

FALL PROTECTION - IT'S A SNAP! ELECTROCUTIONS - DON'T GET ZAPPED!

Region VII

Vol. 1, Issue 6

STATUS REPORT

Region VII is in its third year of the "Falls - It's a Snap!" Program and its second year of Electro-cutions - Don't Get Zapped!" Initiative.

The chart below shows the number of fall-related and overhead power line fatalities in the construction industry that have occurred in Region VII:

		CY 1998	CY 1999	CY 2000
Falls	Baseline (CY95/96/97) 13 / 8 / 14	11	9	15
OHPL Electrocutions	Baseline (CY96/97/98) 4 / 5 / 5	---	4	4

WHAT'S THE CAUSE? – by Judy Freeman

What is the leading cause of fall-related construction fatalities investigated by OSHA in Region VII in the new millennium? Through the first 11 months of calendar year 2000, OSHA has investigated 15 fatal fall incidents in Kansas, Nebraska, and Missouri. One resulted from a fall from a water tower; one fall from an I-beam (not performing steel erection); one fall from a mobile scissors lift; one associated with crane dismantling; one servicing an air handling unit; one fall from a step ladder; **two** fatal falls related to structural steel erection; **three** related to roofing; and **four** related to holes or openings in walking/working surfaces: one skylight, one covered open stairwell, one opening in an awning, and one hole in a warehouse roof.

These hazards can be eliminated. OSHA construction regulations, 29 CFR 1926.501(b)-(4), states each employee on walking/working

surfaces shall be protected from falling through holes (including skylights) more than 6 feet (1.8 m) above lower levels, by personal fall arrest systems, covers, or guardrail systems erected around such holes. We need your commitment to remove this 20th Century hazard from 21st Century job sites! *If you need our assistance, please contact an OSHA or a Consultation office listed at the end of this newsletter.*

INITIAL PENALTIES FOR CY 2000 FALLS AND OVERHEAD POWER LINE FATALITY INSPECTIONS – by Marcia Drumm

While it's still too early to give summary data for the program (many of the cases have not had citations issued), we are able to provide a sample of the penalties proposed in Calendar Year (CY) 2000. The following two cases illustrate penalties proposed* by OSHA.

Two employees were electrocuted while installing a street light pole at the entrance to a parking lot. Total penalties proposed were \$11,250 for 5 serious and 1 other than serious violations.

An employee was performing abrasive blasting operations on the roof of a water tower. The employee was not wearing fall protection equipment when he stumbled and fell 150 feet to the ground. Total penalties proposed were \$14,290 for 5 serious, 1 willful, and 1 other than serious violations.

*Final penalty amounts may be different due to settlement agreements, etc.

PROCLAMATION BY GOVERNOR GRAVES – by Judy Freeman

September 26, 2000, Bill Graves, Governor of the State of Kansas, signed a “State of Kansas Proclamation by the Governor” proclaiming October 2000 as *Focus on Falls and Overhead Power Lines Safety Month* in Kansas. In his Proclamation, Governor Graves urged all citizens to join in this observance and encouraged employers to avail themselves of the free consultation services provided by the Kansas Department of Human Resources to decrease the occupational risks to which their employees may be exposed.

Our thanks to Rudy Leutzinger, Project Manager, and Paul Kosmala, Kansas Department of Human Resources, Safety and Health Division, for their assistance and support with this Proclamation.

LET YOUR VOICE BE HEARD! – by Brian Drake

Since 1997, OSHA Region VII has been carrying out the Falls and Overhead Power Line program to reduce fatalities in construction from these two hazards. It is the beginning of a new year for the program, and we are in the processing of reviewing last year’s statistics.

At the onset of the program we reached out to you, the stakeholders, for direction on how to tackle the high rate of fatalities in construction due to falls and overhead power lines. We value and appreciate your assistance as those in the industry who may be more familiar with the problem, and hope that once again, you can send us some ideas that may be included in our program this year.

Changing the enforcement period in targeted counties from only 1-2 months a year to the entire year in all counties throughout Region VII has already been discussed. Another idea

proposed is more discretionary use of the penalty reductions given to those cited for fall hazards and overhead power line hazards, which could make the penalties significantly higher for those in violation.

Again, we are going to ask for your opinion and ideas on how OSHA Region VII can help to effectively reduce this trend of fatalities.

Please send your opinions and ideas to Peggy Taylor, whose address is listed at the end of this newsletter.

JOB SAFETY & HEALTH QUARTERLY – by Corey Beacom

Job Safety & Health Quarterly (JS&HQ) is a magazine which features different safety topics for the construction industry as well as for general industry. One of the subjects for an upcoming issue deals with electrocutions in the construction industry. Currently, there are two regions in OSHA, Regions VII and IV, that have programs to reduce injuries resulting from contact with electricity. The upcoming issue will have information about Region VII’s program, Overhead Power Lines – Don’t Get Zapped.

Job Safety & Health Quarterly is the official magazine published by OSHA. Every issue has an update from the Assistant Secretary and a question and answer section about OSHA and OSHA’s policies. The magazine lists new inductees into the Voluntary Protection Program (VPP) and those companies which have reached a milestone under the VPP. Each issue also has a portion dedicated to upcoming OSHA Training Institute and OSHA Training Institute Education Centers schedule of classes for each quarter.

