



## Supervisor responsibilities

Oregon contractor keeps staff accountable

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# New Resource design to debut in 2012

In 2012, the Resource newsletter will feature an updated look with new, interactive features. The publication will still be online only so printing and sharing is easy. Our articles will continue to cover timely workplace safety and health issues. Look for the next Resource to hit your inbox in February 2012.



## RESOURCE

Oregon Health and Safety Resource is published every other month by the Oregon Occupational Safety and Health Division of the Department of Consumer and Business Services.



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**If you want to continue to receive the Resource newsletter, sign up for future issues at [www.orosha.org](http://www.orosha.org)**

**On the cover:** General Sheet Metal Foreman Bob Brewer (left) works with employee Tony Montero on an architectural roof feature in Beaverton.



# Administrator's message: Trying to understand indifference to real risks

By Michael Wood

**A**s I write this, I am preparing to speak to several high school classes about the long-term policy and societal impacts of the Triangle Shirtwaist Factory Fire 100 years ago.

I know that the students – like most of us – will be both gripped and puzzled by the story of employers who locked the doors, ultimately causing the deaths of 146 workers, most of them women and girls. It's easy to shake our head about "how things were then" when we're talking about events of 100 years ago.

But I plan to start my speech by asking these students – who have already studied the Triangle case – to identify the case in which employers locked the doors to prevent pilferage, had no real plans to deal with fire, and, as a result, innocent workers died when a fire broke out. They will know one answer, but you don't have to go back 100 years to find such a case. Except for the scale of the deaths ("only" 25 workers were killed), the Hamlet, N.C., chicken plant fire in 1991 shows some remarkable parallels to the Triangle fire.

In some ways, the Hamlet fire is even more disturbing to the fire safety and workplace safety communities. After all, in 1911, the rules themselves were largely nonexistent or inadequate. In 1991, on the other hand, compliance with existing rules would have saved every one of those 25 workers (in fact, a very similar fire at a Tyson Foods chicken plant a few months earlier resulted in no deaths). The Hamlet case is often pointed to as an example of regulatory breakdown, with some reason.

But both cases involve employers taking unacceptable risks with the lives of their workers in order to prevent pilferage. Both cases involve what seems, at least after the fact, to be a particularly egregious neglect of worker safety and health. Both cases, I suppose, can be explained by treating the employers involved as being particularly irresponsible. Even evil.

But I fear it's not that simple. The reality is that we encounter employers who make such decisions with some regularity. I know

of employers who choose to install bypasses that defeat guarding systems, or who sacrifice simple and necessary safety measures in order to maintain production, or who put employees back to work on a machine immediately after other workers have lost a hand or an arm in the machine, or who lock their doors to prevent employee misbehavior. These cases are not the norm, but they are not exactly rare, either. Are they particularly irresponsible? Are they evil?

I don't think so. Distracted? Perhaps. Inclined to see rules and regulations as nuisances designed to protect other workplaces from carelessness by other workers? Often. Irresponsible? Absolutely. But not evil. Not wicked. And we do the workplace safety a disservice by replacing these real people with a caricature. Because, unfortunately, they are not as far removed from us as we might like to believe.

The truth is, they simply don't think it's going to happen. The Triangle factory employers worked on the same floor as their employees. And they didn't believe the risk was real. One of the Triangle employers was cited a few years later for ... locking the doors of his new factory to prevent pilferage. In other words, even after living through the horror of that day, the risk of his workers being killed was still less real to him than the risk of losing money to pilferage.

I don't know the answers with anything approaching certainty. I don't understand the levels of indifference to human safety I see in the Triangle case – and that I see in the occasional case that crosses my desk here in Oregon OSHA. And I don't know if we can ever get through to everyone. But I know we cannot give up. And I know the job is not yet done.



