

# LEAD EXPERTS

A Lead Hazard Training Provider

## THE LEAD ABATEMENT ADVISOR

Volume Six, Issue One

Winter 2011

Your Free Newsletter of Lead, Asbestos, and Mold  
News and Information

**Inside this Issue:**

<b><i>LAST CHANCE TO GET NEWSLETTER BY MAIL!</i></b> .....	<b>Inside Cover</b>
<b>Employee or Independent Contractor</b> .....	<b>1</b>
<b>Automobile Safety TXT=ACCDNT</b> .....	<b>3</b>
<b>Lead Found In Reusable Grocery Bags</b> .....	<b>4</b>
<b>How Green Is That Candle</b> .....	<b>5</b>
<b>Save Lives: Inspect Your Fall Protection Equipment</b> .....	<b>6</b>
<b>Eye Injuries and Solutions</b> .....	<b>8</b>
<b>OSHA Update</b> .....	<b>11</b>
<b>Bits and Pieces</b> .....	<b>13</b>
<b>2011 &amp; 2012 Lead Training Schedule and Registration Form</b> .....	<b>Back Cover</b>

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# EMPLOYEE OR INDEPENDENT CONTRACTOR

Deciding whether a “subcontractor” is an employee or independent contractor is becoming a more important question than ever. Contractors should carefully analyze every relationship before the Labor Department, the IRS, or a state agency does it for you. This article may provide a “rule of thumb” way of thinking about the subject which we can help to raise questions about independent contractor relationships.

The price and penalties for misclassification of employees are higher than ever. Earlier this year the Department of Labor and the IRS entered into a Memorandum of Agreement in which the two agencies and a number of participating states (Connecticut, Maryland, Massachusetts, Minnesota, Missouri, Utah, Washington, Hawaii, Illinois, Montana and New York) have agreed to share information about independent contractor relationships.

Much of the reason for the renewed interest in the distinction between employees and independent contractors has to do with the state and federal revenues. Employers pay payroll and other taxes on wages they pay to employees – but not on payments to independent contractors. This benefit quickly disappears if penalties and back taxes are levied when independent contractors are found to actually be employees.

If it were easy to distinguish between employees and independent contractors, there would be no reason for this article. The tests to determine whether an individual is a bona fide independent contractor are multi-leveled and subject to different interpretations. And if this weren’t bad enough, the rules for determining an individual’s status can differ, depending on which agency is asking the questions.

Rather than review each agency’s tests for determining a legitimate independent contractor relationship, we will use analogies to a contractor relationship – putting a new roof on a home. While this analogy only goes so far and is an oversimplification, it illustrates a number of the tests used to distinguish between legitimate independent contractors an employee.

## Dealing with A Roofer

A typical homeowner in need of a roof will find one or more contractors in the business, review their qualifications, discuss price, and request bids. After settling on details such as when the job will be completed, a contractor is ultimately selected to install the roof. From there, it’s the contractor who hires the proper number of individuals to install the roof, and who directs their work. The home owner will not tell the contractor how the job is to be done (so long as it is done safely, and the premises are not harmed). The contract between them will include a safety agreement about the job’s completion date and the required quality of the final installation.

- 1. Control of the Work:** In our example the homeowner imposed very little direction on the actual roof installation. The homeowner set the requirements as to what final results were expected, but the method of obtaining that final result was left to the contractor. *The more*

*control the business exerts over the manner in which the required work is accomplished, the more likely the relationship is that of employer and employee.*

