

TOGETHER WITH TOSHA



Department of
**Labor & Workforce
Development**

TOSHA

Summer 2016

Tennessee OSHA to Adopt Upcoming Changes for Tracking Workplace Injuries and Illnesses

The Occupational Safety and Health Administration recently changed the Recordkeeping rule (29 CFR 1904) and added additional rules that employers must follow. The new rule, which takes effect January 1, 2017, requires certain employers to electronically submit injury and illness data that they are already required to record on their onsite OSHA Injury and Illness forms. Analysis of this data will enable OSHA to use its enforcement and compliance assistance resources more efficiently.

Employers should take steps as soon as possible to:

1. Establish reasonable procedures for employees to follow when reporting a work related injury or illness. These procedures must not deter or discourage a reasonable employee from reporting an injury or illness.

2. Inform employees about this reporting procedure including the right to report injuries or illnesses without the fear of discrimination or discharge.

3. Ensure that employees are not discriminated against, in any manner, for reporting injuries or illnesses. TCA 50-3-409 prohibits employers from discriminating against employees for exercising any

right afforded by the Tennessee OSH Act, including reporting injuries and illnesses. This requirement is not new.

4. Provide access (subject to limitations established in the rule) to the OSHA 300 log to employees, former employees, and their authorized representatives when requested.

5. Employers with 250 or more employees and employers with 20 or more employees in selected industries will be required to submit the OSHA 300A Summary electronically in 2017. A national webpage will be established to facilitate this reporting. In 2018 employers with 250 or more employees will also be required to submit the OSHA 300 and the OSHA 301 in addition to the OSHA 300A.

As a result of these changes, many questions have arisen about how this rule may affect drug-testing programs. The new rule does not specifically address drug testing, however OSHA discussed, in the federal register, how the agency foresees the application of this rule to drug testing programs when they are used to discourage or discriminate against employees who

report injuries or illnesses.

The Tennessee Drug Free Workplace statute requires employers participating in the program to drug test employees following an accident. Post-accident testing is only one element of the comprehensive program. Many employers in Tennessee model their anti-drug use policy after this program. Tennessee OSHA recommends employers continue to follow all elements of the DFWP program and to take steps to assure employees understand they will not be discriminated against for reporting injuries or illnesses. Like any new requirement, the full impact of this new rule will evolve in the coming months.

Tennessee OSHA is currently in the process of adopting the new rule and it is anticipated that the rule will be effective by January 1, 2017. For more information, visit the following links [Tennessee Drug Free Workplace](#) and [OSHA Recordkeeping Rules](#). Click [here](#) to view the OSHA Fact Sheet on the Final Rule.

Summer 2016

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The Tennessee Safety and Health Congress was a success again this year. I would like to thank the Tennessee Safety and Health Congress Board of Directors, the vendors, the people who made presentations, the TOSHA Staff, and all who attended the 2016 Congress. The exhibit hall was filled to capacity with vendors and the information sessions were very well-attended. Please mark your calendar for the 2017 Congress; July 30-August 2, 2017. We are

looking forward to having everyone out for the 40th Annual TSHC!

Also, thank you to all the sponsors, employers and employees that participated in the Safety Stand Down. The event was primarily attended by construction employees with over 16,000 people participating.

As of August 31, 2016, TOSHA investigated 22 workplace fatalities, 10 of which occurred in July. Our office issued this [press release](#) to raise awareness. We encourage employers and employees to do everything possible to make sure they have effective safety and health systems and programs in place to eliminate hazards from the workplace.

Safety Fest is just around the corner, beginning Monday, September 12 through Friday, September 16. This is a free event and is a great opportunity for people to network and learn. The Fest will feature experts leading more than 70 free classes, seminars, demonstrations, and a safety expo with exhibitors from a wide variety of organizations.

- Steve Hawkins, TOSHA Administrator

DISTRACTED DRIVERS

Many businesses throughout the state have employees that are company drivers. It is extremely important for drivers not to become distracted by their cell phones. [Click here](#) for information and videos on distracted driving and steps employers can take to ensure safety.

Silica

About two million construction workers are exposed to respirable crystalline silica in over 600,000 workplaces. OSHA estimates that more than 840,000 of these workers are exposed to silica levels that exceed the new permissible exposure limit (PEL).