Michael Wood, Administrator



Photo: Stacey Thias, DCBS

## Supervisor responsibilities

### Oregon contractor keeps staff accountable

By Melanie Mesaros

When an employee of General Sheet Metal was on a roof installing coping furring a few months ago, the 10-foot extension ladder he was using slipped out from under him. It was raining and the ladder was staged on wet insulation to protect the roof. The worker was able to catch his fall and was not injured. But the near miss was a lesson for the entire organization, said General Sheet Metal's Safety Director Solomon Apodoca, because the fall could have been 12 feet.

"The foreman didn't report it immediately," he said. "Once we heard about it from a crew member in the field, we brought in our foreman and journeymen and went step by step into what caused the incident."



Photo: Stacey Thias, DCBS

**Above:** Bob Brewer (left), a field foreman, works with Solomon Apodoca, the safety director, on hazards for every site. **Below:** Apodoca requires all near-miss incidents to be reported.



Apodaca said as a safety director, he makes it clear how crucial it is for workers to discuss, review, and learn from accidents and near-miss incidents. Failure to report an accident or near miss is a serious infraction and could result in termination, depending on severity. New employees are trained to report all hazardous conditions to their supervisor immediately.

“All the workers know me, in a good way,” he said of his responsibility managing safety for over 50 workers at the commercial sheet-metal business.

Apodaca views safety as a team effort and the workers on the front lines share that attitude. Justin Bigelow, a foreman who started with the company in 2009, said he noticed it was part of the company culture when he arrived.

“People who are safe and happy will do more for you,” he said.

Recently, Bigelow put the company’s policy to work when a safety manager for another contractor witnessed one of his crew members on the top step of a ladder – not secured – next to an elevator shaft.



Photo: Stacey Thias, DCBS



Photo: Stacey Thias, DCBS



Photo: Stacey Thias, DCBS

**Top:** Workers at General Sheet Metal take part in stretch and flex exercises at the start of the day.

**Middle:** Foreman Bob Brewer (right) points out a hazard to Tony Montero on a job in Beaverton.

**Bottom:** Foreman Justin Bigelow (right) takes a measurement at a hospital project in Northeast Portland.

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## Supervisor responsibilities, *continued from page 5*

“He was an inexperienced worker who didn’t think he was doing anything wrong,” said Bigelow. “I immediately found him and had him stop what he was doing. Then, I explained what he was doing wrong and how to avoid doing it in the future. He had been through the safety training but didn’t understand that safety is a lifestyle.”

Tom Harding, a field superintendent, said their workers feel empowered by being able to report unsafe practices. He said they often can take their own action by stopping work and correcting the hazard.

“You have to be in that safety mindset all the time, not just when it’s convenient,” he said. “It starts from the top and you really need to demonstrate through your actions that you buy into safety.”

Apodaca said he hopes others will see how focused they are on making the job safe, not just efficient.

“We must watch out for one another and hold each other accountable,” he said.

**Note:** *General Sheet Metal has been a Safety and Health Achievement Recognition Program (SHARP) company for the past three years.*