- 2. Investment by the Contractor:** Our roofing contractor provided all the tools and equipment needed to install the roof on the home. *The more a business provides the tools and equipment needed to perform the work, the more the relationship looks like that of employer and employee.*
- 3. Opportunity for Profit:** The roofing contractor was in charge of the ultimate amount charged for the work. He could have charged more or less for the job, depending on a number of factors exclusive to himself, such as how much profit he wanted to make, the efficiency of his crew, whether or not they were busy, etc. *The less opportunity for profit, or the more an individual appears to be paid on an hourly basis, the less likely is a finding of independent contractor relationship. Payment on an hourly basis does not by itself negate a finding of independent contractor, but it is not helpful to that end.*
- 4. Use Of Initiative and Judgment:** The more efficient the roofing contractor, the greater his opportunity for profit. If he has a highly trained roofing crew, or he has invested in more efficient roofing equipment, he may be able to finish jobs faster and thus have a competitive edge over other contractors. *In contrast, an employee works for an agreed upon wage and does not have the same opportunity for profit or loss as does the independent contractor.*
- 5. Permanency of the Relationship:** Our roofing contractor finished the job and moved on to the next job with another homeowner. When the roof was installed, the relationship was over. *Shorter or clearly defined discrete projects with a beginning and ending point are more closely associated with the independent contractor relationship and longer engagements look more like employment relationships.*
- 6. Integration with a Business:** In our example putting a roof on the house had no connection to the homeowner's primary employment or means of making a living. *The more central the work performed by the independent contractor is to the proper functioning of the business, the more the relationship looks like that of employer – employee. If the same work is done by employees and by independent contractors, that would be an extremely strong argument that the independent contractor is actually an employee.*

A state or federal agency or court will consider all of the above factors as well as other in reaching a final determination whether there is an employment relationship rather than one of an independent contractor.

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### *Quotable Quotes*

Being a politician is like being a football coach. You have to be smart enough to understand the game, but dumb enough to think it's important. – *Eugene McCarthy*

# **AUTOMOBILE SAFETY: TXT=ACCDNT**

## **Sending Messages Behind the Wheel is Deadlier than Drinking and Driving**

**23x** That's how much more likely a texting driver is to be involved in a crash than one who isn't texting, according to a study from the Virginia Tech Transportation Institute (VTTI).

**Because 85 percent of Americans own cell phones, the driving-while-texting problem is likely to get worse, particularly with young people,** says Stephen Wallace, chairman and CEO of SADD (Students Against Destructive Decisions). "There's a myth of invincibility with teenagers," he says. Research proves no one is safe from the danger of texting and driving.

### **COMMON DISTRACTIONS**

**Activities drivers do and how much they increase their risk of crash.**

<b>23.2x</b>	Text while driving
<b>3.4x</b>	Read
<b>3.1x</b>	Apply makeup
<b>2.8x</b>	Dial handheld device
<b>1.6x</b>	Eat
<b>1.3x</b>	Talk or listen on handheld device

**Not only is texting while driving dangerous in 18 states and Washington, DC, it's illegal.**

Despite these new laws, public awareness campaigns, and frightening research findings drivers continue to type and read messages. "**Texters aren't aware of how distracted they are,**" says Dave Melton, industry director of transportation with the Liberty Mutual Research Institute for Safety, "**They expect other drivers to compensate, but you can't count on that.**"

## **Imagine if Your Teen Drove Like You**

The good news? Teens say parents are their biggest driving influence. The bad news? Most parents aren't setting a good example, according to a new Liberty Mutual survey.

<b>PARENTS SAY</b>	<b>TEENS SEE</b>
"Don't use a cell phone while driving."	59% of parents talking on cell phones.
"Don't speed or listen to loud music while in the car."	42% of parents speeding and 39% cranking up the volume on the radio.
<b>PARENT'S RESPONSIBILITY</b>	<b>TEENS' RESPONSIBILITY</b>
Establish ground rules with young drivers. "Parents should use their influence in a positive way," Wallace says.	Make sure you aren't driving while drowsy, a risk for your nocturnally inclined age group. Teens who get less than eight hours of sleep are twice as likely to fall asleep at the wheel.

# **LEAD FOUND IN REUSABLE GROCERY BAGS**

## **Federal Investigation Sought Over Health, Environmental Concerns**

Lead found in some reusable grocery bags is raising concerns that the toxin could pose environmental or health concerns to consumers. Reusable bags are often sold by retailers and used by consumers instead of plastic bags. They may be canvas or made of recycled plastic. In some areas, consumers are charged a fee if they use a plastic bag from a store.

Senator Charles Schumer, is asking for a federal investigation into the reusable bags following a series by The Tampa Tribune. The newspaper found lead in bags purchased at Winn-Dixie, Publix, Sweetbay, Walmart and Target.