Exposure to respirable crystalline silica can cause silicosis, lung cancer, other respiratory diseases, and kidney disease. Exposure can occur during common construction tasks such as using masonry saws, grinders, drills, jackhammers and handheld powered chipping tools; operating vehicle-mounted drilling rigs; milling; operating crushing machines; and using heavy equipment for demolition or certain other tasks.

The construction standard does not apply where exposures will remain low under any foreseeable conditions; for example, when only performing tasks such as mixing mortar; pouring concrete footers, slab foundation and foundation walls; and removing concrete form work.

The standard requires employers to limit worker exposures to respirable crystalline silica and to take other steps to protect workers.

Regardless of which exposure control method is used, all construction employers covered by the standard are required to:

- Establish and implement a written exposure control plan that identifies tasks that involve exposure and methods used to protect workers, including procedures to restrict access to work areas where high exposures may occur.
- Designate a competent person to implement the written exposure control plan.
- Restrict housekeeping practices that expose workers to silica where feasible alternatives are available.
- Offer medical exams—including chest X-rays and lung function tests—every three years for workers who are required by the standard to wear a respirator for 30 or more days per year.
- Train workers on work operations that result in silica exposure and ways to limit exposure.
- Keep records of workers' silica exposure and medical exams.

TOSHA is offering a training course on Silica in Construction. To view the training schedule and to find upcoming dates near you [click here](#). Click on the links for more information the OSHA Fact sheets on [Crystalline Silica: General Industry and Maritime](#) or [Crystalline Silica: Construction](#).



“The very best thing you can do to protect a company is to protect the workers who are, in effect, the heart and soul of that company. The two go together.”

–Michael Mangum
National Asphalt Pavement
Association program director



The 39th Annual Tennessee Safety and Health Congress was a great success, thank you for everyone that was a part of this year's event. We hope you all can make it out again next year to the 40th TSHC. Next year's dates will be July 30 - August 2, 2017, at Opryland Hotel. Go ahead and mark your calendars!





Consultation - Emergency Action Plans

BVA Systems, a Swegon Group Company in Murfreesboro, Tennessee recently requested the assistance of Tennessee OSHA's Consultative Services to improve their workplace safety and health systems. The facility employs approximately 40 people in the manufacture of noise control, vibration isolation and restraint products for applications in HVAC and other industries.

In early 2016, TOSHA consultants Angela Donaldson and Don Hall conducted onsite visits. By April BVA Systems implemented all of the recommendations identified during the visits, and received their certificate of participation. Mr. Jim Cline, BVA systems Plant Manager, stated: "The TOSHA observations, suggestions and guidance were very helpful and greatly appreciated."

On the morning of Monday, May 2, 2016 a BVA employee suffered a medical emergency while on the shop floor; the individual was in cardiac arrest and not breathing. Mr. Cline commented in a letter to TOSHA "due to TOSHA Consultation's involvement with our emergency response program, all of our employees were aware of the actions to be taken, and took those actions flawlessly." The employee was revived with the assistance of an AED device and was responsive prior to arrival of the ambulance. The employee was diagnosed with arterial blockage, was treated, and recovered without any permanent heart damage.

Working cooperatively with TOSHA consultants, obtaining the appropriate training, and taking lifesaving actions, the BVA Systems employees MADE A DIFFERENCE.

Consultative Services is a program offered to employers, especially smaller employers, to assist them in achieving a safe and healthful workplace for their employees. Consultative Services offers both occupational safety and industrial hygiene services to manufacturing, construction, and other types of businesses in Tennessee. This no direct cost service is designed to assist employers in developing or enhancing safety and health management systems. The industrial hygienist and occupational safety specialist will identify safety and health hazards and help you implement cost-effective

Participation in the consultation program is a proven opportunity for you to reduce workplace injuries and illnesses, reduce costs, and increase profits without the worry of citations or monetary penalties. A company's participation in the program is confidential, and no information about the company is used in compliance enforcement.

For more information, please contact TOSHA consultative services at 800 325 9901, or you may complete the "Request for Consultative Services" form found [here](#).

Safety Fest



Tennessee Occupational Safety and Health Administration (TOSHA) has teamed up with the Oak Ridge Business Safety Partnership (ORBSP), along with dozens of other organizations, to host the 5th annual Safety Fest TN. This year's event will be held in Oak Ridge from Monday, September 12 - Friday, September 16, and will feature experts leading more than 70 free classes, seminars, demonstrations, and a safety expo with exhibitors from a wide variety of organizations.

