

LEAD EXPERTS

A Lead Hazard Training Provider

THE LEAD ABATEMENT ADVISOR

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SPECIALIZING IN MOLD, ASBESTOS
AND
LEAD TOPICS

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OUR SERVICES INCLUDE

- OSHA Programs: Emergency Action, Respirator, PPE, HazCom, Fall Protection
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 - Lead Paint Risk Assessments and Clearance Reports ● Lead Abatement Consulting
 - ISO 14001 EMS Training and Consulting
- Management Training: Supervisory Skills, Modern Safety Management Skills, Behavior Based Safety

The Lead Abatement Advisor is prepared by Lead Experts, Inc. to inform its clients and friends of developments in lead- based paint hazard evaluation and control, safety management, environmental compliance, and new developments in the environmental remediation field. The newsletter is available free of charge to interested parties. The articles appearing in this newsletter do not constitute legal or other advice or opinion. The views expressed in this newsletter are not necessarily those of Lead Experts, Inc. The application of various laws and regulations to your business operations may depend on many specific facts. Questions regarding your operation relative to the topics discussed in this newsletter should be directed to a qualified professional. For more information, call us at (800) 259-8930 or info@leadexperts.org

OSHA UPDATES CONFINED SPACES CONSTRUCTION STANDARD

OSHA has updated [the confined spaces standard for the construction industry](#). Confined spaces are areas large enough for workers to enter and perform certain jobs, but not necessarily designed for people. Examples include: ducts, silos, tanks, boilers, wells, sewers, vaults, and pipelines. Being inherently more dangerous, permit-required confined spaces are more heavily regulated and require employers to develop a written program to address all potential risks associated.

Five key differences in the construction rule:

- Continuous monitoring of engulfment hazards,
- Continuous atmospheric monitoring whenever possible,
- A competent person must evaluate the work site to identify confined spaces,
- Allowing the permit to be suspended in the event of changing conditions requiring evacuation; and
- Provisions for coordinating activities, ensuring additional hazards aren't created within a confined space by work outside the confined space.

Changes to the General Industry requirements include:

- Requiring employers who are relying on local emergency services arrange advance notice; and
- Requiring employers to provide training in a vocabulary and language that the worker understands.

THIRTEEN STEP PLAN FOR CONSTRUCTION SAFETY

The Associated General Contractors of America and Carolinas Associated General Contractors have developed the following 13- step plan aimed at reversing the trend of construction worker fatalities.

1. Establish a “buddy system” for new hires.
2. Conduct safety orientation sessions for new hires, including temporary workers.
3. Ensure supervisors have the appropriate leadership and effective communication skills for instilling a culture of safety and concepts into the workforce.
4. Institute two separate pre-task hazard analysis training programs.
5. Host monthly “Lunch and Learn” safety training programs.
6. Require foremen and superintendents to attend leadership in safety certification courses.
7. Host targeted training to address all safety incidents.
8. Make sure training and materials are in a language the workforce understands.

9. Train your trainers.
10. Create task-specific pocket guides for every task workers are assigned.
11. Establish craft-specific safety mentoring programs.
12. Issue easy-to-read badges to workers indicating their level of training.
13. Authorize workers to issue “Stop Work Cards” to address job risks.

HEAT ILLNESS CAN BE DEADLY

The body normally cools itself by sweating. During hot weather, especially with high humidity, sweating isn't enough. Body temperature can rise to dangerous levels if you don't drink enough water and rest in the shade. You can suffer from **heat exhaustion** or **heat stroke**. In 2014 alone, **2,630** workers suffered from heat illness and **18 died** from heat stroke and related causes on the job. **Heat illnesses and deaths are preventable.**

Employers must protect workers from excessive heat. Under OSHA law, employers are responsible for providing workplaces free of known safety hazards. This includes protecting workers from extreme heat. An employer with workers exposed to high temperatures should establish a complete heat illness prevention program.