Photo: Stacey Thias, DCBS

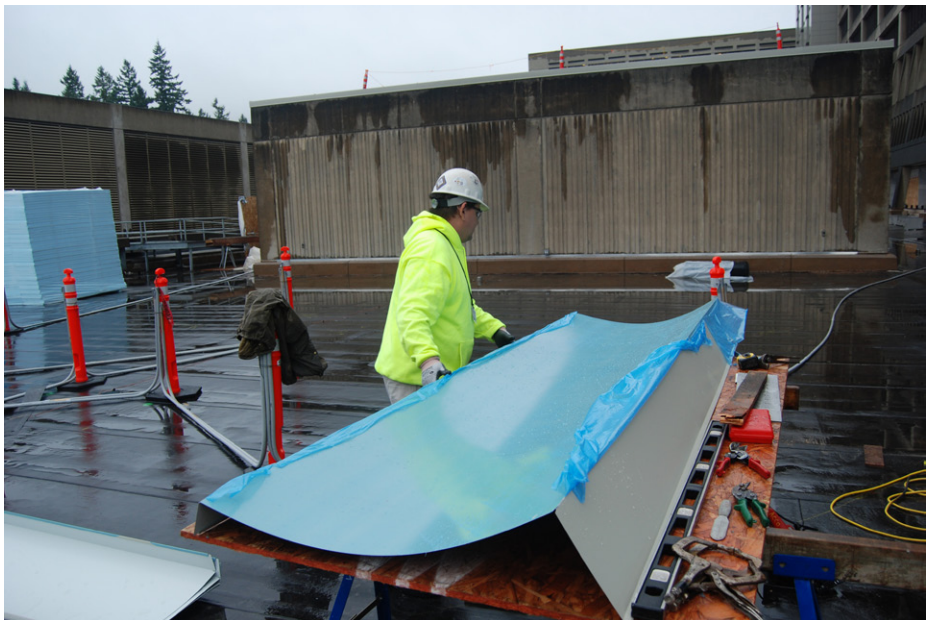


Photo: Stacey Thias, DCBS



Photo: Stacey Thias, DCBS

**Top:** Foreman Justin Bigelow (left) watches as Lane Kirkpatrick climbs a ladder.

**Middle:** Bob Brewer handles sheet metal coping with cut-resistant gloves.

**Bottom:** Apodaca (left) reviews a horizontal life line that is hooked to worker Tony Montero.





# The dark side of supervision

By Ellis Brasch

Source: Wikipedia, Modern Times (film)

Do you remember Charlie Chaplin's 1936 film, **Modern Times**? There are memorable images of the little Tramp trapped in an automatic feeding machine, a factory owner watching over him with surveillance cameras, and his supervisor harassing him as he tries to keep up with an insidious conveyer line.

I remember *Modern Times* whenever I think about my first job: bolting springs onto light-duty truck frames at a factory in Detroit. I decided I'd had enough after I sliced my finger open trying to use a strange drill-like contraption; the line supervisor gave me an old rag to stop the bleeding and said go back to work. I quit before my lunch break.

The Tramp and I were victims of what you might call the dark side of supervision. We didn't really know what we were doing or why we were doing it. Our work was a trial by error. And our safety was a matter of luck.

## The supervisor's role

Supervisors have a critical role to play in keeping workers safe. They must know the hazards, hazard-control methods, applicable Oregon OSHA rules, and emergency procedures associated with their jobs. Good supervision is particularly important to ensure the safety of inexperienced and younger workers and those who don't speak English as their primary language. These folks need more training and direction than more experienced workers do, especially during their first few months on the job. This is true for all types of work – from high-risk jobs such as construction and agriculture to part-time retail jobs.

## Proper supervision required

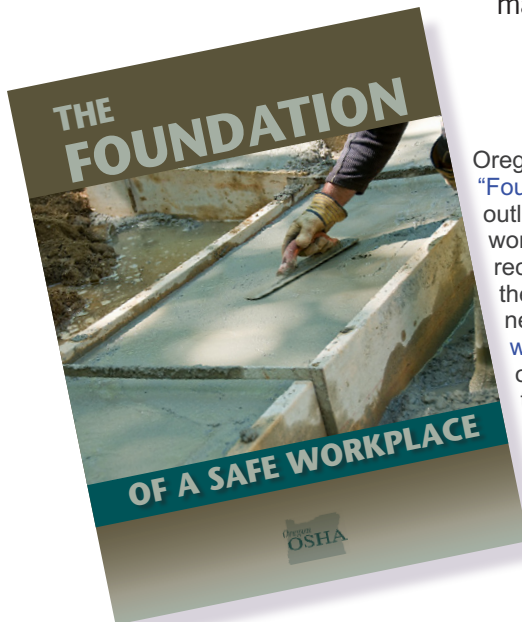
Oregon OSHA's **Rules for all workplaces** [437-001-760] requires that workers are "properly instructed and supervised in the safe operation of any machinery, tools, equipment, process, or practice that they are authorized to use or apply." Still, lack of supervision is a key factor in too many workplace accidents that result in serious injuries or fatalities. Between 2005 and 2010, for example, Oregon OSHA issued 184 citations for accidents in which workers were not properly instructed and supervised.