The concern is that lead in bags could cause environmental problems in landfills or leach into food products that are kept in them. "Federal agencies need to put a ban in place for reusable bags that have lead in them," Schumer said in a statement. In a letter asking the Food and Drug Administration to open an investigation into the issue, he says, "Any situation where lead bags are coming into contact with the food being purchased by Americans needs to be immediately investigated and resolved."

Reusable grocery bags make up 10% to 15% of the market, and could become as much of 25%, says Jack Horst, a grocery specialist for retail consulting specialist Kurt Salmon Associates in Atlanta. He says concerns also have been raised about E. coli contamination in bags, "Lead may be the least of concerns," Horst says. "If you put a hunk of meat in one of these bags and it drips, God knows what's going on in your reusable bag."

Consumer groups have been raising awareness for months about lead in grocery bags and some retailers are taking action. Publix Super Markets and Winn-Dixie are asking suppliers to make reusable bags with less lead, according to Shumer. On Sept. 10, Wegmans announced it would stop selling two designs because testing suggested they may have elevated lead levels. "Customers can continue to safely use both of these designs," Jo Natale, director of media relations, said in a statement, "The eventual disposal of the bags is the only issue, from an environmental perspective." Wegmans is a 77-store chain with supermarkets in New York, Pennsylvania, New Jersey, Virginia and Maryland.

San Francisco bans large grocery stores from using non-recyclable and non-biodegradable plastic bags. Washington, DC, has a 5-cent tax on plastic or paper bags at grocery stores. "The concern is both (health and environmental)," says Judy Braiman, president of the Empire State Consumer Project, a non-profit that tests products for toxins.

## HOW GREEN IS THAT CANDLE?

Getting ready for a holiday party or other special occasion? Don't spoil it by using paraffin wax candles. Made from the by-products of crude oil, paraffin wax releases harmful toxins and soot when burned. Setting the mood gets a whole lot greener with these eco-friendly candle options.

**Soy:** These candles are soot-free and can burn 50% longer than paraffin varieties. Choosing organic and GMO-free (Genetically Modified Organisms) will boost your candles' green factor. The downside is that they do not carry scent as well as other types and the wax is so soft they have to come in a container...so no birthday or menorah soy candles.

**Beeswax:** 100% beeswax candles last long, smell great and release air-cleaning negative ions. Beeswax candles are also allergy-free and come in a variety of natural colors. And when your candle has reached its end use the leftovers to make lip balm, hand-cream or add it to another candle!

**Palm Wax:** Palm oil comes from the inside of coconuts so it can be extracted without harming the trees. Palm wax is also fully biodegradable, but as with soy candles, look for GMO-Free.

**LED "Candles":** If you're looking for a candle that won't release any toxins or trigger allergic reactions, try the LED flameless candle. They're particularly great for outdoor lighting in windy weather, for luminaries and around children. LED candles can be rechargeable and even remote-controlled!

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### *At A Glance*

*Richard Lederer, a popular authority on the uses of language, tells interesting tales. Here's one about school photographs... The children had all been photographed, and the teacher was trying to persuade them to buy a copy of the group picture. "Just think how nice it will be to look at it when you are all grown up and say, 'There's Jennifer; she's a lawyer, 'or' That's Michael; he's a doctor.'" A small voice at the back of the room rang out, "And there's the teacher; she's dead."*

*British Government in Action... The Brighton and Hove City Council ordered a nature-lover Hilaire Purbrick, 45, out of the cave that had been his residence for 16 years, citing its lack of a fire exit.*

### *Random Thoughts...*

*I keep some people's phone numbers in my phone just so I know not to answer them.*

*What would happen if you hired two private investigators to follow each other?*

*I think part of your best friend's job should be to immediately clear your computer history if you die.*

## **SAVE LIVES: INSPECT YOUR FALL PROTECTION EQUIPMENT**

Each year, more than 100,000 injuries and deaths are attributable to work-related falls. According to the National Safety Council, falls are one of the leading causes of death in the workplace. In addition to permanent injuries and lost lives caused by falls, businesses lose *billions of dollars* each year from significant increases in insurance premiums, costs, and other related expenses.

According to Boston-based Liberty Mutual, the leading private provider of workers compensation insurance, on-the-job injuries cost employers nearly \$1 billion per week in payments to injured employees and their medical care providers.

