

Stark County Safety Council Newsletter

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STARK COUNTY

SAFETY COUNCIL

A committee of the Canton Regional Chamber of Commerce

D.C. COURT OF APPEALS UPHOLDS OSHA'S AUTHORITY TO SET PENALTIES FOR EACH AFFECTED EMPLOYEE

By Jacqueline Bollas Caldwell, Esq.

The United States Court of Appeals for the District of Columbia ruled on April 16th that OSHA has the authority to impose separate penalties for each employee affected by a violation. National Association of Home Builders v. OSHA, D.C. Cir., No. 09-1053 (4-16-10).

The National Association of Home Builders, the United States Chamber of Commerce, and the National Association of Manufacturers challenged OSHA's authority in its Final Rule issued December 12, 2008, which clarified that employers could be held liable on a per-employee basis for failing to provide training on respirators for employees.

OSHA amended the personal protective equipment standard for general industry and for construction (29 C.F.R. 1926). The amended standard states that "the personal protective equipment (PPE) and training requirements impose a compliance duty to each and every employee covered by the standards and that non-compliance may expose the employer to liability on a per-employee basis."

The D.C. Circuit ruled that "In giving the Secretary the authority to define what constitutes a violation... the Act necessarily gave the Secretary the authority to define the unit of prosecution."

NOTE: This general summary of the law should not be used to solve individual problems since slight changes in the fact situation may require a material variance in the applicable legal advice.

Today's Program June 10, 2010

Speaker: Pete Bioniarz, Great Lakes Regional Sales Manager, **Accuform Signs**
Topic: "Motivating employees to think about safety with personalized ID Products"

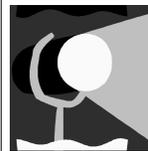
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Includes AED Demonstration

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Safety Council Mission Statement: To provide a forum for safety and health information, education and networking in Stark County, through leadership, innovation, facilitation, program, and support, in partnership with other public and private organizations.

A Message from the President

By Susan Walters

SCSC Members,

As pools all over Stark County have opened, it seemed like a good time to remind ourselves of basic pool safety where our children are concerned. Please review the following basic pool safety tips.

1. Never allow your youngster to swim alone without any adult supervision. It is quite common to develop a cramp underwater or for accidents like hitting your head while diving to occur.
2. Do not allow children with no knowledge of swimming in or around the pool. For good pool safety make sure that all kids above the age of 4 attend a certified swimming class or at least learn basic flotation techniques. Children younger than 4 should always be accompanied by their parents in the pool.
3. Enclose your pool with high fences which can be locked. Do not leave the pool open and accessible since children can fall inside.
4. Avoid leaving your kids alone even with small portable pools or water bodies like buckets, fountains, and barrels. There is always a danger of drowning occurring even in small bodies of water.
5. In case of a backyard swimming pool, make sure that the cover of the pool is completely lifted over the pool. Do not partially open the pool. Also make sure that your child does not walk over the pool cover.
6. Spas and Hot Tubs should be avoided by younger children who are susceptible to overheating.
7. For good pool safety, make sure that there is always a life saving flotation device handy near the pool. Also, every parent should be conversant in basic CPR techniques in case of any accident.

On another subject, remember that July 1st restarts our new year for SCSC. Don't forget to reserve your season luncheon passes and begin again to meet your BWC parameters for qualifying for another Safety Council Rebate for 2010/2011 for non group rated employers! See any SCSC Steering Committee member if you have questions!

Thanks for your support and participation! Stay safe!!

Best Regards,
Susan

Upcoming program July 8, 2010

**Speaker: Tim Campbell,
Attorney At Law
Hanna, Campbell & Powell LLP**

**Topic: Legal Update: Intentional
Torts and Violation of Specific Safety
Regulations (VSSR's)**

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IMPORTANT INFO FOR MEMBERS: The FY10 BWC Safety Council rebate program ends June 30, 2010. As you are aware, if your company is eligible for the rebate program, you must attend 10 safety council meetings, with your CEO/Senior Management person attending at least one of the 10, and submit the semi-annual reports for 2009 calendar year. You can get credit for up two meetings through attendance at BWC's Division of Safety & Hygiene safety training courses or industry-specific training. Certificates of attendance must be submitted to the Safety Council program manager, Connie Cerny no later than June 30, 2010. Certificates will not be accepted after this date. Email the certificates to conniec@cantonchamber.org or fax to 330-489-6012.

Important items to make note of:

1. **Semi-Annual Reports** are required to maintain your membership with the SCSC. Reports are due July 15th and January 15th each year.
2. **Don't forget to sign-in.** If you do not sign the "sign-in sheet" your company will not receive credit for attending. This could hurt your company's chances of receiving the BWC's discount.
3. **July 1, 2009 began a new 12 month period** for the BWC's rebate program. If your company is eligible, you must attend a minimum of 10 events, with your company's CEO or a senior level manager attending one of these 10, and submit two semi-annual reports. See BWC website for complete rebate details.
4. **Please complete a Program Evaluation Form** following each luncheon meeting. Your input is important.