## The supervisor-employer relationship

In the past, some employers have argued that the actions of their supervisors who ignore workplace safety rules should not be attributed to them. The Oregon Supreme Court largely rejected this so-called “rogue supervisor defense” in 1999 when it ruled in *Don Whitaker Logging, Inc.* (SC S44586) that “proof that a supervisor, acting in the discharge of his authorized employment duties, personally committed a safety violation ... establishes knowledge” that may be attributed to the employer. The biggest impact of this case is that violations of safety rules by supervisors are, thus, the responsibility of their employers.

The link between a supervisor and an employer is also expressed in Oregon OSHA’s *Rules for all workplaces*, which says, “Any supervisors or persons in charge of work are the agents of the employer in the discharge of their authorized duties, and are responsible for:

- The safe performance of the work under their supervision
- The safe conduct of the crew under their supervision
- The safety of all workers under their supervision”



## Supervision and your safety program

Supervision’s dark side casts a shadow on a company’s overall safety record; poor supervision puts workers at risk and makes their safety a matter of luck. But even a well-intentioned supervisor can’t overcome the inertia of a fragmented safety program – one that lacks management’s leadership, one that leaves workers clueless about their safety and health responsibilities. Does your safety program give supervisors the support and training they need to keep workers safe?

Workers have a right to a safe workplace, but they also have a responsibility to keep it safe. An effective safety program holds all employees – including supervisors – accountable for doing their jobs safely. However, your employees must know the safety requirements that apply to their jobs. They must be trained to do their jobs safely before they begin, retrained whenever there are changes that create new workplace hazards, and trained periodically to maintain their skills. And newly hired employees should have orientation training that covers your company’s safety policy, workplace safety rules, hazards, and procedures for responding to emergencies.

Then, workplace safety won’t be just a matter of luck.

Oregon OSHA’s guide, “Foundations of a Safe Workplace,” outlines the seven elements that workers and employers should recognize and implement into their safety plan. Find this newly revised edition online at [www.orosha.org/publications](http://www.orosha.org/publications), or order copies from the Oregon OSHA Resource Center.



# Ask Technical:

**Q:**

***I own a small construction business and my employees have projects at many different sites. What do we need to know to comply with Oregon OSHA's requirements for first-aid kits? Specifically, what supplies do we need to keep in the kits, where do we need to keep them, and what are the requirements for maintaining them?***



**A:**

Before you start a project, you must have plan in place that will provide for prompt medical attention if one of your employees is seriously injured. In most cases, calling 911 is acceptable. However, if your site is in a location where a 911 call cannot ensure a prompt emergency response, at least one person at the site must have a valid first-aid certificate. (See 1926.50, ***Medical Services and First Aid.***)

***What supplies do we need to keep in first-aid kits?***

Your first aid kits must contain basic supplies necessary to address typical worksite first-aid needs. Medical supplies that go beyond basic first-aid needs are not required in the kit.

***Where do we have to keep first-aid kits?***

You can keep your first-aid kits wherever they are convenient as long as the supplies are easily accessible in an emergency.

