

The Dell Group

Creative Solutions For Your Compliance Burdens

THE ADVISOR

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Your Free Newsletter of
Management Information

SPECIALIZING IN SAFETY, ENVIRONMENTAL AND
HUMAN RESOURCES TOPICS

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OUR SERVICES INCLUDE

- OSHA Programs: Emergency Action, Respirator, PPE, HazCom, Fall Protection
- Cyber Security● Customized Safety Programs ● DOT HazMat Training ● Air and Noise Sampling
- OSHA Training: Lift Truck, HazCom, PPE, Lockout/Tagout, Confined Space, Emergency Evacuation, Fire Prevention, Spill Response, Lead Abatement Training, Electrical Shock & Arc Flash Protection, Bloodborne Pathogens, Excavation, Fall Protection, Scaffolding
- Respirator Training and Fit Tests ● Lead, Arsenic, Cadmium
- Consulting: Mock OSHA/EPA/DOT Audits ● Environmental Permitting and Reporting
- 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 Advisor is prepared by The Dell Group, 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 The Dell Group, 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@dellgroup.com

OSHA'S DRONE INSPECTIONS

In 2018 OSHA published a [memorandum](#) authorizing its use of unmanned aircraft systems (UAS), i.e., drones to collect evidence during inspections. Last year OSHA utilized drones to conduct nine inspections, at accident sites deemed too dangerous for inspectors to enter. Use of the drones raises new concerns for employers.

Conventional response to an OSHA visit, is for an employer representative to accompany an inspector, and replicate the investigation's photos and findings. This allows the employer to utilize the same information as OSHA. When a drone is used, this becomes an impossible task. Additionally, citations can be issued for any hazards found *in plain sight*, a drone expands the scope of *in plain sight*, and increases the risk of exposing trade secrets. Drone flight itself may cause undue risk to equipment, products, or personnel.

Last year's memorandum sets agency guidelines for the use drones, which includes a requirement for an employer's express consent. Withholding consent would force OSHA to obtain a warrant, but may give the impression of impropriety, and should be considered carefully. Generally, it's better to define the scope of the inspection with OSHA, rather than send inspectors away.

Before an employer consents to drone inspections, they should first consider reaching an agreement, to define the scope of drone use:

- Employers should work with OSHA to develop a specific flight plan;
- Any photography or data collected by a drone should be promptly shared, and
- Drone operation should be observed by an employer representative.

It greatly benefits employers to prepare a written procedure for an OSHA inspection. This allows time to consult counsel, productively deliberate on concerns, and to construct the best strategy for success.

OSHA's use of drones is likely to expand from dangerous job-sites, to more routine inspections. It is the employers' job to make sure their organization is ready, when that time comes.

A RESPONSIBILITY TO PROTECT TEMPORARY WORKERS

Temporary workers are more vulnerable to workplace hazards and retaliation, than workers in traditional employment arrangements. Temporary workers often do not receive a complete explanation of their duties, or required health & safety training, from temporary staffing agencies or their host employer. In 2013 OSHA began the Temporary Worker Initiative (TWI) to combat the trend of temporary labor, being used by employers to avoid worker protection laws.

Shared Responsibility

While responsibility under the law is determined on a case by case basis, OSHA's stance is that staffing agencies, and host employers share responsibility for maintaining a safe work environment for temporary workers. For employers, this shared responsibility extends to shared penalties for hazardous, or negligent conditions on the job.

To avoid confusion of each employer's obligations, OSHA recommends staffing agencies and host employers include their individual regulatory responsibilities in their contract. Contract terms will help ensure a clear understanding, and motivate each employer to comply with their respective obligations.

Employer Roles

Staffing agency and hosts should consider which employer is positioned to prevent and correct hazards, and to comply with OSHA standards. Host employers might provide training regarding specific workplace hazards, while staffing agencies train on general health & safety.

- Communication and document sharing between staffing agency and host is imperative to ensure necessary and required protections are provided.

- Staffing agencies should assess what hazards exist at the host employer, and how best to ensure protection for temporary workers.
- Staffing agencies must verify that the host has fulfilled its responsibilities, and ensure that they are sending workers to a safe workplace.
- Host employers must verify that staffing agencies have fulfilled its responsibilities, and that temporary workers have completed training.
- Host employers must assure all relevant training, and health & safety protections are provided to temporary workers, just as they would any other employee.