- Provide workers with water, rest and shade.
- Allow new or returning workers to gradually increase workloads and take more frequent breaks as they acclimatize, or build a tolerance for working in the heat.
- Plan for emergencies and train workers on prevention.
- Monitor workers for signs of illness.

To prevent heat related illness and fatalities:

- Drink water every 15 minutes, even if you are not thirsty.
- Rest in the shade to cool down.
- Wear a hat and light-colored clothing.
- Learn the signs of heat illness and what to do in an emergency.
- Keep an eye on fellow workers.
- "Easy does it" on your first days of work in the heat. You need to get used to it.

Working in full sunlight can increase heat index values by 15 degrees Fahrenheit. Keep this in mind and plan additional precautions for working in these conditions.

Any worker exposed to hot and humid conditions is at risk of heat illness, especially those doing heavy work tasks or using bulky protective clothing and equipment. Some workers might be at greater risk than others if they have not built up a tolerance to hot conditions, ***including new workers, temporary workers, or those returning to work after a week or more off.***

NEW BID TO EASE LEAD-PAINT INDUSTRY LITIGATION

Baltimore legislators are seeking legislation, aimed at holding manufacturers of lead paint liable, for the lasting health damage caused by the products they sold decades ago. Maryland House Delegate, Jill Carter, is working on a bill to fast-track litigation against companies for the lead-based paint they sold until 1978, when it was banned nationwide. Curt Anderson, chairman of city delegates, said he's seeking co-sponsorship from all Baltimore lawmakers. "I want people to be held accountable," said Carter, whose district includes neighborhoods where many children have been poisoned. Research has shown, even minute amounts of lead can cause lasting learning, and behavioral problems.

In Annapolis, over the past 15 or 20 years, such legislation has been repeatedly introduced, and died, under industry opposition. With hundreds of Maryland children poisoned, city lawmakers say they believe it's time to try again. If the entire city legislative delegation gets behind it, the measure's prospects should improve, Anderson said.

A recent investigation found children continue to be poisoned, resulting from inadequate enforcement of a 1994 law, requiring landlords to keep the lead paint in their homes from deteriorating. Although lead-poisoning, statewide, has declined 98 percent since that law was passed, last year 262 children were poisoned, 129 from Baltimore. According to state figures, 37,500 city children have been poisoned in the past two decades.

While additional enforcement would help, the current law is not enough, Carter said, and preventing poisonings requires a major investment that's not coming from the government. Baltimore has secured funding to remediate lead paint hazards in 200 homes over the next three years, but no funds to address an estimated 400,000 homes, statewide, presumed to contain lead paint.

Carter and Anderson say they're encouraged by a successful California lawsuit, which found three manufacturers liable, for the child poisoning in that state. In the 2013 trial, companies were ordered to pay a combined \$1.15 billion, to remediate lead-paint hazards in 10 localities, including Los Angeles County, Oakland, San Diego, and San Francisco. "What the decision in California does is attack the primary cause of the problem," said Fidelma Fitzpatrick, one of the lawyers representing the communities.

ConAgra, NL Industries, and Sherwin-Williams, defendants in that case, have appealed the verdict. They argue that the facts, and the law do not support it. An industry spokeswoman charged that the decision "rewards scofflaw landlords who are responsible for the risk to children from poorly maintained lead paint." Thousands of lawsuits have been filed against Baltimore landlords for poisoning young tenants, resulting from deteriorating lead-based paint. However,

proponents of new legislation contend manufactures should be held responsible, arguing its executives knew, or should have known before its ban, that it was harmful to children. "Some companies were advertising their paint was safe, that it didn't have lead in it," said Peter Earle, a lawyer in the 2013 case.

Courts, nationally, have dismissed similar lawsuits, over the inability of plaintiffs to prove which lead-based paint was used in their homes. Lawyers for the plaintiffs argue, receipts, or other records prior to 1978, showing which paints were used, are generally non-existent. In 1999 the law firm of Peter G. Angelos tried a case in Baltimore, against the makers of Dutch Boy paint, relying then on the plaintiffs' memory of what paints had been applied years before. "The jury did not go for it," recalled one of the attorneys on the case. Proposed legislation would allow courts to hold manufacturers accountable based on their "market share," or the given amount of a product they sold in the state.