***What are the requirements for maintaining first-aid kits?***

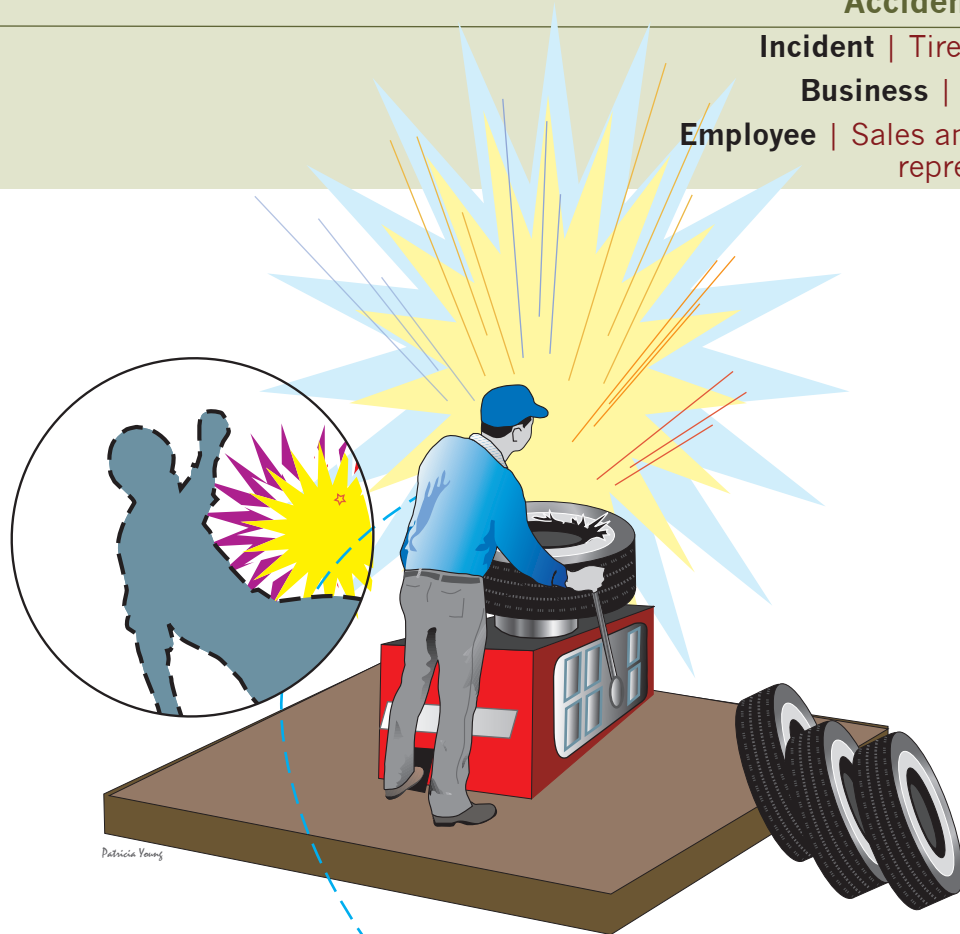
The kit's contents must be kept in a weatherproof container with individual sealed packages for each item; check the contents before you take the kit on each project site and at least weekly at the site to ensure no items are missing.

## Accident Report

**Incident** | Tire explodes

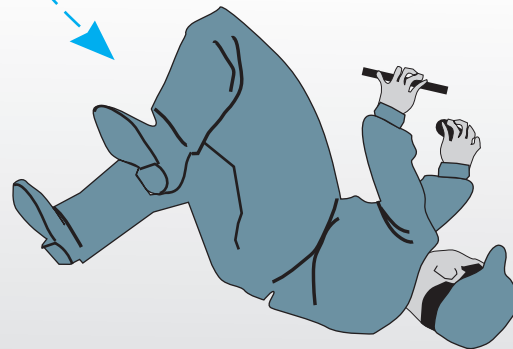
**Business** | Tire shop

**Employee** | Sales and service representative



The employee was mounting an oversized tire on a single-piece rim for use on a light-duty pickup truck. As he was airing up the tire, it exploded, knocking him backwards onto the shop's concrete floor.

He was using a Hofmann monty 2700 center-post tire changer that had been installed about three weeks before the accident and had secured the tire to the tire changer.



He used an air cylinder inside the tire changer for air blasts to seat the tire bead on the rim and asked a nearby co-worker, who was also mounting a tire, to help him. The cylinder was working and showed approximately 150 psi on the air pressure gauge.

As he started inflating the tire, he and the co-worker began discussing the attributes of the tire and its initial inflation pressure. He said he used a basic rule-of-thumb to inflate tires: "one second of inflation equals one psi." The company allowed employees to follow this practice rather than rely on the tire changer's air pressure gauge because the employees felt the pressure gauge was not accurate.



Company employees said they checked the stamped tire specifications on each tire to confirm that the tire and its air pressure were correct and used hand-held tire pressure gauges to determine the final inflated tire pressures.

