's Safety Consultant, have attended meetings, provided comment, and reported on the status of this new rule. In the end, though, the final Confined Space in Construction standard (29 CFR 1926 Subpart AA, 1926.1201-1213) is very similar to the existing General Industry Standard. (OSHA advises if there is confusion about whether the General Industry or new Construction standard applies, then follow the Construction rule.)



Learn what's new in the Confined Space Construction rule

However, the new rule does offer an alternative way to enter a "permit-required confined space," if you are able to follow these procedures [29 CFR 1926.1203(e)(1) and (2)]:

- All physical hazards must be eliminated or isolated.
- The only permissible hazard is an atmospheric or potential atmospheric hazard. These hazards must be reduced to safe levels by continuous forced air ventilation.
- The space must be continuously monitored, unless the employer can demonstrate that continuous monitoring is not feasible; then monitoring must be at least periodic

If these alternative procedures are met, then compliance with many of the provisions of the "permit-confined space requirements" may not apply.

It is important to stress the requirement to properly identify, evaluate and classify each space. As construction activities change conditions in the space (i.e. adding/removing potential atmospheric or physical hazards), the space may have to be re-evaluated multiple times during the construction process. This could result in changes from the original classification (and in some cases, declassification) of the space to include "not a confined space" by definition (e.g. removal of a door sheet and no internal configuration that inhibits exit from the space).

In general, when a tank is near completion (e.g. the roof is being installed or the closing seam on a head is being completed), air

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Featured Article

Use this section to focus on the key message of your newsletter. Is there industry news that they should be aware of? How will the news affect your members?



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sampling should be performed to determine weld fume exposure. Similarly, when painting the inside of a tank or applying an epoxy coating, flammability and toxicity readings should be performed. This determines over-exposures, effectiveness of respiratory protection, and whether the "alternative procedure" is applicable.

This is not to suggest every tank has to be sampled, but it will provide guidance on future work. Be sure to keep records of sampling, tank/vessel size, openings, and ventilation provided.

Tank fabricators are in the business of building confined spaces. You should have a written confined space program, regardless of whether or not you have any "permit-required confined spaces." Be sure to review the new confined space regulations:

[See OSHA's FAQs here...](#)

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Prescription drug overdose and the workplace

Growing epidemic, says CDC

The Centers for Disease Control and Prevention recently released troubling statistics on the growing epidemic of drug and opioid overdose deaths in the United States, according to Dawn Castillo, MPH, and John Howard, MD, writing for the NIOSH *Science Blog*. Opioids include pain-relieving prescription drugs such as hydrocodone, oxycodone, morphine, codeine and others.

While it is unknown how many drug and opioid overdose deaths are associated with workplace injuries and illnesses, it is clear that this national epidemic is impacting workers and employers. A May 2014 NIOSH blog noted that injured workers are frequently treated with powerful prescription drugs. The blog reported on studies demonstrating that narcotics account for 25% of prescription costs in workers' compensation systems and that those costs are rising.

[Click here to read the NIOSH Science Blog article...](#)

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Medical marijuana in the workplace:

What employers need to know

NSC webinar April 20

Legalization of marijuana - whether for medical or recreational use - is rolling out across the country. It's having an enormous impact on employers, who now have to ask:

- How is marijuana use impacting safety on the job?
- Can an employee file a discrimination lawsuit if medical marijuana use doesn't align with our organization's drug policy?
- How is legalized marijuana affecting the bottom line?
- What does a defensible drug policy look like today?

Christine Clearwater, president of Drug-free Solutions Group, specializes in substance abuse prevention in the workplace. She says the highly politicized battle over marijuana laws can drown out statistics employers should be aware of:

- Car crashes involving marijuana went up 300% between 2010 and 2013, and they continue to rise as more states legalize the drug

- Marijuana is 10 to 20 times stronger today than it was in the 1960s and '70s

Clearwater says employers must put moral, legal and ethical concerns aside when drafting policies around marijuana. These are business decisions, and important ones at that.

[Click here to learn more and register for this NSC webinar...](#)

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OSHA will increase penalties in August

First increases in 25 years

With passage of the bipartisan budget by Congress last November, OSHA now has authority to substantially increase penalties starting in August 2016. These increases will affect your decision to accept an OSHA citation that could result in a Repeat or Willful citation in the future.

[More: see this One Minute Memo from Seyfarth Shaw law firm...](#)

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The Zika Virus: FAQs for Employers

On February 1, 2016, the World Health Organization (WHO) declared the Zika virus a global public health emergency. This article by labor lawyers Fisher & Phillips LLP shares info about the virus and offers answers regarding employees who may have been exposed.