Resources

For the past six years OSHA has published 10 TWI Bulletins to help employers navigate the requirements for temporary workers. Topics of TWI Bulletins OSHA has published include [Respiratory Protection](#), [Personal Protective Equipment](#), [Lockout/Tagout](#), and [Bloodborne Pathogens](#).

To help determine if worksite hazards are present, The Dell Group offers a free initial consultation. The Dell Group works with employers to correct identified hazards, provide advice on compliance with OSHA standards, and assists in establishing Injury and Illness Prevention Programs. For more information visit [The Dell Group website](#), or call 1-800-259-8930.

Quotable

“Those who are not looking for happiness are the most likely to find it, because those who are searching forget the surest way to be happy is to seek happiness for others.”

– Martin Luther King Jr.

“One cannot live a meaningful life unless there is something one is prepared to give it up for.”

– Anthony Kronman

1 IN 5 WORKERS ARE SLEEP-DEPRIVED, INACTIVE, OR OBESE

According to a recent study from The National Institute for Occupational Safety and Health (NIOSH), published in the Journal of Occupational and Environmental Medicine, 20 percent of US workers are sleep deprived, aren't getting enough physical activity, or are obese.

Evidence suggests that working long hours increase the risk for obesity, physical inactivity, and lack of sleep. These risk factors can lead to serious illnesses, such as heart disease and type 2 diabetes. Using 2013 and 2014 data from the Behavioral Risk Factor Surveillance System, NIOSH estimates the burden on the U.S. economy is \$147 billion for obesity and \$117 billion for inadequate physical activity, in annual health care costs.

The study found that 31-42 percent of workers were sleep deprived (averaging less than 7 hours of sleep per 24-hour period), 16-35 percent of workers were obese (having a body mass index of 30 or higher), and 1-5 workers reported, in the past month they had not engaged in any leisure-time physical activity.

Study results also revealed woman in food preparation and serving occupations were more likely to be short on sleep, and not to engage in physical activity in their off-hours. Men in protective services were more likely to be both obese, and sleep deprived. Production, health care and, technical service workers, received less than adequate sleep when compared with other workers. Transportation and material transport workers had a much higher incidence of all three risk factors.

The prevalence of obesity, physical inactivity, and sleep deprivation among US workers illuminates a need for further investigation to limit these serious risk factors.

WORKPLACE ACCIDENT PREPAREDNESS

Accidents occur in workplaces, and having an up-to-date plan in place can help you get back to work. Employees, management and owners need to know their company's accidents policies, and follow them when an accident occurs. Creating a checklist can help minimize stress, and reduce the impact to an employer's premiums.

- Following an accident, it's vital to provide immediate medical attention for any injured party.
- As soon as possible, an injured employee should complete an Employee Accident Report, and sign the First Report of Injury (FROI).
- Once every injured party has received medical care, thoroughly investigate and document the scene and circumstances of the accident. Obtain incident reports, notarized witness statements, photograph the scene and all related evidence.
- Contact your (MCO) Managed Care Organization Agent.
- Contact your (TPA) Third Party Administrator if you have a question about accepted or rejected claims, or if the injured employee will miss work due to injury.
- Be sure to collect the MEDCO-14 document from your MCO. This form will include any work restrictions, and physician contact information.
- Maintain open lines of communication between the employer and the injured employee throughout the life of a claim.
- Contact your MCO and TPA if there are any changes in the employment status, or medical condition of injured employees.
- Employers should send the TPA all information received from the (BWC) Bureau of Workmen's Compensation, the injured employee's physician and counsel.

OSHA UPDATE

Protect Worker Privacy Rule Issued

OSHA has issued a Final Rule eliminating the requirement for employers with 250+ employees to annually submit OSHA Injury and Illness Incident forms 300 and 301 to OSHA. Employers are still required to electronically submit Summary of Work-Related Injuries and Illnesses form 300A, and maintain up-to-date 300 and 301 forms on-site. The new rule is intended to prevent sensitive information from being disclosed, through FOIA (Freedom of Information Act) requests, by removing the requirement for employers to submit personal information, which could identify a particular worker.

The 2020 OSHA Weighting System (OWS)

Based on current enforcement data, collected since 2015, the new 2020 OWS is intended to reallocate resources to best support OSHA's critical and strategic efforts. The 2020 OWS renews OSHA's goal of a balanced approach, and will focus the agency's three major work elements: Enforcement Activity (including random and targeted inspections for high-hazard-industries), Essential Enforcement Functions (severe injury investigation and complaint resolution), and Compliance Assistance Efforts. The 2020 OSHA Weighting System became effective Oct. 1, 2019.