“Offering free safety seminars and educating safety and health professionals is an effective way to try to reduce workplace injury and illness rates,” said Tennessee Department of Labor & Workforce Development Commissioner Burns Phillips. “We are thankful for the opportunity for TOSHA to be involved with Safety Fest TN and believe it's a unique way to connect with people in various industries. Since the inception of the fest, we have watched it grow and become more successful, this year we are expecting more than 1,000 people to attend.”

In addition to the free safety classes, safety demonstrations and an exhibit area will take place on September 13-14. The Safety Expo will feature more than 40 organizations providing a range of equipment and services. The exhibitors will feature information on the latest innovations, products, and services with an emphasis on safety and health.

With a long list of subjects, there's a class or session designed for almost everyone, including safety and health professionals, managers, workers, and members of the public. Attendees come from large and small businesses, non-profits, labor unions, and federal, state, and local government agencies. Some of the many classes offered include Back Safety, Electrical Safety, Ergonomics, Fall Prevention, Ladder Safety, and OSHA 10-hour, 30-hour and 40-hour certificate classes.

“TOSHA is excited to again be a part of Safety Fest TN. The event provides excellent resources for safety and health professionals and a great opportunity to network,” said Tennessee Occupational Safety and Health Administrator Steve Hawkins. “Since the event is free, we hope this gives everyone interested in learning more about safety and health the option to attend.”

Joe Estey will headline the official kick-off Safety Forum. Estey is known in East Tennessee for his leadership and communication skills, and his practical approach to creating a safe workplace. His presentations reinforced with personalized messages, resonate with humor, passion, enthusiasm, and authenticity. Along with a special guest, Estey will speak Tuesday morning, September 13th, in the New Hope Center Auditorium.

For more information on Safety Fest TN and a link to registration please visit www.safetyfesttn.org. Spots are filling up quickly, so register today to attend.

VPP Update

On August 18th, Marvin Windows and Doors, Inc., in cooperation with TOSHA, hosted the West Tennessee regional VPP meeting at their manufacturing facility in Ripley. These meetings are a new addition to the Volunteer STAR program and are being held in each of the three Grand Divisions of the state. Thirty-one safety and health professionals, representing seven Volunteer STAR sites and four local manufacturing sites, attended the meeting. The half day meeting included a plant tour, exchanges of best safety practices from Volunteer STAR sites, and networking opportunities. James Flanagan, TOSHA Assistant Administrator, addressed the group.

On July 26th, TOSHA Administrator Steve Hawkins presented the employees of Bayer Consumer Health in Cleveland with their Volunteer STAR Award as part of the site's fourth certification effort. Team members on the evaluation included Tabitha Thompson(TOSHA), Mark Holt(TOSHA) and Doug Giles(SGE-TN Eastman).



Volunteer STAR is a cooperative voluntary protection program overseen by TOSHA, which recognizes companies that are operating world-class safety and health management systems. The recognition is highly coveted and currently possessed by only 38 Tennessee facilities.

For more information on the regional VPP meetings or Volunteer STAR contact TOSHA at 800-325-9901.

Mold

During the wet, damp and humid days of late summer in Tennessee, molds and mold spores are just part of our everyday environment. Fungi/Molds can be found inside or outside throughout the year, releasing tiny spores that we cannot see. Molds can grow on most surfaces where water, oxygen, and an organic source are present. When excessive moisture or water accumulates indoors, mold growth, normally will occur, especially if the moisture problem is uncorrected. When mold spores in the indoor environment are larger in number than the mold spores in the outdoor environment, a potential health problem can exist. Exposure to excessive mold spores can cause delayed or immediate allergic reactions, for example hay fever-type symptoms, runny nose, red eyes or even asthma. OSHA has a Guide for Building Owners, Managers & Occupants to Prevent Mold in the Indoor Workplace. For more information on mold [click here](#).

Zika Update

Zika virus has been in the news for several months now, and cases in travelers returning from affected areas have been reported in Tennessee. Usually, Zika virus infection is relatively mild with fever, joint pain, red/tearing eyes, and rash that is short lived, lasting about 3-7 days. The main danger is with pregnant women, as Zika can cause microcephaly (small head/brain) and varying levels of neurological complications in infants. Zika virus infection is transmitted by mosquitoes, via sexual contact, and via pregnancy/delivery. It is NOT transmitted via casual contact. Therefore, no special restrictions to work are necessary for people returning from affected areas or who have Zika virus infection.

