

The Beat

Timely Health and Safety News for HSE Professionals

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Reducing Risk During Downturns

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Comprehensive and alive HSE programs help the HSE manager reduce company exposure liability during economic downturns

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Tip: Performing risk assessment for chemicals, noise, and other hazardous agents. OSHA is encouraging employers to consider all hazards with or without permissible exposure limits. There is an easy way.

An unfortunate side effect of an economic slow down is corporate restructuring where reductions, consolidation, reassignment and increased workloads occur. As a result, litigation for many reasons accompanies corporate restructurings. Occupational health and safety claimants pursue workman's compensation, long-term disability, or civil and criminal litigation where payments enable them to make it until they are healed or reemployed.

Workers' compensation costs are borne by employers, Taxpayers, injured workers and their families, by all other workers through lower wages, by firms through lower profits, and by consumers through higher prices. HSE managers understand that this relationship compels them to establish and implement robust risk reduction plans that minimize the potential increase in risk exposure.



Challenging the Best

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Reducing Risk through Comprehensive Programming

The HSE manager should prepare a restructuring plan that takes into account HSE management items including:

1. Review HSE policies are approved and embraced by all layers of management. Is the policy posted for all employees to review?
2. Review HSE programs to determine gaps in your compliance with the OSH Act of 1970 and the General Duty Clause that require employers to:
 - a. Furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;
 - b. Comply with occupational safety and health standards promulgated under this Act.
3. Review gaps in program implementation including documentation, training, monitoring, safe work procedures (e.g. SWP, SOP) and Job Safety Analyses (JSA), hazard assessments, and administrative and engineering controls. Just because a standard specific program document is not in your database does not mean it does not apply to your operation.
4. Review workplace hazard assessment database to determine unresolved assessments and control feasibility studies. If hazard assessments do not exist in your database now is the time to analyze all workplace conditions to identify and eliminate existing or potential hazards. What is your process for reporting hazards? Determine deficiencies in hazard abatement.
5. Review chemical and hazard management to make sure risk assessments have been completed, and all monitoring (air, noise, vibration, radiation, thermal, etc.) has been completed and made available to employees on a request basis.
6. Review Personal Protective Equipment requirements and availability. Perform spot inspection on PPE usage.

(continued)

The absence of a
safety program does
not mean it is not
required in your
operation.

7. Review all employee training requirements, standards based, syllabi and lesson plans, sign-in sheets and proof of training documents.
8. Review Emergency Action Plans (EAP), Emergency Response Plans (ERP) and applicable Risk Management Plans (RMP), and Accident Prevention Plans (APP) to determine gaps and communication effectiveness to employees.
9. Review inspection (i.e. initial, frequent, periodic and preventative) checklist database.
10. Review internal inspection, audit and accident investigation database to determine unresolved action items.
11. Review all record keeping including the Log and Summary of Occupational Injuries and Illnesses (OSHA 300). Ensure all medical and exposure (i.e. monitoring) records are complete and available upon request.
12. Ensure line responsibility for HSE is current and responsible persons know where to direct employees regarding health and safety issues.
13. Perform spot inspection of 100% employees to ensure they understand working safely is a condition of employment and that they are individually responsible for complying with the law and completing requirements under OSHA standards. In addition, does each employee understand their rights under the OSH Act of 1970, the general duty clause and the hazard communication standard?
14. Interview line management and staff to determine if "cost avoidance" for safety is practiced. For example, damaged rigging gear is used because there is a purchasing freeze. Another example, we will skip the annual hearing test because of budget. Another example, we will avoid, plead ignorance, to operator certification training due to budget.
15. Review employee complaint history to determine company gaps or perceptions in response to the complainant.
16. Review company history regarding health and safety "whistleblowers."
17. Review current unresolved OSHA citations, proposed penalties and abatements to assess litigation through the Occupational Safety and Health Review Commission (OSHRC). This should take into account proposed characterizations and penalties associated with egregious violations, serious violations, willful or repeat violations, or severe violator labels.
18. Review all employee training requirements, standards based, syllabi and lesson plans, sign-in sheets and proof of training documents. Review all unresolved OSHA citations, penalties and abatement requirements to avoid leverage in collective bargaining, or an increase in workman's compensation based upon safety and health violations, or prosecution under Section 17(e) of the OSH Act leading to jail time or criminal penalties.
19. Review OSHA inspection and citation history at your facilities and determine whether a policy of ignorance or negligence is exhibited, and whether the state employed within allows an employer to litigate. Approximately 32 states authorize the use of OSHA standards and citations as evidence of negligence at trial, and approximately 14 states authorize the use of OSHA standards and citations as negligence per se at trial.
20. Check with OSHA to address any press releases that were issued regarding any OSHA inspections and investigations at your facilities.