Revised Health and Safety Requirements

OSHA issued a final rule revising 14 provisions in the recordkeeping, general industry, maritime, and construction standards. Revisions include those deemed outdated, confusing, or unnecessary. Among the revisions, OSHA will no longer require employers to include employees' Social Security numbers on medical surveillance records, and requirements for chest X-rays for various industries has been eliminated. These changes are expected to save employers an estimated \$6.1 million per year.

CITATIONS & PENALTIES

Furniture Manufacturer Cited after Worker Injury

OSHA cited DCI, Inc., of Lisbon, NH, after a worker suffered serious injuries from being pulled into a woodcutting machine. The furniture manufacturer faces \$378,488 in penalties for 37 violations of workplace safety and health standards. Inspectors found that a supervisor had disabled a light curtain on the machine, preventing the machine from stopping when an individual comes too close to its point of operation.

Plastics Manufacturer Cited after Worker Suffers Amputation

Heritage Plastics of Picayune, MS, was cited for lockout/tagout violations after a worker's fingers were amputated while operating a mixing machine. The company was also cited for failing to install machine guarding and train workers on procedures to prevent the release of hazardous energy. OSHA initiated an inspection as part of the agency's Regional Emphasis Program on Amputations. Proposed penalties total \$159,118.

Sioux City, Iowa Popcorn Company Cited for Safety and Health Violations

American Pop Corn Co. faces nine citations and \$47,513 in penalties, for failing to train workers, ensure that proper lockout/tagout procedures were followed, use machine guarding, and develop and implement safe confined space procedures.

Manufacturer Cited for Respiratory, Chemical, and Other Hazards

OSHA issued 23 citations and \$183,738 in penalties to Ohio Gratings, of Canton, OH, for inadequate machine guarding and recordkeeping, failing to ensure that workers used personal protective equipment, and exposing workers to struck-by hazards and flammable liquids.

Tire Company Cited Following Worker Fatality

OSHA issued 17 citations and \$341,195 in fines to Southern Tire Mart, LLC, of Columbia, MS after a worker suffered fatal injuries while attempting to mount a truck tire rim. Inspectors determined that the company exposed workers to tire explosion, struck-by, fire, and smoke hazards; failed to provide a restraining device or barrier; and failed to implement lockout/tagout procedures.

Cleveland, Ohio Managers Convicted for Obstructing OSHA Investigation

Two former managers at Extrudex Aluminum, have pleaded guilty to conspiracy to obstruct justice charges. In 2012 an employee suffered fatal injuries when a rack containing hot aluminum parts tipped over and pinned him. An investigation by the U.S. Department of Labor's Office of Inspector General (OIG) found that Brian Carder, general manager, and Paul Love, safety coordinator and human resources director, devised a plan to provide false statements to OSHA. The men also threatened employees' job security if they didn't recant previous emails about safety issues at the plant, to conceal that management had not acted on those concerns. Carder was ordered to pay a fine of \$20,100, sentenced to five months of confinement, and three years of probation. Love was ordered to pay a fine of \$1,100, sentenced to three months of confinement, and three years of probation. In a settlement agreement with OSHA, Extrudex Aluminum agreed to pay penalties over \$350,000, with three years of probation, for offences including concealing knowledge of a felony, in connection with efforts to hide information from OSHA inspectors.

Dollar Tree Distribution Center, cited Following Worker Fatality

Savannah, GA - OSHA cited Dollar Tree Distribution Center, Inc., and U.S. Xpress, Inc., for exposing workers to hazards after an employee was fatally struck by a forklift. Both companies were cited for failing to ensure that employees wore high-visibility vests while working at night. OSHA cited Dollar Tree for using a vehicle with a non-functioning headlight, failing to provide machine guarding, and improperly stacking materials on racks. Dollar Tree faces \$130,112 in penalties; and U.S. Xpress' penalties total \$12,934.

