



**STARK COUNTY**

**SAFETY COUNCIL**

A committee of the Canton Regional Chamber of Commerce

**news**

Volume 13 Issue 7 July 2015

StarkCountySafetyCouncil.org

## OSHA Issues Transgender Restroom Access Guidance

*By Jacqueline Bollas Caldwell, Esq.*

**O**n June 1, OSHA issued a four-page guidance document entitled, “Best Practices, A Guide to Restroom Access for Transgender Workers” (“Guidance”). This Guidance was published a month after OSHA announced its alliance with the National Center for Transgender Equity to promote the safety and health of transgender workers. The new Guidance is not an OSHA rule, but OSHA could seek to enforce failure to follow the Guidance through its General Duty Clause, Section 5 (a)(1) of the Occupational Safety and Health Act of 1970, if the general duty clause requirements exist.

The Guidance references several sources, including OSHA’s Sanitation Standard, 29CFR1910.141 and various EEOC cases and state rules or requirements. Under the OSHA Sanitation Standard, employers are required to provide their employees with toilet facilities in order to protect employees from health effects when toilets are not available. OSHA has interpreted this Sanitation Standard to require employers to allow employees prompt access to sanitary facilities and to restrict employers from imposing unreasonable restrictions on employee use of toilet facilities.

*Continued next page*

July 9, 2015

## “Electrical Safety in the Workplace”

**Speaker:** Jerry Bennett, Advanced Testing Sales & Safety Trainer, Hilscher-Clarke Electric Co.

*Proper electrical training can minimize the likelihood of injuries and fatalities. The speaker will cover Electrical Arc Flash Safety and who needs to follow the standard. He will also explain how to perform an Arc Flash Risk Assessment for your business.*

### **SPOTLIGHT COMPANY:**

Harrison Paint is a full line paint manufacturer located in Canton.

Founded in Cleveland in 1911, Harrison relocated to Canton in 1935 and now encompasses 180,000 square feet of factory, warehouse, offices, laboratory and paint store. In addition to our factory store, we operate a full service decorating center in the Gander Mountain Plaza on Portage Street.

Harrison Paint's line of products contains paints and coatings that can increase worker and customer safety and reduce the risk of injury in your facility. Harrison Paint is proud to offer high quality Dutch Standard and Benjamin Moore Paints, spray equipment, window blinds & shades and wallcoverings for residential, commercial and industrial customers.

For paint or decorating assistance please call us at 330-455-5125 (Harrison Avenue) or 330-244-8700 (Portage Street).



Like us on Facebook-[www.starkcountysafetycouncil.org](http://www.starkcountysafetycouncil.org).

**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.*

According to OSHA's new Guidance, "The core belief underlying these policies is that all employees should be permitted to use the facilities that correspond with their gender identity." The Guidance further states: "The best policies also provide additional options, which employees may choose, but are not required, to use." Such options include single-occupancy unisex facilities and the use of multiple-occupant, gender-neutral restroom facilities with lockable single-occupant stalls.

An employer dealing with transgender access issues should review not only this new Guidance but also seek assistance from an employment attorney versed not only in OSHA law but other labor law issues as well.

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](mailto: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.*

Coming Next Month

August 13, 2015

## "Communicable Disease Prevention in the Workplace"

**Speaker:** Sherry Smith, RN, BSN, MS  
Director of Nursing Services  
Stark County Health Department

**Spotlight Company:**



## Important Date to Remember

The BWC requires that all safety council members complete the semi-annual reports. The completed report is **due by July 15, 2015**. You can complete the attached form and fax or email or click here <http://starkcountysafetycouncil.org/semi-annual-reports/> to submit your report online.

### Wishes Can Happen Drop in Your Loose Change Each Month

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".



### Safety Council Officers & Contributing Members

**Chairman:** Chris Zabel ([czabel@USSafetyGear.com](mailto:czabel@USSafetyGear.com))

**Vice Chair:** Mark Cush ([mcush@youngtrucks.com](mailto:mcush@youngtrucks.com))

**Newsletter Editor:** Jacqueline Bollas Caldwell  
([jcaldwell@kwgd.com](mailto:jcaldwell@kwgd.com))

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

**Ohio BWC Representatives:**  
Robin Watson ([robin.w.1@bwc.state.oh.us](mailto:robin.w.1@bwc.state.oh.us)) and  
Deb Bailey ([Deborah.b.1@bwc.state.oh.us](mailto:Deborah.b.1@bwc.state.oh.us))

# ROBIN'S CORNER

By Robin Watson, Ohio BWC Representative

## Question: What is the requirement for Fire Extinguisher Training?

Answer: According to OSHA there are 3 options in dealing with fire extinguisher training. See the attached letter of interpretation for guidance on each option. Basically, an employer can 1) prohibit all employees from using fire extinguishers, 2) designate some employees to use fire extinguishers in certain situations or 3) allow all employees to use fire extinguishers in certain situations. Regardless of the choice above, all employees need to be trained and the training needs to be documented initially and annually thereafter. Yes, that means you must train and document if you are prohibiting employees from using the extinguishers.

[https://www.osha.gov/pls/oshaweb/owa\\_disp.show\\_document?p\\_table=INTERP\\_RETATIONS&p\\_id=19484](https://www.osha.gov/pls/oshaweb/owa_disp.show_document?p_table=INTERP_RETATIONS&p_id=19484)

The last option is the recommended practice, because the ability to use a fire extinguisher is a valuable life skill that all employees may need in their work or personal life.

Per OSHA: 1910.157(g)(1) Where the employer has provided portable fire extinguishers for employee use in the workplace, the employer shall also provide an educational program to famil-



iarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting. This training is required upon initial assignment and then annual thereafter.

