



STARK COUNTY

S A F E T Y C O U N C I L

A committee of the Canton Regional Chamber of Commerce

news

Volume 13 Issue 4 April 2015

StarkCountySafetyCouncil.org

OSHA INTERPRETATION LETTER: EMPLOYERS MAY CHARGE DEPOSITS FOR PERSONAL PROTECTIVE EQUIPMENT

By Jacqueline Bollas Caldwell, Esq.

A recently released OSHA interpretation letter provides that construction contractors may require workers to pay a deposit for company-issued personal protective equipment, such as fall protection harnesses. The interpretation letter is dated November 13, 2014, but was not released on OSHA's website until mid-March 2015.

The letter also provides as follows:

- Provides clarification on the PPE requirements of the 2007 final rule, Employer Payment for Personal Protective Equipment (72 Fed. Reg. 64,342);
- Addresses other measures employers can take to ensure that their company-provided equipment is returned when a worker leaves the company, or that the company is reimbursed if the worker does not return the equipment;
- Notes that the PPE rule applies to all industries;
- Advises that the interpretation letter does not change OSHA policy that has been in place since the final rule was issued;
- Provides that employers cannot make employees pay for wear and tear;
- Provides that the PPE deposit program must not "be administered in a fashion that circumvents the rule and results in an employee voluntarily paying for his or her PPE."

For more information please contact Jacqueline Bollas Caldwell of Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A. at: 330-244-2864 or jcaldwell@kwgd.com.

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.



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April 9, 2015

“Driven To Distraction”

**Speaker: Sergeant Todd Belcher
Assistant Post Commander
Ohio State Highway Patrol**

- What is distracted driving
- What causes distracted driving
- The impact crashes have on family, hospital bills and insurance
- How to prevent distracted driving

Spotlight Company:



The Dell Group, Inc. has been solving problems for employers since 1989. Our clients benefit from professional consultation and training in safety management, industrial hygiene, OSHA / EPA / DOT compliance, environmental reporting & permitting, indoor air quality, safety training, lead abatement licensing and EPA certification. We help companies develop ISO 14001 environmental management systems. We provide custom, specialized programs and training for manufacturers, contractors, municipalities, schools, universities and service industries.

The Dell Group was founded on the belief that policies and plans, without quality employee training, do not result in effective compliance. Our state-of-the-art training methodologies are field and factory proven. No boring lectures or theoretical textbooks... instead the focus is placed on site-specific, hands-on, practical skill development.

For more information please contact us at 800.259.8930 or email us at info@dellgroup.com or visit us at www.dellgroup.com.

Stark County 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.*

ROBIN'S CORNER

By Robin Watson, Ohio BWC Representative



Question: What is the phase-in period in the revised Hazard Communication Standard?

Answer: The table below summarizes the phase-in dates required under the revised Hazard Communication Standard (HCS):

Effective Completion Date	Requirement(s)	Who
December 1, 2013	Train employees on the new label elements and safety data sheet (SDS) format.	Employers
June 1, 2015*	Compliance with all modified provisions of this final rule, except:	Chemical manufacturers, importers, distributors and employers
December 1, 2015	The Distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label	
June 1, 2016	Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.	Employers
Transition Period to the effective completion dates noted above	May comply with either 29 CFR 1910.1200 (the final standard), or the current standard, or both	Chemical manufacturers, importers, distributors, and employers

*This date coincides with the EU implementation date for classification of mixtures

During the phase-in period, employers would be required to be in compliance with either the existing HCS or the revised HCS, or both. OSHA recognizes that hazard communication programs will go through a period of time where labels and SDSs under both standards will be present in the workplace. This will be considered acceptable, and employers are not required to maintain two sets of labels and SDSs for compliance purposes.

Compliance Dates

The first compliance date of importance is **December 1, 2013**. By that date, you must train your employees about the format and presentation of the new labels and SDSs they will be seeing in the workplace. Over the course of several years, your suppliers will be updating labels and SDSs to comply with the new requirements. It is, therefore, important to ensure that you and your employees are able to access and use the information provided in the new approach.