Spokesman for the lead paint manufacturers, Dale Leibach, has said the companies held liable in the California case, are awaiting a date to make arguments in their appeal. Contending that their products were sold in good faith before the health risks were known, and that home owners are now responsible. Lawsuits have been defeated in seven other jurisdictions, Leibach said

Advocates of new legislation are hopeful the California case will lead to litigation in other states, and result in a settlement, similar to the tobacco industry. In the 1998 settlement, the tobacco industry agreed to compensate 46 states, for harm caused by products they knew were both addictive, and carcinogenic. However, law professor Donald Gifford, who has studied the lead paint and tobacco litigation, said there are key differences. Gifford once served as a consultant to the lead pigment industry, and acknowledged evidence that companies knew of lead was hazards, before the paint was banned. Even so, Gifford noted the industry stopped selling those products, while tobacco companies continue to sell cigarettes.

Given the case law so far, Gifford said, Maryland courts aren't likely to accept the arguments made in California. The legislature could change the law to help such lawsuits, he said, but he questioned whether that would be the best or quickest path to preventing more poisonings. Litigation often takes years, he said, and lawyers' fees consume a large share of any award.

A longtime advocate for preventing lead poisoning, Ruth Ann Norton, said "We know how to identify the problem – we know what to do to prevent kids from getting sick. Now we need the money to deliver on that promise." Norton hopes lawmakers take a closer look at holding paint makers liable.

Quotable

"The art of taxation consists in so plucking the goose as to obtain the largest amount of feathers with the least amount of hissing." – Jean-Baptiste Colbert

WORKERS EXPOSED TO ASBESTOS & LEAD AT 'WORKSITE OF HORRORS'

In 2013, Dover Greens LLC, was acting as its own general contractor in renovations to the former Valley Psychiatric Center. OSHA discovered employees of thirteen contractors without respirators, scraping lead paint, and sweeping asbestos debris. The Department of Labor has been quoted as calling the renovation a “worksite of horrors”.

OSHA stopped work at the site, and cited Dover for 24 willful violations. The agency claims, Dover exposed workers to lead, and asbestos, putting them at risk for long-term neurological, and respiratory problems. Dover was fined \$2.3 million. The settlement requires the company pay \$700,000 in fines over a 10-year period. A penalty of \$1.66 million is being held in abeyance, payable if Dover violates the terms of the settlement agreement. “The terms of the settlement are stringent and comprehensive,” said Regional Solicitor of Labor, Jeffrey Rogoff, in an OSHA press release. “We are prepared to take appropriate action to escalate penalties should it fail to live up to its commitments.”

The settlement requires Dover to:

- Select and retain a general contractor experienced in a renovation project of this magnitude and familiar with lead and asbestos hazards on a construction site.
- Retain a qualified safety-consulting firm to monitor the project, and have a safety consultant on site while the work is being done.
- Ensure all contractors and subcontractors are trained, that onsite supervisors and foremen have completed the OSHA 30-hour course, and that they implement a site-specific health and safety program.
- Ensure contractors whose employees come in contact with lead or asbestos have documented training and experience in adhering to OSHA lead and asbestos standards.
- Not oppose workers’ compensation claims from employees for illnesses related to lead and asbestos exposure.
- Provide workers with notice in English, Spanish and Korean of their rights to bring claims under the state workers’ compensation program.

Quotable

Remember not only to say the right thing in the right place, but far more difficult still, to leave unsaid the wrong thing at the tempting moment. – Benjamin Franklin

OSHA UPDATE

Injury reporting webpage simplified, online filing now available

To help employers comply with new requirements to report severe worker injuries, OSHA has created a streamlined [reporting webpage](#) and now offers the option of reporting incidents online. The expanded requirements took effect in January 2015. Now, in addition to reporting any worker fatality within 8 hours, employers must report within 24 hours any severe injury – defined as an amputation, hospitalization or loss of an eye. In the first year of the new requirement, OSHA received about 12,000 reports. The agency plans to release complete numbers and a full analysis of the Year One reports soon.