A Personal Fall Arrest System is comprised of three key components: anchorage connector, harness, and connecting device (a shock-absorbing lanyard or self-retracting lifeline) between these two components, which actually bears the greatest fall forces during a fall.

Historically, harnesses are replaced on the job site more often than connecting devices, even though the connecting device is by far the most critical component in surviving a fall safely and replaced prior to use at the slightest indication of wear or damage. While each component of a personal fall arrest system is vital to worker safety, the connecting device- its selection, and inspection/maintenance needs-make it the critical link in assembling a safe fall protection system. Substandard design or workmanship, excessive exposure to UV light or chemicals, physical damage, improper storage, or inadequate inspection can lead to lanyard/lifeline failure.

Although the manufacture and sales of fall protection products have steadily grown over the past decade, the number of injuries and deaths associated with falls from heights has increased. Several factors have contributed to these alarming and disturbing statistics:

- All fall protection equipment deteriorates with use and exposure over time, regardless of brand and/or manufacturer;
- Equipment is not inspected for wear and damage often enough;
- Proper training is not provided;
- The wrong equipment is selected for a particular situation, and
- Equipment is not worn properly.

*A high percentage of equipment used on job sites throughout North America today would fail to meet industry standards which could result in serious injury or death.*



Over the past several months, shock-absorbing lanyards from a variety of manufacturers have been voluntarily removed from job sites for safety tests (in accordance with ANSI Standards). The recent test program focused on shock-absorbing lanyards from eight manufacturers and showed a variety of performance failures (lanyard test, 220 pounds at a 6-foot free fall):

- 100 percent did not pass visual inspection criteria [weld splatter, webbing cuts/abrasions, broken stitching, frayed/burned webbing, chemical damage, distorted, or broken grommets, etc.];
- 6 percent, the webbing actually broke;
- 24 percent elongated over the 42-inch standard;
- 83 percent had fall arrest forces over 900 pounds (ANSI), with 9 percent over 1,800 pounds (OSHA);
- 6 percent were previously deployed but still in active service when removed from the job site;
- 42 percent had hardware with visible defects;
- 9 percent had snap hooks that opened during testing, and
- 9 percent had webbing that was knotted.

Workers are being seriously injured in falls with equipment that initially passed industry safety standards. More troubling, worn and damaged equipment is still accessible even though it will not perform as designed in the event of a fall. These are surprising and alarming facts that the fall protection community has overlooked while touting the many standards and regulations to which their products are tested and deemed “safe.”

Taking equipment out of service too early is a better alternative than explaining to a worker’s family that there has been a serious accident. When in doubt, throw it out! In addition, some manufacturers have implemented a return-and-inspect program for equipment. Ask your supplier for details.

Proper training, maintenance, and inspection of all components of the Personal Fall Arrest System are crucial in creating a safe work environment. Even the highest-quality products require regular inspection. ***When in doubt, throw it out!***

# EYE INJURY FACTS AND SOLUTIONS

Each day, about 2,000 U.S. workers suffer a job-related eye injury requiring medical treatment, according to the National Institute for Occupational Safety and Health (NIOSH). In addition, roughly one-third of these injuries require treatment in the hospital emergency rooms, with 100 injuries resulting in one or more days of lost work.

Every employer must assess eye safety hazards in the workplace and take measures to ensure injury prevention, and comply with OSHA rules for eyewear and emergency eyewash stations. Managers and employees need the know-how and resources to act in accordance with industry safety standards. The Bureau of Labor Statistics (BLS) reports that nearly three of every five workers injured were not wearing eye protection at the time of the accident or were wearing the wrong kind of eye protection for the job.

BLS has found that most eye injury accidents result from flying or falling objects or sparks striking the eye. These are some common workplace eye injuries or concerns and their causes:

- **Flying Material:** Particles such as grit, plastic bits, or metal flakes can fly into the eye;
- **Impact:** Falling or misdirected objects or collisions with objects swinging from a fixed position, such as hoist-hooks, ropes, chains, lumber, or tools- can damage eyes;
- **Chemicals:** Hazardous chemicals can splash into eyes;
- **Welding:** Ultraviolet light from welding torches can cause radiation burns to the eyes surrounding tissue of welders, helpers, and bystanders;
- **Infection:** Fertilizers, waste, body fluids, human remains, and bacteria can cause eye infections, and
- **Eye Strain:** Glare, poor lighting, and inadequate rest can cause eye fatigue, soreness, and headaches.