Subscriptions to JS&HQ are available from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7594; phone: (202) 512-1800; fax: (202)

512-2250; http://www.gpo.gov/su_docs/ for \$15 per year. The order processing code is 5507.

REGION VII'S 21(d) CONSULTATION PROGRAM – by Peggy Taylor

Consultation assistance is available on request to employers who want help in establishing and maintaining a safe and healthful workplace.

Largely funded by OSHA, the service is provided at no cost to the employer. Comprehensive assistance includes an appraisal of all mechanical, physical work practices, and environmental hazards of the workplace and all aspects of the employer's present job safety and health program. No penalties are proposed or citations issued for hazards identified by the safety or health consultant.

For on-site consultation services, contact the following office within your State:

KANSAS

Kansas Department of Human Resources
Industrial Safety and Health Section
Division of Workers Compensation
512 SW Sixth Avenue
Topeka, KSA 66603-3174
(785) 296-7476; fax: (785) 296-1775

MISSOURI

Division of Labor Standards and
Industrial Relations
3315 West Truman Boulevard
P.O. Box 449 (65102)
Jefferson City, MO 65109
(573) 751-3403; fax: (573) 751-3721

NEBRASKA

Division of Safety
Labor and Safety Standards
Nebraska Department of Labor
State Office Building, Lower Level
301 Centennial Mall, South
Lincoln, NE 68509-5024
(402) 471-4717; fax: (402) 471-5039

MULTI-EMPLOYER WORKSITE POLICY – by Doug Schneider

Lately, there have been several questions raised as to when or how OSHA issues citations on multi-employer worksites. In simple terms, on all multi-employer worksites (in all industries), one or all employers may be citable for a hazardous condition that violates an OSHA standard.

That being said, one must first determine whether the employer is creating, exposing, correcting, or controlling employer. Additionally, if the employer falls into one of the preceding categories, it must be determined if the employer's actions were sufficient to satisfy his/her duty to exercise reasonable care (knowledge, identification, authority, and expertise) to take corrective action to prevent and detect violations.

If the term "reasonable care" seems vague, you may be able to use the checklist below for further clarification:

- a) Did the coordinating entity have knowledge of the hazard or violation of the creating or exposing employer?
- b) Is there evidence of an effective safety and health program in place for this site?
- c) Is there a system in place for identifying and correcting hazards for this site?
- d) Is there any indication of regular jobsite safety meetings or safety training?
- e) Does the creating or exposing employer have a previous history of similar violations, and are steps being taken to identify and correct these situations?

The OSHA Directive from which this information came from can be found at <http://www.osha.gov> under CPL 2-0.124, Multi-Employer Citation Policy.

In addition to the above, an employee/employer relationship must also be established. This means that self-employed persons such as proprietors, independent contractors, and partners are not generally covered by OSHA regulations because they are usually not considered employees.

The Occupational Safety and Health Review Commission considers the following factors, among others: whether the worker considers himself or herself to be an employee of the entity in question; how the worker's wages are established and paid; whether the worker has the power or responsibility to exercise independent control over his/her working conditions; whether the worker has control over the workplace or equipment; whether the worker can be hired and fired as in a traditional employer/employee relationship; whether the worker can modify his/her employment conditions; and whether the worker's ability to increase his or her income is dependent upon efficiency or upon initiative, independent judgment, and foresight.

REGION VII's OSHA OFFICES

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271 W. 3rd Street North, Room 400
Wichita, KS 67202
(316) 269-6644; fax: (316) 269-6185
Toll-free: 1-(800) 362-2896 (Kansas only)

MISSOURI (WESTERN)

6200 Connecticut Avenue, Suite 100
Kansas City, MO 64120
(816) 483-9531; fax: (816) 483-5167
Toll-free: 1-(800) 892-2674 (Missouri only)

MISSOURI (EASTERN)

911 Washington Avenue, Room 420
St. Louis, MO 63101
(314) 425-4249; fax: (314) 425-4289
Toll-free: 1-(800) 392-7743 (Missouri only)

NEBRASKA

Overland - Wolf Building, Room 100
6910 Pacific Street
Omaha, NE 68106
(402) 221-3182; fax: (402) 221-3188
Toll-free: 1-(800) 642-8963 (Nebraska only)

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GET ON THE E-MAIL LIST!

This newsletter is published in the OSHA Regional Office at 1100 Main Street, Suite 800, Kansas City, MO 64105, (816) 426-5861.

If you would like to receive previously published copies of the Fall Protection -- It's a Snap! Electro-cutions -- Don't Get Zapped! newsletters or the Disaster Facts Accident Reports, please contact Peggy Taylor.

Please let Ms. Taylor know if your mailing address or e-mail address changes so that you can continue to receive our publications.

If you would like to receive this newsletter and the Disaster Facts via e-mail, contact Peggy Taylor at taylor-peggy@dol.gov. If you do not have access to E-mail or would prefer to receive these documents as a paper copy, please return the following form:

OSHA Region VII Falls/OHPL Newsletter &
Disaster Facts Mailing List

Name: _____

Company: _____

Address: _____

City, State, Zip Code: _____

Telephone No.: _____

Fax: _____

E-Mail Address: _____

Return to: USDOL - OSHA

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