EPA UPDATE

EPA Lead Safe Renovator Firm application, renewals, and certificate replacement

All firm applications (certification and recertification), payments, updates and certificate replacement requests are done [online](#). Acceptable methods for payments online include credit card, debit card, or electronic check.

Use EPA's "Look for the Logo" campaign to promote your business!

As you know, EPA's RRP requires firms working in older homes and child care facilities to be certified, train their employees, and follow lead-safe work practices. To ensure that your potential customers hire a Lead-Safe Certified firm, help spread the word by using EPA's outreach materials to remind everyone to "Look for the Logo"! For more information or to download the materials for free, [click here](#). Help encourage your potential customers to "Look for the Logo." Place the widget on your webpage and/or highlight the print ad in an upcoming customer newsletter or email.

EPA Lead Safe Renovator Firm certification/re-certification

Firms that disturb painted surfaces in homes and child care facilities built before 1978 are subject to EPA's renovation regulation and likely require firm certification. These firm certifications expire every five years. Firms must apply for recertification to extend their certification an additional 5 years. Firms are encouraged to apply early, at least 90 days before their expiration, to ensure their application is processed before they expire. You won't be penalized for applying early, just be sure to select "re-certification" and your new 5-year certification won't begin until your current certification expires. [Click here](#) for information about applying for re-certification. FYI, check your certificate for your firm's expiration date (see example firm certificate below, the expiration date is circled in red), you can also check your expiration date using our [online firm search tool](#). If necessary, you can [order a copy of your certificate](#) online.

Amendment to Lead-Based Paint Refresher Training

The EPA has issued several revisions to the RRP and Lead-based Paint Activities Programs. Under the final rule, Certified Renovators may take a refresher course without hands-on training, every other time they get certified. A course without hands-on training can be taken completely online. However, renovators who take the online training *will only be certified for three years*, while renovators who take the hands-on training will be certified for five years. **Call us today to sign up for a 4-Hour Refresher class good for five years – 440.266.0403.**

The Agency has also removed jurisdictions under the abatement program. Eliminating jurisdictions will lower burden and costs for applicants because they will send fewer applications, and pay less in fees.

Clarifying language has been added to the requirements for training providers under both the RRP and abatement programs. The new language clarifies what constitutes a violation, making regulations consistent with other lead-based paint program regulations. This does not change any requirements for training providers. You can find information about the rule on [EPA's Lead Program website](#).

Toxic Substances Control Act Reforms

The Toxic Substances Control Act (TSCA) — was seriously flawed and outdated. Until June, 2016, the core provisions of the statute had never been amended since it was adopted, in 1976. Our broken chemical safety system allowed tens of thousands of chemicals to remain on the market without any review of their safety, and chemical companies to put hundreds of new chemicals on the market every year without any demonstration that they were safe. The government had to have evidence that a chemical posed a risk before it could require testing – creating a Catch 22. Even for chemicals known to be dangerous, the government was virtually powerless to do anything.

Congress finally took action to better protect our health by adopting far-reaching reforms of TSCA. The **Frank R. Lautenberg Chemical Safety for the 21st Century Act** -- fixes the biggest problems with the old law. The new law:

- Requires review of existing chemicals & safety findings for new chemicals before marketing;
- Strengthens protections for most vulnerable populations, i.e. infants, children, and elderly;
- Sets aggressive, judicially enforceable deadlines for EPA decisions, and
- Makes more information about chemicals available by limiting company's ability to claim information is confidential.