Information from NIOSH and OSHA for protecting workers from occupational exposure to Zika virus can be found [here](#). Certain occupations like health care workers need to observe standard blood borne pathogen precautions. Outdoor workers need to observe mosquito avoidance precautions if they have traveled to a region where Zika is present. More information on locations worldwide can be found [here](#). Extensive information and additional resources regarding Zika virus are available [online](#).

If you have additional questions, you can [contact](#) your local health department (615) 741-7247.

TN CONSTRUCTION SAFETY STAND DOWN - PAY SAFETY FORWARD

Thank you to everyone who participated in this year's Safety Stand Down, we had a total of 16,172 recorded for the stand down! We appreciate everyone that took the time to join. This is just another way to help make Tennessee a more healthful and safe place to work.



Tennessee Seeing Spike in Workplace Fatalities

The Administrator of the Tennessee Occupational Safety and Health Administration, Steve Hawkins, urges employers and workers pay special attention to workplace safety and health after 22 Tennessee workers suffered fatal job-related injuries since January.

“In the month of July alone, 10 Tennessee workers lost their lives in workplace accidents, devastating families, friends, co-workers and businesses. Most all of these could have been prevented,” said Hawkins.

With 22 work-related deaths during the first seven months of 2016, the Tennessee Department of Labor and Workforce Development’s TOSHA program encourages Tennessee employers to take immediate steps to ensure a safe workplace.

“If this trend in workplace deaths continues, Tennessee will see an increase of 36 percent in fatal accidents investigated by TOSHA in comparison to 2014,” Hawkins said. “Employers need to carefully review their injury and illness prevention programs and their work place safety and health procedures with their employees.”

In 2015, more than half all workplace fatalities were the result of being struck by an object or falls. The majority of workplace fatalities occurred in the manufacturing segment with only eight percent occurring in the construction industry. In 2016, almost half of the 22 workplace fatalities occurred on construction sites.

Immediate steps that can be taken by employers and workers to avoid workplace injuries and illnesses include:

- Conducting a safety and health “stand down” meeting and encourage discussion on recognizing and correcting hazards in the workplace.
- Pledging to work together with front line employees as a team to make the workplace a safer, healthier and happier place to work.
- Establishing and implementing a safety and health program for the work site with full employee involvement.
- Encouraging accident prevention and the reporting of hazards and injuries in the workplace. Many times minor injuries go unreported and more severe injuries result later on as a result of an uncorrected hazard in the workplace.
- Increasing attention toward the safety of vulnerable workers such as temporary workers or those who are not fluent in English.
- TOSHA offers free On-Site Consultation Services to help small businesses better understand and voluntarily comply with TOSHA standards. Priority is given to high hazard workplaces with 250 or fewer employees. Additional information can be obtained by contacting the TOSHA office closest to you or by contacting the Consultative Services at (800) 325-9901.

Additional Resources:

[INJURY AND ILLNESS PREVENT PROGRAMS TRAINING HAZARD IDENTIFICATION SMALL BUSINESSES](#)

More information on REPORTING workplace fatalities (within eight hours) and severe work-related injuries - defined as a hospitalization, amputation or loss of an eye (within 24 hours) - can be found here. Fatalities and severe injuries can also be reported through OSHA’s toll-free hotline at 800-321-OSHA (6742), or a local TOSHA office.

2016 TOSHA Investigated Fatality Statistics

January - August 2016

22

Industry Sectors per NAICS Codes

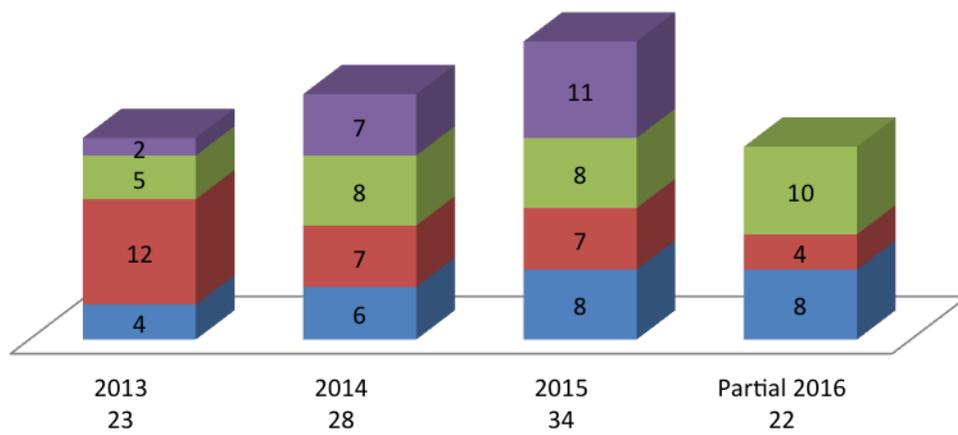
Construction (23) - 12
Manufacturing (31, 32, 33) - 2
Warehousing/Transportation (48, 49) - 2
Wholesale Trade (42) - 2
Waste Management/Landscaping (56) - 2
Logging (11) - 1
Lawn and Garden Stores (44) - 1