All new labels and SDSs must be finished by **June 1, 2015**; however, if you order from a distributor you may still receive labels compliant with Haz Com 1994 (the hazard communication standard issued in 1994 and replaced in 2012 by the revised standard) until **December 1, 2015**. If an employer identifies new hazards after December 1, 2015 due to the reclassification of the hazardous chemicals, it has six months, until **June 1, 2016**, to ensure that those hazards are included in the hazard communication program, workplace labeling reflects those new hazards, and employees are trained on the new hazards. During the transition from current requirements to the new requirements, employers may comply with either Haz Com 1994 or Haz Com 2012, both of which require a hazard communication program.

Remember to submit your training certificates to receive attendance credit!

The BWC Safety Council rebate program allows for two of the 10 required attendance credits through external training. It is the employer's responsibility to submit documentation of external training to the Safety Council. Certificates should be submitted to the Safety Council at the time of receipt. Attendance credit will not be granted for external training certificates received after **June 30, 2015**.



There are a variety of ways in which employers can earn external training credit for the safety council rebate program. They include:

- BWC safety courses offered by the Division of Safety & Hygiene
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- BWC's Ohio Safety Congress
- industry-specific association safety training
- group rating seminars sponsored by third party administrators (Frank Gates, Gates McDonald, CCI, CompManagement, etc. as long as there is at least one hour of safety training in the agenda)
- occupational safety and health training sponsored by an independent vendor

External training must feature at least one hour of occupational safety and health training a certificate of attendance must be provided for the employer to submit to the safety council for record-keeping purposes.

The following **does not qualify** for external training:

- any training that occurs in the employer's workplace, no matter the source of the training,
- any training received for the drug free workplace program,
- on-line training

Coming Next Month

May 14, 2015

"Breathe Easy" - Respiratory Protection Panel Discussion

Panel members: Curt Speck, President, Safety Resources Company of Ohio Linda Ghindea, Ohio BWC, Industrial Hygienist Robert Csorba, DO, Medical Director, US HealthWorks – Canton Clinic Mike Ozello, Senior Account Representative, 3M Company

Spotlight Company:



Wishes Can Happen Inc.



In January 2015 the Stark County Safety Council launched a new community project. Donations for Wishes Can Happen will be collected each month and presented to them during their August "Wish-a-Thon". If SCSC members simply donate their loose change, we will help to benefit children with life threatening medical conditions in Stark County. Any amount donated is truly appreciated.

UPCOMING

April 13—SCSC Awards Banquet—Lt. Governor Mary Taylor, Keynote Speaker—Skyland Pines

Safety Council Officers & Contributing Members

Chairman: Chris Zabel (czabel@USSafetyGear.com)

Vice Chair: Mark Cush (mcush@youngtrucks.com)

Newsletter Editor: Jacqueline Bollas Caldwell (jcaldwell@kwgd.com)

Program Manager & Canton Regional Chamber Representative: Connie Cerny (conniec@cantonchamber.org)

Ohio BWC Representatives:

Robin Watson (robin.w.1@bwc.state.oh.us) and
Deb Bailey (Deborah.b.1@bwc.state.oh.us)

Safety?!? What do I Have to do?

By Curt Speck, President, Safety Resources Company of Ohio Inc.
And SCSC Steering Committee Member

Has your company asked the question, “What would OSHA do if we had our facility inspected?” Are you meeting the minimum expectations that OSHA has for your workplace?

See if you can answer these questions in a positive tone...

- Does your company conduct annual fire extinguisher/emergency evacuation training covering how and when or if you should use a fire extinguisher.
- Do you sound off the fire alarm to conduct a fire drill? Can everyone hear the alarm and do they know where to meet at a safe rally point outside?
- If you have forklifts, are the operators at least 18 years old, are you training your operators on all the different types of lifts that they operate and have you evaluated them at least every three years.
- Have you trained your “Affected, Authorized and Other”, employees on your company’s lock out tag out program? Do you have a list of lock out tag out procedures for each machine in your facility AND has it been annually reviewed and signed off on?
- Have you trained your crane operators on the safe use and operation of your crane and have your cranes had a thorough documented inspection?
- Can you produce OSHA logs for the last 5 years if asked by an OSHA compliance officer?
- Can you show that you have completed Hazard communication training that includes coverage of the new GHS rules involved with hazcom?
- If medical help isn’t within four minutes of your workplace, do you have someone on staff that can perform first aid and CPR?
- If you have employees that work at height, (4ft for Industry or 6ft for construction) do they have fall protection training and has their equipment been annually inspected?
- Have you completed your written PPE workplace assessments and Job hazard analysis’ and are they signed and dated?