CITATIONS & PENALTIES

Pennsylvania Company Named a 'Severe Violator' After Worker Killed in Trench Collapse

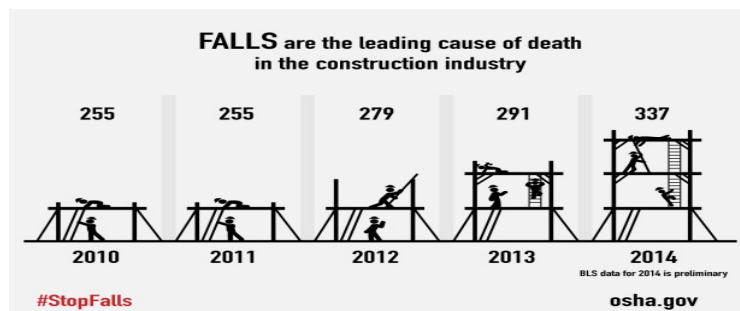
An employee working inside a twelve-foot-deep trench was killed after a trench wall collapsed and buried him. His employer, Susquehanna Supply Company, had been working under contract for the DOT. OSHA issued citations for two willful violations for lack of cave-in protection. Proposed penalties total \$140,000.

Hefty Fines for Roofing Contractor Continuing to Expose Workers to Fall Hazards

OSHA inspectors found employees of A.S. General Construction risked falls of more than twenty-six feet from an unguarded roof, and an improperly constructed and erected ladder-jack scaffold. "Not only did A S General Construction not provide required fall protection, it did not train the employees to work safely on scaffolds, and had the workers climbing damaged and improperly set up ladders," said OSHA's area director, Anthony Covello. "The result was that these workers were steps or seconds away from deadly or disabling falls." Several violations at the worksite are similar to those OSHA cited A.S. General Construction for between 2011 and 2015. As a result, OSHA cited the company for 16 violations of workplace safety standards, with proposed penalties of \$188,760.

Contractor Exposes Workers to Potentially Fatal Falls & Other Hazards

Following a complaint of unsafe conditions at a High & Dry Roofing work site, OSHA inspectors found employees working at heights over twenty feet without fall protection and proper safeguards. Inspectors returned two days later and found the same hazards existed. OSHA cited owner Michael Cahoon with ten violations, proposing penalties of \$152,460. Violations include setting scaffolding too close to a live electrical line, failing to provide workers with fall protection, hard hats and eye protection. In 2012, Cahoon was cited for similar violations at two other worksites. The company has been placed in OSHA's Severe Violator Enforcement Program.



Quotable

“Trying to determine what is going on in the world by reading the news, is like trying to tell the time by watching the second hand of a clock.” – Newspaperman, Ben Hecht

BITS & PIECES

The Many Faces of Mold Throughout Human History

Over time, scientists have found that mold may have been responsible for a number of interesting phenomena from the bible, to the Salem witch trials, to the Irish potato famine, and the curse of the mummy's tombs.

Mold is first recorded in Leviticus, where priests would act in a similar fashion to today's modern home inspectors. If someone informed the priest of something that looked like mildew, they would order the house to be emptied and then examine the walls. If mildew was found, they ordered contaminated stones to be torn out, and walls scraped clean. Old stones were replaced with new ones, the house replastered, and monitored for recontamination. This mold remediation is not that different than what is done today.

Mold-induced ergot poisoning may have been responsible for the Salem witch trials in 1692. Ergot poisoning develops after consuming rye kernels infected by *Fusarium* and *Claviceps*, causing hallucinations, seizures, and mental disturbances. Early settlers of Massachusetts planted rye and ate rye bread. Those who consumed infected rye would have experienced similar symptoms, which could have been blamed on witchcraft.

In 1845, Ireland's population totaled eight-million people, four million of which were enormously dependent on potatoes as a food source. A period of rain, which lasted from May 1845 until March 1846 provided textbook conditions for the reproduction of the *Phyophthora infestans* fungus. This fungus thrives on the leaves of potato plants and within weeks, can cause fields of potatoes to rot. Hungry farmers turned to their uninfected seed potatoes for food and were unable to plant new crops. Starvation spread throughout Ireland, wiping out nearly half the population.