It is important to perform internal health and safety program surveys annually to determine gaps in the implementation of federal standards, both the letter and the spirit. This will enable the HSE manager to make sure the organization provides a safe work place for each employee, and remedy for employees that suffer occupation related injuries and illnesses. In addition, a comprehensive safety program will minimize the risk of financial and social exposure during economic downturns.

Minimizing financial
and social risk
demands thorough
planning and
effective
implementation.

The employer must demonstrate the ability to assess hazardous agent risk.



Hazardous Agent Safety

Risk Assessment made easy.

Sentenced to one year in prison following an employee fatality. The president of chemical company was sentenced to prison after he failed to protect employees from chemical exposures.

After sentencing, Eric Harbin, OSHA's Deputy Regional Administrator stated "OSHA standards are in place to protect workers and employers will be held accountable when they fail to follow these standards." The government's willingness to hold an individual criminally liable for safety violations provides a strong reminder that employers should review their safety procedures and protocols to make sure they are in line with OSHA's standards.

The Occupational Safety and Health Administration (OSHA) have issued a warning to employers regarding chemical safety.

Approximately 476 chemicals have OSHA permissible exposure limits (PELs) such as methyl ethyl ketone, hexavalent chrome, acrylamide, ethylene oxide, sulfuric acid and toluene. OSHA also recognizes the fact that over 300,000 chemicals, all without PELs, may be found in the American workplace. OSHA suggests strongly that employers perform risk assessments on chemicals, and other hazardous agents, in the workplace.

Juler Group Incorporated has developed and refined a hazardous agent (e.g. chemicals, noise, biologicals, radiation, vibration, etc.) industrial hygiene exposure assessment tool that relies on a systematic and reproducible process resulting in a risk judgment for each potentially hazardous chemical, physical and process agent found in your operations.



Enhancing Performance

Juler Group Incorporated

The Qualitative & Quantitative Assessment Matrix tool results in a sampling plan that enables monitoring and required data collection at two stages thus satisfying agency requirements while reducing sampling labor and analytical costs. More importantly, it is a systematic and reproducible process that provides defensible risk assessment and monitoring data.

Understanding the qualitative and quantitative risk matrix guides monitoring and control planning

Risk Assessment of Chemicals

Step 1

1. Perform chemical inventory
2. Enter SDS regulatory information
3. Rank Exposure Risk Ratings
4. Develop prioritized sampling plan

Step 2

1. Review prioritized sampling plan from step 1
2. Sample agents with ERR ≥ 3
3. Add to Quantitative Matrix
4. Resample periodically

This step constitutes sampling as required by OSHA. It does not abolish employers' requirement to perform analytical sampling of the hazard. This step produces a documented Qualitative Assessment. See example below.

Perform this step by independent certified industrial hygienists (CIH) to ensure sampling accuracy, to remove sampling bias and to accurately interpret results.

Area	Location	Product Name	Chemical Agent	OSHA PEL	Monitoring Requirements - Quantitative	Exposure Assessment - Qualitative Assessment	Exposure Assessment - Quantitative	OSHA PEL	Monitoring Requirements - Quantitative	Exposure Assessment - Qualitative Assessment	Exposure Assessment - Quantitative	Notes - Quantitative
					OSHA - 1.0 mg/m ³ (TWA)	Exposure < 1.0 mg/m ³ (TWA)	0.0001		OSHA - 1.0 mg/m ³ (TWA)	Exposure < 1.0 mg/m ³ (TWA)	0.0001	Acceptable Risk for routine monitoring
					OSHA - 1.0 mg/m ³ (TWA)	Exposure < 1.0 mg/m ³ (TWA)	0.0001		OSHA - 1.0 mg/m ³ (TWA)	Exposure < 1.0 mg/m ³ (TWA)	0.0001	Acceptable Risk for routine monitoring
					OSHA - 1.0 mg/m ³ (TWA)	Exposure < 1.0 mg/m ³ (TWA)	0.0001		OSHA - 1.0 mg/m ³ (TWA)	Exposure < 1.0 mg/m ³ (TWA)	0.0001	Acceptable Risk for routine monitoring
					OSHA - 1.0 mg/m ³ (TWA)	Exposure < 1.0 mg/m ³ (TWA)	0.0001		OSHA - 1.0 mg/m ³ (TWA)	Exposure < 1.0 mg/m ³ (TWA)	0.0001	Acceptable Risk for routine monitoring
					OSHA - 1.0 mg/m ³ (TWA)	Exposure < 1.0 mg/m ³ (TWA)	0.0001		OSHA - 1.0 mg/m ³ (TWA)	Exposure < 1.0 mg/m ³ (TWA)	0.0001	Acceptable Risk for routine monitoring

Two essential responsibilities are accomplished with this systematic and reproducible risk assessment tool; first the OSHA requirement for identifying and characterizing hazards has been satisfied, and secondly an employer monitors only those agents with higher risks profiles thereby enabling regulatory program development and controls implementation where necessary. Contact Juler Group for more information.

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