2019 & 2020 Lead Training Schedule

LEAD EXPERTS

2020 dates in Red

2020 dates in Red

Type, Length and Price	Location	Course Month / Dates
<u>Contractor Initial - 40 Hour</u> \$865 Per Trainee	Toledo Cleveland Columbus	Mar 23 – 27 Jun 29 – Jul 3 Dec 9 – 13 Feb 3 – 7 Apr 20 – 24 Jun 8 - 12 Mar 23 – 27 Jun 29 – Jul 3
<u>Contractor Refresher - 8 Hour</u> \$225 Per Trainee	Toledo Cleveland Akron	Jan 24 Mar 3 May 8 Nov 12 Dec 17 Jan 14 Feb 11 Mar 17 Apr 14 May 19 Jun 23
<u>Worker Initial</u> \$665 Per Trainee	The Contractor Initial and Refresher courses shown above satisfy Ohio Department of Health's requirements for Worker Classes.	
<u>Worker Refresher</u> \$225 Per Trainee	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> \$515 Per Trainee	Toledo Cleveland Columbus	Feb 24 – 26 Apr 27 - 29 Nov 18 – 20 Jan 27 – 29 Mar 9 – 11 May 11 - 13 Feb 24 – 26 Apr 27 - 29
<u>Inspector Refresher - 8 Hour</u> \$225 Per Trainee	Toledo Cleveland Columbus	**Risk Assessor Refresher classes shown below satisfy the Inspector Refresher requirements of the Ohio Department of Health**
<u>Risk Assessor Initial - 16 Hour</u> \$350 Per Trainee	Toledo Cleveland Columbus	Feb 27 – 28 Apr 30 – May 1 Nov 21 – 22 Jan 30 – 31 Mar 12 – 13 May 14 - 15 Feb 27 – 28 Apr 30 – May 1
<u>Risk Assessor Refresher - 8 Hr</u> \$225 Per Trainee	Toledo Cleveland Akron	Jan 23 Mar 2 May 7 Nov 11 Dec 16 Jan 13 Feb 10 Mar 16 Apr 13 May 18 Jun 22
<u>Renovation, Repair and Painting Certification Initial - 8 Hour</u> \$209 Per Trainee	Toledo Cleveland Akron	Feb 20 Mar 5 May 4 Nov 14 Dec 19 Jan 16 Feb 13 Mar 19 Apr 16 May 21 Jun 25
<u>Renovation, Repair and Painting Refresher (Grandfather) - 4 Hr</u> \$109 Per Trainee	Toledo Cleveland Akron	Feb 21 Mar 6 May 5 Nov 15 Dec 20 Jan 17 Feb 14 Mar 20 Apr 17 May 22 Jun 26

If You Have Any Special Needs or Need a Reasonable Accommodation, Please Contact Us Immediately!

New Cleveland location: 23209 Miles Rd., Warrensville Hts. / EPA RRP accredited under Section 402 of TSCA

Class dates can be changed, rescheduled or cancelled at any time due to demand. Please call the office for updates.

**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 Depart. of Health, ODH Requires Refreshers Taken within Two Years of Previous Class

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

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YOUR BUSINESS AND FAMILY ARE AT RISK EVERY DAY

We are vulnerable to fraud, theft and attack, through the devices and platforms that make up the fabric of everyday life.

Allow us to assist you to reduce risk, become more vigilant, and avoid being the prey of undetected cybercrime, insider threats or data breaches occurring in major retailers, government agencies, banks, and vendors.

Classes are customizable to incorporate your policies and procedures, or can be offered in topic-specific format, using multi-media presentations, and in layman's terms. Duration and details are variable based on your needs and objectives.



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COURSE TOPICS

Topics may be chosen individually or given in clusters

- **RISK ASSESSMENT TOOLS**
- **IT SECURITY OVERVIEW**
- **MANAGEMENT'S ROLE IN CYBERSECURITY**
- **SOCIAL ENGINEERING DEFENSE**
- **RANSOMWARE & MALWARE**
- **TRUSTWORTHY E-MAIL**
- **TRENDS IN ATTACK VECTORS**
- **MOBILE SECURITY**
- **PENETRATION TESTING**
- **PHISHING AWARENESS & DEFENSE**
- **SOCIAL MEDIA RISKS**
- **KEEPING CHILDREN SAFE & VIGILANT**
- **TRAVEL & VACATION SECURITY**
- **DATA PROTECTION & SECURITY**
- **CYBER THREATS & DEFENSE**
- **DATA BREACHES AND RECOVERY**
- **SMALL BUSINESS CYBER TIPS**
- **NETWORK VULNERABILITIES**