Most important to know is that you cannot prohibit employees, including pregnant employees, from travel to areas where they might be infected with Zika virus. Generally, you can't require either a medical examination or a quarantine period, either.

[Click here to read the entire FAQs article...](#)

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2015 Safety Awards

Recognizing members who excel

STI-SPFA has recognized 53 member companies for their safety records in 2015. Certificates are being mailed to each of them. Because the dates of the 2016 Annual Meeting fell before the Safety Awards deadline, the usual presentation did not take place.

All employees at these member companies are acknowledged for their part in creating a safe workplace. Congratulations!



2015 SAFETY AWARD OF EXCELLENCE

Recognizing companies whose employees have experienced a ZERO (0.00) OSHA Total Recordable Incident Rate for 12 consecutive months.

- | | |
|---|--|
| <ul style="list-style-type: none"> • Blastco Inc. - A TF Warren Company • Brighton Tru-Edge Heads & Fabricated Products, Inc. • Brown-Minneapolis Tank C & E • Caldwell Civil Division • Caldwell Coatings | <ul style="list-style-type: none"> • Kohlhaas Corporation • Lancaster Tanks & Steel Products • Mass Tank • Mid-South Steel Products, Inc. • Modern Welding Company of Texas, Inc. |
|---|--|

- CB&I - Houston Shop
- Chicago Boiler Co.
- Chicago Bridge & Iron
- Delta Nooter, Inc.
- Derson Manufacturing Inc.
- Enerfab Process Solutions & Fabricated Products, Inc.
- Fisher Tank Company, Chester Fabrication Shop
- Fisher Tank Company, Leesville Fabrication Shop
- Induron Coatings, LLC
- J. L. Houston Co.
- Kennedy Tank & Mfg. - Field Division
- Paso Robles Tank Inc. - Central Division
- Paso Robles Tank Inc. - Southern Division
- TARSCO CANADA - A TF Warren Company
- TARSCO Inc. (shop) - A TF Warren Company
- TARSCO Inc. - A TF Warren Company
- Taylor Forge Engineered Systems, Inc. - Greeley
- Taylor Forge Engineered Systems, Inc. - Tulsa
- TrueNorth Steel - Huron
- Westeel

2015 SAFETY AWARD OF ACHIEVEMENT

Recognizing companies that have experienced a minimum 10% reduction in the OSHA Total Recordable Incident Rate, with no fatalities, during the 2015 calendar year, as compared with the average Total Recordable Incident Rate for the three previous years.

- BIR - Brant Industrial Roll - A TF Warren Company
- Blastech - A TF Warren Company
- BRANT - A TF Warren Company
- Boardman, LLC
- Hall Tank Company
- Hamilton Tanks, LLC
- JSW Steel (USA) Inc.
- Modern Custom Fabrication, Inc.
- Modern Welding Company of California, Inc.
- Modern Welding Company of Georgia, Inc.
- Modern Welding Company of Iowa, Inc.
- Modern Welding Company of Ohio, Inc.
- Modern Welding Company of Owensboro, Inc.
- Pacific Tank & Construction, Inc.
- Southern Tank & Manufacturing Company
- Steel Tank and Fabricating Corp.
- Taylor Forge Engineered Systems, Inc. - Paola
- T BAILEY, Inc.
- TF Warren Group
- TrueNorth Steel - Fargo
- Ward Tank & Heat Exchanger - Houston Facility
- Ward Tank & Heat Exchanger - Charlotte Facility
- Wyatt Field Service Company

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Safety pros are obsessed about the wrong things

So says Phil LaDuke, worker safety professional

Writing on the *Industrial Safety & Hygiene News* (ISHN) website, Phil LaDuke says that it's time to change the century-old obsession with eliminating injuries, changing worker behaviors, and identifying root causes of injuries. This focus is "reactionary," says LaDuke.

[Read Phil LaDuke's article here...](#)

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In the trenches

Members participate in outside standards groups

There are so many standards and so many opportunities for changes to be made without regard for impact. Luckily, members of the Safety & Health Committee represent STI-SPFA on several other organizations' standards groups:

- A10.43 Confined Spaces in Construction (Robert Clouse,

Phoenix Fabricators; Wilson Frazier, Caldwell Tanks; and Jim Rhudy, Safety Consultant): The chair wants to review