These are a few things that I have encountered OSHA asking for in the workplace.

Each of the above items are considered a violation of the OSHA standard and punishable with a Citation and penalty (fine).

The days of inexpensive OSHA fines and penalties are long gone. We have seen many serious citations levied against companies ranging from \$4500 to \$7000. There are many ways to check your health and safety program. Some good Ideas to check your program are:

1. Have your internal health and safety person conduct an audit.
2. Contact a local safety and health consulting firm to assist or conduct your audit.
3. Contact the Ohio Bureau of Workers Compensation to conduct an audit.

Remember your best defense against civil claims and OSHA claims is to train your employees about the hazards they may be exposed to and how to avoid those hazards. Then monitor those employees to be sure they are doing what they were taught and lastly you must enforce your rules and training with an effective disciplinary program.

Have a Safe and Happy day!



Division of Safety and Hygiene

Class Schedule (North Canton)
339 E. Maple St. Suite 200
North Canton, OH 44720
Register at bwclearningcenter.com

- First Aid in the Workplace—April 14; 8:30am-4:30pm
Machine Guarding Basics—April 16; 8:30am-12noon
Lockout/Tagout and Safety-related Work Practices—April 16; 1pm-4:30pm
Safety Series for Industry Workshop Module 5—April 20; 1pm-4:30pm
Effective Safety Teams—April 30; 8:30am-4:30pm
Electrical Safety Audits—May 5-6; 8:30 a.m.-4:30 p.m. each day
Accident Analysis Half-day Workshop—May 14—8:30 a.m-12 noon
OSHA Recordkeeping Half-day Workshop—May 14—1 pm—4:30 pm
Controlling Workers' Compensation Costs—May 19—8:30am-4:30 pm
Safety for the Non-safety Professional—May 28—8:30 am—4:30 pm

Prospective billing & safety seminar for private employers

Bonus! Earn training credit for BWC programs



Have you heard?

BWC is switching to the industry standard of prospective billing for employer premiums. Have you wondered what it means for your business? Private employers: Come to a FREE seminar near you to get answers and details about prospective billing, including:



- The reason for the transition and its benefits to employers;
How BWC will cover the costs of this change with a transition credit;
Transition timelines and important dates to remember;
Essential information and new requirements for payroll reporting;
Changes to deadlines for rating plans and BWC programs.

The seminar also includes the latest workplace safety updates and information to help you lower costs and keep your workers safe on the job.

Earn training credit for BWC programs

As an added bonus, by attending a seminar, your company can receive safety-training credit for the following:

- EM capping;
One Claim Program (after the first year);
Grow Ohio Incentive Program;
Safety Council Rebate Program (one meeting credit);
Group and group retrospective - safety program requirement for those participating employers that have a claim in the "green period"

Who should attend?

- Financial controllers and payroll officers
Human resources professionals
Business owners and chief executive officers
Certified public accountants
Workplace safety and/or risk managers

Dates and locations online

Visit www.bwc.ohio.gov to find a seminar near you. Don't delay! Seating availability is limited!



Again This Year we are Asking for Your Help to "Stuff" the Truck for Harvest for Hunger!

Your Stark County Safety Council will be hosting a food drive to benefit the Akron-Canton Regional Foodbank at the April 9th luncheon. A truck will be parked right outside of the Myers Lake Ballroom from 11:00 a.m.-12:00 p.m. and our goal is to have it "stuffed when it pulls out." All food collected will stay in Stark and surrounding counties. The six most needed items are: boxed cereal, peanut butter, canned vegetables, canned tuna fish, canned soup and canned beef stew. Monetary donations will also be accepted in the form of cash or check. Please make checks payable to Akron-Canton Regional Foodbank. For every \$1 donation to Harvest for Hunger, the Akron-Canton Regional Foodbank can provide four meals to a hungry family.



Please Ask Your Employees & Co-Workers to Participate
Let's Make a Difference!

Stark County Safety Council March 2015 Luncheon Pics