The victim was still inflating the tire when the sidewall suddenly blew out, displacing the bead. The internal air pressure from the exploding tire propelled him backward, throwing him on his back on the concrete floor. His arms were still in the same position they were when he was airing the tire and the tire chuck and air gauge were still clasped in his hands.

The sound of the explosion was so loud that a business five blocks away thought a bomb had exploded. The air blast blew tiles out of the ceiling and bent the ceiling-tile frame, which was approximately 16 feet above the tire changer.

Employees working nearby rushed over to help him and called 911. He was taken to a local hospital where he was treated for a broken arm, facial injuries, and ear damage.

## Findings

- Employees were allowed to use the tire changer to inflate tires without reading the changer's air pressure gauge.
- Employees were using a rule-of-thumb to determine tire air pressure rather than relying on an air-pressure gauge.
- Supervisors knew that employees were inflating tires using the rule-of-thumb to determine tire air pressure.
- Employees were not trained to inflate tires using the tire changer's exterior air pressure guide.

## Citation

**437-001-0760(1)(a):** The employer did not see that workers were properly instructed and supervised in the safe operation of any machinery, tools, equipment, process, or practice that they were authorized to use or apply.



**Top:** The air blast from the exploding tire blew out the ceiling tile and bent the metal tile frame 16 feet above the tire changer.

**Center:** The Hoffman monty tire changer.

**Bottom:** The ruptured sidewall.

## Oregon OSHA wins Spotlight Award for Issue Management

Oregon OSHA took home a Spotlight Award, the highest award given by the Portland chapter of the Public Relations Society of America, for the agency's work on formaldehyde in hair smoothing products.

The award was in the Issue Management category and was the only top award given in the category.

Judges gave Oregon OSHA high marks for research and planning and remarked, "Excellent documentation of results" and "Great results and coverage."

Oregon OSHA entered the award in partnership with Oregon Health and Science University's Center for Research on Occupational and Environmental Toxicology.



CROET's Dede Montgomery (left) and Oregon OSHA's Melanie Mesaros accept the Spotlight Award in Portland.

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A photograph of a young woman with glasses working in a laboratory or workshop. She is focused on a piece of blue equipment. In the foreground, there is a computer monitor displaying a video of her working with the same equipment.



# Organic pesticides not exempt from Oregon OSHA regulations

Just because a pesticide is labeled organic doesn't mean it is safe for workers. Oregon OSHA conducts inspections of farms as part of its Pesticide Emphasis Program. Exposure to pesticides is a concern for employees involved in the mixture, application, or even contact with residues.

Garnet Cooke, an Oregon OSHA agriculture inspector, said a pesticide is not only a synthetic insecticide, but includes herbicides, fumigants, fungicides, and other insecticides.


"Here in moist Oregon, it's the use of fungicides that proves to be the source of most OSHA violations," Cooke said. "From a pesticide such as Cosavet (EPA #70905-1), which carries a 'caution' label, to the 'danger' label found on Sulforix (EPA #66196-3), these sulfur products are approved for use in organic farming."

In 2011, a number of organic farms in Oregon were cited for pesticide violations. In one case, a Willamette Valley farm, which harvests a number of vegetable crops, discovered it needed a written hazard communication program and decontamination supplies (soap, water, single-use towels, and a clean change of clothing) for handlers who applied the pesticides. The pesticides commonly used at this farm included M-Pede and Pyganic.

Farm employers should be familiar with Oregon OSHA's requirements related to hazard communication, personal protective equipment, the Worker Protection Standard, decontamination, field sanitation, respiratory protection, and pesticide storage.

Oregon OSHA publishes an annual report on violations found in the Pesticide Emphasis Program. The results can be accessed online: <http://orosha.org/subjects/pesticides.html>.

Oregon OSHA also offers confidential, no-cost consultations to assist employers in understanding the rules and protecting workers. To request a consultation, call 1-800-922-2689.



**Pesticide use and your personal protective equipment (PPE)**

**The Label is the Law!**  
When using pesticide products, the requirements for PPE on the product label are your main source of information.