## Engineering and Work Practice Controls

- Remove or reduce eye hazards where possible.
- Use guards and barriers between the worker and the hazard.
- Keep bystanders out of work areas and/or behind protective barriers.
- Use caution flags to identify hanging or protruding objects.
- Put safety features, such as shields, in place on machines and tools.
- Be sure workers use tools properly and that tools are in proper working order.
- Ensure computer users have properly designed workstations.

- Provide emergency sterile eyewash solutions/stations near hazardous areas.
- Post first aid instructions and information on how to get emergency aid.

One BLS survey showed 94 percent of the injuries to workers wearing eye protection resulted from objects or chemicals going around or under the protector. Eye protection must be chosen for specific work situations, depending on the:

- Nature and extent of the hazard;
- Circumstances of exposure;
- Other protective equipment used, and
- Personal vision needs.

### Hazard Assessment

Hazard Type	Examples	Common Related Tasks
<i>Impact</i>	Flying objects such as large chips, fragments, particles, sand, and dirt	Chipping, grinding, machining, masonry work, woodworking, sawing, drilling, chiseling, powered fastening, riveting, and sanding
<i>Heat</i>	Anything emitting extreme heat	Furnace operations, pouring, casting, hot dripping, and welding
<i>Chemicals</i> ( <i>corrosive or toxic</i> )	Liquid splash, fumes, vapors, mists, fibers, gases	Acid and caustic chemical handling, compressed gases, degreasing, plating, and working with blood
<i>Physical Irritants</i>	Harmful dust, mists, spores	Woodworking, buffing, construction, and general work
<i>Optical radiation</i>	Radiant energy, glare, and intense light	Welding, torch-cutting, brazing, soldering, and laser work

Non-compliance with protective eyewear and emergency eyewash safety standards are serious issue in today's workplace that result in 37,000 missed days of work and more than \$300 million per year in related costs. Legal fees, judgments, and the cost of training replacement workers bring that number to more than \$900 million.

The ANSI Z87.1-2003 standard contains a selections chart to help companies choose recommended eye and face protection which is generally of three different types: safety spectacles, goggles and face shields.

Safety Spectacles are the most common form of protection. Safety eyewear is designed with side protection and can resist an impact up to 150 feet per second.

Goggles form a protective seal around both eyes. There are two basic types of goggles, impact and chemical. Chemical goggles have hooded or indirect ventilation paths to protect the worker from

chemical splashes. Impact goggles have direct ventilation holes and protect against direct impact or large particles.

Face shields are used in welding, grinding or sanding applications. However, face shields are considered secondary protection and must be worn in conjunction with protective eyewear or goggles.

Where workers are exposed to harmful glare or ultraviolet or infrared radiation, tinted lenses or special filters are essential for protection. Tinted lenses also enhance visual perception by counteracting light distortion and preventing eye fatigue.

The eyewear chosen must meet the ANSI Z87 standard. It should provide the appropriate amount of coverage and should fit each individual worker properly and comfortably. By selecting adjustable eyewear, employers can ensure greater on-the-job comfort for workers, who in turn are more likely to wear comfortable eyewear longer.

**Glare Protection:** Control glare with special-purpose spectacles that include filter or special-purpose lenses to provide protection against eyestrain; make changes in the work area or lighting; or use tinted eyeglass lenses or visor-type shade.

**PPE Markings:** Eye and face protection must clearly identify the manufacturer as well as various size dimensions. OSHA requires that any new eye and face protective devices comply.

**Emergency Eyewash Stations:** When an accident does occur, the difference between a very serious and a very minor injury often comes down to a matter of seconds. Although OSHA sets the overall requirement that employers provide eyewash stations, it refers to ANSI to guide employers in establishing and maintaining work practices relating to eye safety.