In meeting the requirements of these standards, the employer may provide educational materials, without classroom instruction, through the use of employee notice campaigns using instruction sheets or flyers or similar types of informal programs; or he may provide onsite training which exposes employees to the actual "feeling" of fire fighting by simulated fires for training employees in the proper use of extinguishers.

There are many resources for this training including your Local Fire Department, the State Fire Marshall's office, OSHA's and the BWC website.

# Congratulations to Young Truck Sales- A Safety Grant Success Story!

A Canton-area member, Young Truck Sales, recently sent me a note sharing their happy news: the Ohio BWC approved their safety grant application to pay nearly \$22,000 toward the purchase of three gantry cranes. The grant covers 75% of the cost of the cranes, which will allow Young Truck Sales to invest in the safety of its employees while simultaneously reducing the possible costs of injuries in the workplace. Mark Cush, Safety Director at Young Truck Sales who applied for the safety grant stated: "Our main goal was to assist our technicians with a tool that they could safely remove and install heavy components." Mr. Cush also indicated that applying was not a difficult process.

Each year, the BWC offers the Safety Intervention Grant Program to Ohio employers. With the safety intervention grant, private and public employers are eligible for a 3-to-1 matching grant, up to a maximum of \$40,000 for each eligibility cycle.

If you are interested in applying for a safety grant like Young Truck Sales, the first step is to confirm your eligibility. According to the BWC's website, to be eligible, an employer must:

- Maintain active workers' compensation coverage - not more than 40 days lapsed in the prior 12 months;
- Be current on all monies owed BWC;
- Demonstrate the need for safety intervention;
- Provide two-year baseline data;

Have active BWC coverage with past payroll reports for the purpose of defining employer eligibility cycle.

The BWC determines the eligibility cycle by review of the last full year for which payroll information is available. The eligibility cycle varies depending on an employer's total payroll. The BWC provides the following information regarding eligibility cycles.

Total payroll reported for the last full policy year	Eligibility cycle
Greater than \$10,000,000	Three years
Greater than \$5,000,000 and Less than \$10,000,000	Five years
Greater than \$1,000,000 and Less than \$5,000,000	Seven years
Less than \$1,000,000	10 years

Next, make sure that the equipment you are purchasing would be within the scope of the program. Some equipment does not qualify. For example, forklifts, personal protective equipment, and equipment used to meet minimum OSHA requirements will not be approved. An entire list of equipment that is not eligible for purchase with grant money, along with instructions and additional information can be found on the BWC's website: <https://www.bwc.ohio.gov/employer/programs/safety/empgrants.asp#program>.



Division of Safety and Hygiene

**Class Schedule (North Canton)**  
339 E. Maple St. Suite 200  
North Canton, OH 44720

**Register at [bwclearningcenter.com](http://bwclearningcenter.com)**

First Aid in the Workplace—Aug. 6—8:30 a.m.—4:30 p.m.

Fall Hazards in Construction and Maintenance—Sept. 14-15—2 days—8:30 a.m.-4:30 p.m.

Violence in The Workplace Workshop—September 23—8:30-noon

Accident Analysis Half-day Workshop—September 23—1-4:30 p.m.

First Aid in the Workplace—September 29—8:30 a.m.-4:30 p.m.

# "Tornado Season in Ohio"

*By Mark Cush, Safety Director, Young Truck Sales and SCSC Steering Committee member*

**A**s the severe weather approaches, take some time to be more aware and plan. Planning ahead will decrease the chance of injury or death in the event that severe weather strikes. Tornadoes develop from severe thunderstorms. They are usually preceded by very heavy rain, and/or large hail. A thunderstorm accompanied by hail indicates the storm has large amounts of energy and may be severe. In general, the larger the hailstones, the more potential there is for damaging winds and/or tornadoes.

The most violent tornadoes are capable of tremendous destruction, injury, and death with wind speeds of 250mph or more. Damage paths have exceeded the width of one mile and 50 miles long. Tornadoes generally move from the southwest to the northeast, but have also been recorded traveling in any direction. The forward speed of a tornado varies from 30 mph to 70 mph.

Peak tornado season in Ohio is generally April through July, and usually occurs between 2 p.m. and 10 p.m. A few years ago a category EF1 tornado occurred in Fairfield County at 6 in the morning which proves that tornadoes can happen at any time, during the season.

Tornadoes are rated on a scale known as the Enhanced Fujita scale which is based on damage from wind estimates;

Operational EF Scale	
EF Number	3-second gust (mph)
0	65-85
1	86-110
2	111-135
3	136-165
4	166-200
5	Over 200



## Tornado Safety Tips:

- Assemble a plan to be prepared for weather emergencies. This should be included in your Emergency Action Plan. Businesses with more than 10 employees are required by OSHA to have their plan in writing. ( A plan for your personal household is just as important)
- Train on your plan
- Conduct annual drills
- Have a designated meeting place-most generally the lowest place in the building is the safest. If the building has no basement, meet on the lowest level of the structure, away from windows, and as close to the center of the building as possible
- Be aware of shelter when away from home or work. E.g... Shopping centers, sporting events, and places of worship.
- If you cannot find shelter, get into your vehicle, buckle your seatbelt, and attempt to drive to the nearest sturdy shelter. If you choose to stay in your vehicle, stay buckled, duck down below the windows and cover your head.
- If you choose to leave your vehicle find a depression or ditch and use your arms and hands to protect your head. Never seek shelter under highway overpasses or bridges.
- Finally, organize a disaster supply kit

# Stark County Safety Council June 2015 Luncheon Pics



**June Spotlight  
Company**