**The Environmental Protection Agency (EPA)** has labeling requirements for pesticide products. Pesticide labels must have signal words, which describe the acute (short-term) toxicity of the formulated pesticide product. The signal word can be either: **DANGER/POISON, DANGER, WARNING, or CAUTION.** Products with the **DANGER/POISON** signal words are the most toxic. Products with the signal word **CAUTION** are comparatively less toxic. All products must be handled with care. Manufacturers are required to provide information about what PPE a handler must wear when mixing, loading, handling, and applying pesticides. Some of this information may be confusing. For instance, what does the label mean when it specifies "chemical-resistant" protective clothing?

**"Chemical-resistant" materials** prevent the measurable movement of certain chemicals through the material to your protected skin for a limited period of use or time. No material claims to be chemical proof. If the label refers to a chemical-resistance category (A - H), choose the category of resistance level that best matches the length of time you will be handling the pesticide or change (into a new pair of gloves, for instance) before you reach the resistance time limit for the material. (See the chart on page 3). The resistance categories are based on the solvents used in the pesticides, not the active ingredients. Different formulations of the same pesticide may require PPE from different chemical-resistance categories.

Oregon OSHA's guide to pesticide use and personal protective equipment is available at [www.orosha.org](http://www.orosha.org) and copies can be ordered through the Oregon OSHA Resource Center. The brochure describes the appropriate PPE to use when working around pesticides.

# January 2012



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- Power Tool and Ladder Safety
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 prior to and 3 days after the event.



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**Keynote ~ Todd Conklin, Ph.D.**

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- Hazardous Waste Management
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Watch for registration information in January 2012

[www.regonline.com/cascade\\_12](http://www.regonline.com/cascade_12)



**Cost to attend**

*(fees include lunch for the days registered)*

- Tuesday and Wednesday (March 6 and 7) ..... \$165
- One day (March 6 or March 7)..... \$95
- RCRA or OSHA 10-hour workshop fee ..... \$15

**Exhibits open**

- Tuesday: 9:30 a.m.-3:15 p.m.**
- Wednesday: 7 a.m.-1 p.m.**

If you want to receive registration materials, exhibitor information, or sponsorship information for the 2012 event, contact the Conference Section:

**[oregon.conferences@state.or.us](mailto:oregon.conferences@state.or.us)  
503-378-3272**

**[www.orosha.org](http://www.orosha.org) or [www.cascade.asse.org](http://www.cascade.asse.org)**

# Going the distance

## What is your background and safety philosophy?

In graduate school at the University of Washington, I was lucky enough to be a research assistant working on a Center for Disease Control (CDC)-funded study evaluating community exposure concerns associated with a copper smelter in Ruston, Wash. This was my first experience on a project that had joint investigators and organizations and I remember how interesting it was to collaborate with others with diverse backgrounds. My master's thesis was a residential indoor air study that was significant because we were only then starting to recognize concentrations of many chemicals indoors are often higher than outdoors. Now, of course, we've spent decades studying indoor air quality, and many industrial hygienists don't find the topic nearly as interesting as it seemed back in the 1980s.



**Company:** Center for Research on Occupational and Environmental Toxicology (CROET) at Oregon Health & Science University

**Industrial hygienist:** Dede Montgomery

**Frequently asked about:** Chemical and hazardous waste exposures, indoor environmental quality, respiratory protection, biological exposures, and effective training.

I was the regional industrial hygienist and later the regional health and safety manager for EPA Region 10. It was in this job that I recognized how much I enjoyed not just evaluating exposures, but communicating about safety and health issues. In this position, I was also expected to provide technical assistance to the state agriculture and environmental agencies in Oregon, Idaho, Washington, and Alaska, where safety programs were in their infancy. I participated in a lot of field work throughout the region, assisting project managers and contractors in the air, water, and cleanup programs. Years later, when I relocated to my hometown of Portland, I began a fairly long stint working at Marine and Environmental Testing, Inc., as both an industrial hygienist and trainer. This was during the “high tech” boom years, and it was interesting to learn about a newer manufacturing process and what was needed from a safety and health perspective.