Tombs of the ancient Egyptians are famous for curses that threaten death for any who enter. For many explorers, opening tombs famously has resulted in mysterious illness, and death. The most notorious case occurred in 1973, when the tomb of King Casimir was opened in Poland. Within a few days, only two of the twelve researchers were still alive. Testing on an artifact removed from the tomb by a surviving member, found traces of three species of fungus. These fungi produce aflatoxins B1, B2, and thought to have caused the researchers deaths. It's speculated that these fungi were also responsible for the 1922 death of Lord Carnarvon, who died following his exploration of King Tut's tomb.

While mold remediation and concerns for indoor air-quality may seem relatively new to the industry, mold and its effects have long shaped human history.

2016 LEAD TRAINING SCHEDULE LEAD EXPERTS

Type, Length and Price	Location	Course Dates
<u>Contractor Initial - 40 Hour</u> \$795 Per Trainee	Toledo Cleveland	Nov 14–18 Aug 22–26 Oct 24–28 Dec 12–16
<u>Contractor Refresher - 8 Hour</u> \$195 Per Trainee	Toledo Cleveland Akron	Oct 4 Jul 19 Aug 30 Sep 20 Oct 18 Nov 22 Dec 20 Aug 2 Oct 7 Dec 6
<u>Worker Initial</u> \$595 Per Trainee <u>Worker Refresher</u> \$195 Per Trainee	The Contractor Initial and Refresher courses shown above satisfy Ohio Department of Health’s requirements for Worker Classes. A Worker enrolling in these classes will be charged the lower fee shown in this section. Please call if you have <u>any</u> questions.	
<u>Inspector Initial - 24 Hour</u> \$475 Per Trainee <u>Inspector Refresher - 8 Hour</u> \$195 Per Trainee	Toledo Cleveland Toledo Cleveland Columbus	Sep 12–14 Aug 8–10 Nov 28–30 **Risk Assessor Refresher classes shown below satisfy the Inspector Refresher** **requirements of the Ohio Department of Health**
<u>Risk Assessor Initial - 16 Hour</u> \$320 Per Trainee <u>Risk Assessor Refresher - 8 Hr</u> \$195 Per Trainee	Toledo Cleveland Columbus Toledo Cleveland Akron	Sep 15–16 Aug 11–12 Dec 1–2 Oct 3 Jul 18 Aug 29 Sep 19 Oct 17 Nov 21 Dec 19 Aug 3 Oct 8 Dec 5
<u>Renovation, Repair and Painting Certification Initial - 8 Hour</u> \$189 Per Trainee	Toledo Cleveland Akron	Sep 1 Jul 21 Aug 18 Sep 22 Oct 13 Nov 10 Dec 8 Sep 8 Nov 7
<u>Renovation, Repair and Painting Refresher (Grandfather) - 4 Hr</u> \$95.00 per Trainee	Toledo Cleveland Akron	Sep 2 Jul 22 Aug 19 Sep 23 Oct 14 Nov 11 Dec 9 Jul 8 Sep 9 Nov 8

IF YOU HAVE ANY SPECIAL NEEDS OR NEED A REASONABLE ACCOMMODATION, PLEASE CONTACT US IMMEDIATELY

EPA RRP accredited classes for certification under Section 402 of TSCA

YOU ARE NOT ENROLLED IN ANY CLASS UNTIL YOU RECEIVE WRITTEN CONFIRMATION FROM US. CERTIFICATES WILL NOT BE ISSUED IF YOU ARE LATE TO CLASS. CERTIFICATES ARE HELD UNTIL PAID IN FULL.

Licensing courses approved by the Ohio Department of Health
ODH Requires Refreshers Taken During Second Year of License Period

RRP CLASSES ARE ADDED AS CLASSES FILL UP – CALL FOR ADDITIONAL DATES

On Site Classes Available, Closed Enrollment - Your Location / Your Students - Priced per Day, Call for More Information

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