Fatality Root Causes

Struck by/Crushed by - 11
Falls - 8
Electrocution - 1
Trip/Fall - 1
Drowning - 1

Fatality Totals per Quarter

■ Jan-March ■ April - June ■ July - Sept ■ Oct - Dec



***The 2016 statistics may change due to findings during the TOSHA investigation.

Bulletin Board



Construction Fatality Digest
 Roof and Scaffold Falls Top Fatality Categories
Subscribe to Construction Fatality Digest by clicking here.

TOSHA wants to hear from you!
 If you have a question about safety and health you would like to have answered please submit a Dear TOSHA question to: Jennifer.Farrar@tn.gov.



Tennessee Safety Fest!
 September 12-16, 2016
 Click [here](#) for more information

OSHA 300 Log Recordkeeping This course will describe recordkeeping requirements, maintenance of the log, & reporting of injuries, hospitalizations, amputations, & loss of eye.	08/02 - Mt. Juliet - TCCJ 08/23 - Morristown - TCCJ 09/08 - Memphis - TCCJ
OSHA 30-Hour General Industry This course emphasizes on the identification, evaluation, & control of safety & health hazards present in general industry - Review	07/09-08 - Greenville - Walters State 02/06-09 - Murfreesboro - TCCJ
Globally Harmonized System (GHS) and Hazard Communication This course will describe the hazard communication requirements established by globally harmonized system (GHS).	09/04 - Chattanooga - TCCJ 09/16 - Gallatin - OTTEC at VSCC 03/04 - Knoxville - NISCC
Basic Safety This course emphasizes on the identification & control of the most cited standards in general industry - walking/working surfaces, fall protection, electrical safety, housekeeping, lockout/tagout (LOTO), machine guarding, electrical permit confined spaces, hoisting/lifting, egress routes, emergency procedures.	08/26 - Gallatin - OTTEC at VSCC 09/02 - Chattanooga - TCCJ 09/15 - Clarksville - TCCJ 09/22 - Murfreesboro - TCCJ 09/29 - Morristown - TCCJ
Bloodborne Pathogens for Healthcare This course will describe the bloodborne pathogens, sharps, & needles use, & Tennessee Sharps Injury Prevention law, & Tennessee Bloodborne Pathogen regulations.	07/09 - Murfreesboro - TCCJ
Combustible Dust This course will review the practices, standards, & methods used to identify & control combustible dust hazards.	08/06 - Jackson - TCCJ
Maintenance Related Standards This course emphasizes on the identification & control of the most cited standards in maintenance - lock out/tag out (LOTO), machine guarding, electrical permit confined spaces, hoisting/lifting, egress routes, emergency procedures.	03/02 - Knoxville - TCCJ 03/03 - Mt. Juliet - TCCJ
Confined Spaces in Construction This course will describe the confined space standard for construction (2950) - scope, application, responsibilities for the host, entry, & controlling employees.	02/09 - Memphis - AGC West TN
Docks & Warehouse Safety This course emphasizes on the identification & control of the most cited standards in docks & warehouses, including forklifts, docks, shelving & storage, conveyors, cranes & hoists, hazard communication, fire safety, personal protective equipment (PPE), & housekeeping.	01/02 - Murfreesboro - TCCJ 02/02 - Gallatin - OTTEC at VSCC

**TOSHA
 FALL
 TRAINING
 SEMINAR
 SCHEDULE
 CLICK
 HERE!**

Agency Links

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[Tennessee's Government Website](#)

[Tennessee Department of Labor & Workforce Development](#)

[Tennessee Occupational Safety & Health Administration \(TOSHA\)](#)

Useful Links

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