BIE SAFETY ADVISOR

Syracuse Builders Exchange, NY

July 2010

OSHA's Severe Violator Directive Effective 6/18

WASHINGTON - OSHA announced today that the Severe Violators Enforcement Program directive is effective June 18th. The agency announced in April that it was implementing the program to focus on employers who continually disregard their legal obligations to protect their workers.

OSHA's SVEP focuses enforcement efforts on employers who willfully and repeatedly endanger workers by exposing them to serious hazards. The directive establishes procedures and enforcement actions for the severe violator program, including increased inspections, such as mandatory follow-up inspections of a workplace found in violation and inspections of other worksites of the same company where similar hazards or deficiencies may be present.

The directive explains that the SVEP is intended to focus enforcement efforts on employers who have demonstrated recalcitrance or indifference to their OSH Act obligations by committing willful, repeated or failure-to-abate violations in one or more of the following circumstances: a fatality or catastrophe situation; in industry operations or processes that expose workers to severe occupational hazards; exposing workers to hazards related to the potential releases of highly hazardous chemicals; and all egregious enforcement actions.

Quick Worker Access to Whistleblower Protection Information

WASHINGTON - Workers who "blow the whistle" on prohibited or unlawful practices in the workplace as well as safety and health discrimination play an important role in assuring compliance with federal laws. Today, OSHA unveils a dedicated Web address for its whistleblower protection program - www.whistleblowers.gov. The site is designed to provide workers, employers, and the public with easily accessible information about the 18 federal whistleblower protection statutes that OSHA currently administers.

The Web page will provide information about worker rights and provisions under each of the whistleblower statutes and regulations that OSHA enforces. Additionally, program fact sheets and information are available that discuss how one can file a retaliation complaint with OSHA. This Web page will continue to be accessible through OSHA's Web site, www.osha.gov, by clicking on the "Whistleblower Protection" link.

Under Section 11(c) of the Occupational Safety and Health Act (the OSH Act), workers may file discrimination complaints with OSHA if they believe their employer has retaliated against them for exercising a broad range of rights protected by the OSH Act. These rights include filing safety or health complaints with OSHA and seeking an OSHA inspection, participating in an OSHA inspection, participating or testifying in any proceeding related to occupational safety or health, or reporting an injury or illness to their employer.

"OSHA doesn't work unless workers feel secure in exercising their rights," said Assistant Secretary of Labor for OSHA David Michaels. "This Web page is part of OSHA's promise to stand by those workers who have the courage to come forward when they know their employer is cutting corners on safety and health."

Workers may also file whistleblower complaints with OSHA if they believe their employer has retaliated against them for engaging in protected activities related to air carrier safety, asbestos in schools, commercial motor carrier safety or security, corporate fraud, environmental, nuclear safety, pipeline safety, public transportation agency, rail safety or security, and several other statutes. For each of the statutes covered by OSHA, the Web page will provide workers with information on timeframes for filing, the complaint investigation process, case settlement, reinstatement, pay back wages, restoration of benefits, and other possible remedies to ensure justice for the worker.

Publisher: Building Industry Employers of New York State

Jack Endryck, Managing Director

1.800.344.1841

Editor: Northeast Builders Services (NEBS) 585.586.1564

MONTHLY TOOLBOX TALK

FIRE SAFETY & FIRE WATCHES

Although our work areas may be free of fire hazards today, we must constantly work to keep them hazard-free. It is also important to understand the various types of extinguishers and their intended uses.

There are several things that you can do each day to keep fire hazards to a minimum. Always store flammable liquids such as oil, paints, thinners, and gasoline in closed, approved containers, and in compliance with all regulations. Observe hot-work permit procedures. Keep burners and furnaces properly adjusted and maintained. Don't overload electrical circuits; this can generate excessive heat and can lead to other problems, all of which can result in an electrical fire. Always observe "no smoking" signs wherever they are posted. A cigarette disposed of improperly can provide an ignition source and start a fire. If you must smoke, please be careful. One of the biggest fire hazards and one that we have to address all the time is the accumulation of scrap and debris. The only way to keep scrap from piling up is to get rid of it every day. Maintain a clean work area.

Once a fire starts, it's too late for prevention. You must know the locations of fire extinguishers and how to use them. All fire extinguishers are designed to extinguish certain types of fires. There are four classes or types of fires. **Class A** fires are fueled by things like wood, paper, or rags. Fire involving flammable liquids like gasoline, paint, or fuel oil are **Class B** fires. All electrical fires are **Class C** fires. **Class D** fires involve flammable metals and are rather rare. The point is that you should always use an extinguisher designed to put out the class of fire you're fighting. The classes of fires that an extinguisher will put out are listed right on the fire extinguisher itself.

A **fire watch** is a system for controlling accidental fires around construction operations which could cause heat, sparks, or fires. A **fire watcher** is a person with extinguishers or a small hose, who is trained to watch for fires and extinguish them immediately or call for assistance. Welding, cutting, hot roofing, grinding, and similar operations may require one or more persons posted on fire watch.

OSHA requires a fire watch if there is combustible building construction or contents within 35 feet of where you're working; if there are easy-to-ignite materials within 35 feet; or if there are holes, racks, or other ways by which sparks could escape to adjacent or concealed areas. Remember, not all sparks die harmlessly. Sparks go rolling, bouncing, flying, or falling into trouble. Sparks, hot slag, and molten metal start many fires. A fire watch is also needed where there are combustibles on the other side of nearby metal walls, ceiling, or partitions that are likely to be ignited by conduction or radiation. A fire watch must be maintained through lunch or any rest breaks and must extend beyond completion of the work by at least 30 minutes. Afterward, a careful inspection of the immediate area and adjacent areas will help detect smoldering embers which could start fires after everyone is gone. A fire watcher is assigned during most hot work permit situations. A permit system is a proactive way to control hazards during welding or cutting operations. When a welder and a supervisor or safety officer sign a permit, a determination is made whether a fire watch is required. Once this decision has been made, one or more fire watch personnel will be assigned. That's where you come in.

When you're assigned to fire watch, you need to take your job seriously. There are many things you need to think about before being on fire watch. Do you know where the nearest exit is? Do you know how to turn in an alarm? Have you made a visual inspection of the work area? Is your fire extinguisher the right kind for the job? Do you have any back-up extinguishers? Do you have a means of signaling the people you are working with? Who is going to take your place when you are on break or out to lunch?

Fires are dangerous and costly. Every one of us must make a contribution toward fire prevention. Report any fire hazards you notice to your supervisor.

If there is a place a spark can start trouble, chances are a spark will find it!