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### *Christmas Madness*

- *In November, the upscale New York City menswear and accessories store Jack Spade removed from its holiday catalog a \$40 frog-dissection kit (with a real carcass) after numerous queries from people wondering what in the world the store was thinking.*
- *A holiday party for inmates at Britain's Peterborough Jail promised a fun time with Xbox and Playstations, along with cash gifts of 5 pounds each (about \$9), which is greater than the value of the candy boxes the jail will give its guards for Christmas.*
- *Police in Rock Hill, South Carolina put a 12-year-old boy under arrest at the insistence of his mother after he had defied her and opened his Christmas gift three weeks early.*

# OSHA UPDATE

## **OSHA's Focus on Training Compliance**

There is no single OSHA rule for training, however, employee training is a requirement in several different OSHA standards. In a recent speech, Secretary of Labor Hilda Solis announced a number of new worker training initiatives that will be implemented by OSHA.

According to Solis, OSHA currently requires that training provisions under its standards be provided in a language or a form that the workers can understand. The agency further requires that its compliance officers verify that workers have received the training required by OSHA standards.

OSHA compliance officers check not only that the training has been provided, but that it was provided in a format that the workers being trained can understand. This new effort stems from an incident in which a worker was crushed to death in a machine she was cleaning. She had not been trained on how to clean the machinery safely and had not been given the manual to read because the employer stated that the employee could not speak or read English. "This defies logic and is reprehensible!" stated Solis.

In CPL 2-2.38(D)(1998) OSHA says "If the employees receive job instructions in a language other than English, then training and information . . . will also need to be conducted in a foreign language." In a 1999 letter of interpretation OSHA states "instruction . . . must be tailored to the employees' language and education . . ."

Employees must be instructed in both a language and vocabulary that they can understand. Similarly, if the employee's vocabulary is limited, the training must account for that limitation. These new training record initiatives will help to protect workers from hazards, Solis says. She is also calling on all workers to speak up about workplace violations.

## **Michaels Shares Vision for Transforming OSHA to Meet Future Challenges**

OSHA Assistant Secretary David Michaels sent a letter to all OSHA personnel outlining the progress being made in transforming the way the agency addresses workplace hazards and communicates with employers and workers. "Successfully transforming OSHA will require the efforts of more than just the staff at OSHA -- we will need the help of the entire occupational safety and health community," said Michaels. "We must all work together to prevent job-related injuries, illnesses and deaths."

Michaels discussed the need to transform OSHA, focusing on nine key areas. These areas are stronger enforcement, ensuring workers have a voice, refocusing and strengthening compliance assistance programs, changing workplace culture, developing innovative approaches to addressing hazards, improving and modernizing workplace injury and illness tracking, strengthening OSHA's

use of science, strengthening State OSHA Plans and keeping the public informed about OSHA activities.

### **Historic New Cranes and Derricks Rule Will Help Save Construction Workers' Lives**

OSHA's new standard addressing the use of cranes and derricks in construction replaces a decades-old version. The rule published July 28 will affect approximately 267,000 construction crane rental and, crane certification establishments with about 4.8 million workers.

"The significant number of fatalities associated with the use of cranes in construction led the Labor Department to undertake this rule-making. After years of extensive research, consultation and negotiation with industry experts, this long overdue rule will address the leading causes of fatalities related to cranes and derricks, including electrocution, boom collapse and overturning," said Secretary of Labor Hilda L. Solis in a news release.

The previous rule, which dated back to 1971, was based on 40-year-old standards. Stakeholders from the construction industry recognized the need to update the safety requirements, methods and practices for cranes and derricks and to incorporate technological advances to provide improved protection for those who work on and around cranes and derricks.

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### ***Resume Blunders***

***Reason for Leaving:*** "I thought the world was coming to an end."

***Skills:*** "I have integrity so I will not steal office supplies and take them home."

***Hobbies:*** "Sitting on the levee at night watching alligators."

***Emergency Contact Number:*** "911."

### ***Fascinating Figures***

*Estimated cost of the environmental damage caused each year by the world's 3,000 largest companies: \$2,200,000,000,000*

*Portion of the companies' total profits this represents: 1/3*

*Number of industrial facilities found by the EPA to have been in continuous violation of the Clean Air Act since 2007: 2,000*

## **BITS & PIECES**

### **Perils of the Padded Resume**

Marilee Jones, dean of the admissions at the Massachusetts Institute of Technology, Cambridge MA, resigned last week after acknowledging that she had fabricated her educational credentials. When she first applied for a post at MIT in 1979, Jones falsely claimed to have degrees from New York's Rensselaer Polytechnic Institute, Union College, and Albany Medical College. She never corrected the record as she moved up the ranks of academia. Jones has won national acclaim for her campaign urging high school students not to stress themselves out building up impressive resumes for college.