- OSHA's new confined space in construction rule to consider any changes in A-10.43.
- 
- Z117.2 *Safety Requirements for Confined Spaces* (Wilson Frazier, Caldwell Tanks, and CJ Hineman, Fisher Tank) Awaiting OSHA ruling. The OSHA 1926.1200 subpart AA New Construction Standard is very similar to the Industry Construction Standard. Wilson pointed out several areas of concern for our industry: confined space and ventilation, site evaluation, and suspended permits. The Z117.1 standard has more details in it than does the OSHA standard.
- 
- ANSI A14 *Ladders* (Ken Wade, TFES, and Greg Anderson, Kennedy Tank): No current issues to report
 - Crane and Derrick Standards
 - ANSI A10.28 *Safety Requirements for Work Platforms Suspended from Cranes or Derricks* (Robert Clouse): No report
 - Rammelsberg all
 - B30.6 *Safety Code for Derricks* (Steve Rammelsberg, CBI): No report.
 - B30.7 *Safety Requirements for Base-Mounted Drum Hoists* (Steve Rammelsberg, CBI).
 - B30.20 *Below the Hook Lifting Devices* will be addressing comments on the draft for new chapters for clamps. Formal vote coming.
 - B30.5 *Mobile and Locomotive Cranes* is finishing review of comments on the rewrite of the work around powerlines section. ASME is debating guidelines for Hydraulic Platform Transporters best fits.

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Safety & Health Committee presentations planned for member meetings

At each STI-SPFA Fall Conference and Annual Meeting, one presentation on the agenda is developed by the Safety & Health Committee. Here's what's in the works for upcoming meetings:

- 2016 Fall Conference, August 23-25, Houston
 - Instilling a Safety Culture, presented by Greg Anderson
- 2017 Annual Meeting, January 28-31, Naples FL
 - Topic to be determined
- 2017 Fall Conference, dates TBD
 - Medical Case Management and Reportability

We are fortunate to have a dedicated and active group of members serving on the Safety & Health Committee. The committee meets at every Fall Conference and Annual Meeting and you are encouraged to attend and participate.

[Read Safety & Health Committee minutes and more...](#)

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ISHN Welding Safety Update

Handy review of hazards

Here are links to several brief articles about welding hazards. Easy to share with employees--and it never hurts to review!

- [How to avoid electrical shock](#)
- [How to prevent burns](#)
- [Commonly asked questions about welding safety](#)
- [What you should know about welding accidents](#)
- [PPE necessary to keep welders safe](#)
- [Welding hazards and OSHA's three lines of defense](#)

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WebNetTraining, An STI-SPFA member benefit

WebNetTraining™ is a web-based safety training system designed to complement or replace many of the safety training classes required to comply with OSHA. The system also automatically documents and monitors all results, making record-keeping much simpler.



Joe Griffith of Member Paso Robles Tank offers WebNetTraining™ during employee hiring. "I love the program," Joe says. "Workers are able to do the training at home and the documentation is great."

More than **60 modules** are available in one subscription, including:

Back safety	Guarding floor and wall openings	Hand and power tool safety
Confined space entry	Hazard communication	Hearing conservation
Contractor safety	Heat-related illness awareness	Industrial fire prevention
Electrical safety	Ladder safety	Lockout/tagout
Fall protection	Machine guarding	Forklift safety
Overhead crane safety	Personal protective equipment	Scaffold safety
Slips, trips and falls	Walking - working surfaces	Violence in the workplace

WebNetTraining™ features:

- All programs **designed by safety professionals** to reach employees with information they need to be safe.
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- **Track and document employee participation.**
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- A powerful, interesting and **interactive learning experience for employees.**
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Special STI-SPFA Member rate only \$30 per employee per year. For a one-week FREE trial, contact [Dana Schmidt](#).

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Safety booklets available

[Click here to order the latest editions:](#)

- **Basic Safety Rules** booklet for warehousing, fabrication and construction. This booklet serves many members as their company rules book.
- **Tank Builders Scaffold Guidelines** booklet can stand alone or compliment the Scaffold Guidelines Presentation.



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How to navigate www.steeltank.com for Safety & Health resources

You'll find a broad array of information and resources for your safety program on STI/SPFA's Members Only Safety & Health pages. Having trouble finding those pages? [Here's a website navigation document to help.](#)

If you already have a username and password, log in and click "Safety & Health Pages" on the Welcome page. If you don't have Member access, [contact our office.](#)

Our website is a valuable resource for you as a safety and health professional. Check out these useful items:



- **Training Resources:** Materials for use by Member companies for safety training sessions—more than 100 presentations and posters
- **Personnel Incidents**
- **Safety & Health FORUM:** Recall notices, training resources, personnel incidents and news. Join in the discussions.
- **WebNet Safety Training:** Train employees inexpensively, at your plant, for a full year via the Internet
- **OSHA Issues:** Updates to OSHA programs of current interest
- **Tank Use Mishaps:** Monthly online newsletter with stories of mishaps involving tanks and petroleum
- **Safety Awards:** STI-SPFA's Safety Award of Excellence and the Safety Award of Achievement

[Go to the Members Only Safety & Health Pages...](#)

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