Photo credit: OHSU

Dede Montgomery with OHSU's Gene Patrick during a visit of the Cirque du Soleil site in Portland.

I learned early on as an instructor and consultant that you really can't expect to be an expert at everything. It's equally important to recognize that everyone in the room has knowledge and experience to offer. A good instructor facilitates a useful discussion of the combined knowledge in the classroom or worksite, directed to what is most important to know for the job or challenge at hand.

### What is your role at CROET?

I support CROET research by providing industrial hygiene technical assistance as it relates to CROET research. I also support CROET's education and outreach work, which includes putting together our continuing education symposia, exhibiting for CROET, teaching classes and workshops, and maintaining [CROETweb.com](http://CROETweb.com). I also assist our toxicologist, Fred Berman, answering calls and e-mails that come into CROET dealing with workplace safety and health. We are using a number of social media tools such as Twitter, Facebook, and our blog, “Oregon and the Workplace,” to interact with those in the community. I am also the outreach director and co-director of the education program for our newly NIOSH-funded Oregon Healthy Workforce Center, something we are all excited about. It's the fourth funded Total Worker Health (Work-Life) center in the U.S. Housed at OHSU, the center includes investigators from Portland State University, the Labor Education Research Center at the University of Oregon, and the Kaiser Center for Health Research. The main focus is on providing integrated safety and health protection and health promotion interventions in Oregon workplaces. I'm also the CROET lead supporting work and maintaining websites for the Oregon Healthy Nail Salon Collaborative and O[yes], the Oregon Young Employee Safety Coalition.

*continued on page 18*



Going the Distance, *continued from page 17*

**What are some of the unique health and safety challenges you have tackled?**

I think of all of the work I've done, certainly the highest profile and perhaps the most frustrating, has been our joint work with Oregon OSHA in discovering excessive, undisclosed concentrations of formaldehyde in salon hair-smoothing products. I realize now that I have felt so passionately and personally involved because, in large part, the many phone calls I have had with stylists describing adverse health effects associated with their exposures and their frustrations in feeling deceived and helpless, with their health severely affected in some cases.

Early in my career, I noticed the challenges of being a young woman expected to give guidance in sometimes very older, male-dominated workplaces and classes. I appreciated that I always had strong support from my employers in this and other work aspects.

These days, it is really quite fun to have so many colleagues that I have known for so long, many that I actually met in the classroom or in the field 20 or more years ago.

**You currently serve on the Oregon Young Employee Safety board (O[yes]) and are passionate about protecting young workers. Why are they more vulnerable?**

Statistics tell us that young workers under the age of 25 are twice as likely to get hurt at work. There are a number of reasons for this, such as a lack of effective training and, of course, sometimes their own inexperience. We also know that some younger workers lack an understanding of their workplace rights and may feel pressured to impress their supervisor, making them sometimes unwilling or uncomfortable to ask important questions. There are also a number of other factors that create this additional vulnerability. One of our initiatives at O[yes] is to better connect with employers to help uncover and share interventions to reduce these injuries.



Montgomery talks to children about hearing safety at the Oregon Museum of Science and Industry.

**What advice do you have for other safety and health professionals hoping to make a difference?**

Share your messages with everyone you work with and learn how to effectively communicate the risks and controls that are needed to protect employees. We know that workplaces, individuals, and families are feeling a lot of stress and worry.

Somehow, even with all of this, we need to try to foster and create environments where everyone feels safe, empowered to support the operation, and where morale is high. Ultimately, it's pretty tough to have an atmosphere that supports safety and health at work if we don't somehow find ways to acknowledge other challenges facing employees, whether it is health or family related.

I would also urge safety and health professionals to find ways to connect and network with other colleagues outside of their organization. Together, we can learn so much from others' successes, failures, and challenges.



Photo credit: OHSU

**Above:** Montgomery shares information about the Oregon Collaborative for Healthy Nail Salons at a recent health fair.

**Below:** Montgomery gives a presentation on young worker safety to staff at Oregon OSHA.