### **Shooting Range Cleanup Company Fined for Overexposing Workers to Lead**

OSHA fined E.N. Range in Miami, FL, \$2,135,000 after the employer failed to protect workers who clean gun ranges from serious overexposure to lead. OSHA inspectors found that E.N. Range had not provided workers proper protective equipment, changing rooms or showering facilities. Air samples taken by OSHA inspectors found that these workers were exposed to lead levels as high as 10 to 19 times the permissible exposure limit. The company also provided workers with non-FDA-approved treatments for lead exposure without required medical supervision, misleading employees--most of whom had limited knowledge of English--into believing they were receiving appropriate medical treatment. OSHA issued E.N. Range more than 50 citations for disregarding workers' health and safety, including 28 citations for multiple egregious violations that include failing to provide workers with properly fitted respirators and control measures to limit workers' exposure to lead, and failing to ensure that workers were given required medical evaluations or blood lead level tests.

### **Building a Risk-Free Society**

A circus clown performing in Liverpool was ordered not to wear his classic oversized shoes because he could trip and injure someone. ... BBC producers, wielding a "telephone-book-size" set of safety precautions while making a recent adventure documentary, ordered Sir Robin Knox-Johnston (the first person to sail single-handedly and nonstop around the world) not to light a portable stove unless a "safety advisor" supervised.

### **Recycling Facility Fined for Exposing Workers to Lead and Other Hazards**

OSHA fined Sims Metal Management, Ltd., \$188,500 for violating 13 workplace health and safety standards at its Jersey City, NJ, metal recycling facility. Inspectors found that the company knowingly exposed its workers to hazards from lead, which can cause brain damage, paralysis,

kidney disease and even death. The company was cited for not ensuring workers were using properly fitted respirators, not determining if workers were exposed to unhealthy levels of airborne lead and not ensuring that all surfaces were kept free of accumulated lead. The company also endangered workers by overexposing them to lead, failing to fully implement a respiratory protection program and not providing a clean change room, lunchroom facility and separate storage facilities for work clothes. See the news release for more information on these and other health and safety violations committed at the metal recycling facility.

### **Company Fined for Exposing Workers to Risk Of Lead Poisoning**

OSHA fined Kief Industries Inc. \$550,400 for violating federal workplace safety and health standards at its Blandon, PA, brass works facility. Inspectors found that the company knowingly exposed its workers to hazards from lead, which can cause brain damage, paralysis, kidney disease and even death. The company was cited for not taking air samples as required for workers overexposed to airborne lead and not providing the required annual training about lead-exposure hazards. Inspectors also found that the company willfully disregarded its responsibility to protect the health of its workers. It failed to provide required medical surveillance for lead-exposed workers and to make available the results of medical tests performed shortly after OSHA opened its inspection of the facility. In addition, the company had stopped providing hearing tests to workers overexposed to noise.

### **Companies Fined After Worker Falls to His Death at Construction Site**

OSHA fined Kirberg Roofing Inc. and Davila Sheet Metal Company Inc. \$295,000 after a worker fell at least 40 feet to his death through a roof opening at a Kansas City, MO, construction site. Both companies were cited for willfully disregarding the safety of workers performing roofing work or steel erection activities. Inspectors found the employers failed to protect workers from fall hazards and failed to train employees on identifying fall hazards and means of fall protection.

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### ***More Fascinating Figures***

*Estimated percentage change since 2003 in the number of Christians living in Iraq: -60*

*Median percentage of people in 21 nations surveyed who trust President Obama to “do the right thing” in world affairs: 71*

*Median percentage of respondents who said the same thing about President Bush in March 2008: 17*