

Occupational Health & Safety Report



July 1982

ASSOCIATED INDUSTRIES OF MASSACHUSETTS, 462 BOYLSTON STREET, BOSTON MA 02116 (617) 262-1180

... for a more competitive Massachusetts

Important Seminars Scheduled for Fall

AIM will sponsor a series of occupational health and safety related seminars this fall in various locations throughout the State. Flyers giving full details about contents and registration of each of these programs will be mailed to members early in August. For further information, phone Paul Colson or Virginia Bergin at AIM - (617) 262-1180.

Special OSHA Seminars

In the Federal Register of July 2, 1982, OSHA announced that employers who have effective and documented safety and health programs and accident frequencies below the average for their SIC codes can win exemption from OSHA inspections upon written application.

Because all companies, regardless of size, are eligible, this new OSHA provision should be of great interest to all of our members.

AIM has therefore arranged to have OSHA Regional Officers attend a series of meetings in the following locations and on the dates indicated to fully explain these "Voluntary Protection Plans":

- September 24, 1982 - Holiday Inn, Dedham
- September 28, 1982 - Holiday Inn, Peabody
- September 30, 1982 - Whaler Inn, New Bedford
- October 5, 1982 - Quality Inn (formerly Rodeway Inn), Chicopee
- October 20, 1982 - Sheraton Lincoln, Worcester

In addition, the OSHA team will provide up-date information relative to proposed modifications in the Employee Access to Medical Records Standard, status of modification to the Hearing Conservation Standard, OSHA's developing program to lend assistance to employers in cited hazards correction, explain a new OSHA program called "Talk Back to OSHA" which will provide OSHA with employer reactions to inspections, plus other changes in OSHA procedures of interest to members.

Supervisory Management Development Programs

After consultation with many of our members and the presentation of a trial program, AIM has decided to present a continuing series of Supervisory Management Development Programs on a local basis throughout the state.

Each program will consist of 3 half day sessions, one week apart and limited to 20 attendees, as per the following schedule:

- September 16, 23, 29, 1982 - Carlton House, Brockton
- October 7, 14, 21, 1982 - King's Grant Motel, Danvers
- November 3, 10, 17, 1982 - Sheraton Rolling Green, Andover
- December 2, 9, 16, 1982 - Rodeway Inn, Chicopee

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PLAINTIFF'S EXHIBIT

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Each attendee will be provided with a manual containing source materials, worksheets and other back up materials.

The sessions will be conducted by Paul Colson, AIM's Consultant on Occupational Health who has been involved in supervisory training programs for the past 30 years.

While these programs are primarily designed to provide expert training for supervisors in smaller companies that do not have internal training resources, (about 80% of Massachusetts' companies have fewer than 50 employees), supervisors from larger companies will also find these sessions stimulating.

AIM to Co-Sponsor Employee Health Seminar

As part of its continuing program to promote good occupational health programs, AIM will co-sponsor with Medical Foundation an all day seminar-workshop on Employee Health Assistance Programs (EHAP's).

Dr. Barry Levy of U-Mass Medical School, will discuss how EHAP's compliment in-plant occupational health activities and Dr. Beverly Ware of the Ford Motor Company, will discuss some of the practical aspects of setting up and operating such programs.

AIM's Paul Colson will discuss the economics of EHAP's and the adverse impact of unsatisfactory lifestyles on productivity.

Three workshops on Smoking Cessation, Physical Fitness and Hypertension Screening will be conducted in the afternoon by persons from industry who have carried out such programs.

DATE: September 22, 1982

TIME: 8:30 a.m. to 3:30 p.m.

PLACE: Holiday Inn, Newton Lower Falls (off Rte. 128 next to Riverside MBTA Station)

FEE FOR REGISTRATION: \$45. per person

For further information call Paul Colson at AIM - 262-1180 or Thelma Tisdale at the Medical Foundation - 262-1530.

Employer Wins Arbitration Case Involving Safety Shoes

An employer was cited by OSHA for not requiring employees to wear safety shoes while carrying out heavy lifting operations on a daily basis.

As a result, the company issued a rule making the wearing of safety shoes mandatory. The union filed a grievance based upon the fact that (1) there was no such rule when the existing contract had been negotiated and no such rule was included in the safety booklet given each employee and (2) they wanted the company to pay for them.

The subject of safety shoes had come up during negotiations but the company had refused to consider supplying them and the subject was dropped. When the case went to arbitration, the employer was upheld.

There has been no clear cut litigation in this area but most employers (1) defray at least part of the cost of safety shoes and (2) where materials handling operations produce hazards to the feet, the wearing of safety shoes is made mandatory.

Because OSHA has a standard requiring the use of safety shoes when there are foot injury possibilities, employers can make wearing safety shoes a condition of employment.

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The Need for Accident and Illness Records Review

Recently while an OSHA inspector was reviewing one of our member's Form 200 - Log of Injuries and Illnesses - he discovered the company employees had sustained what seemed to be an excessive frequency of tenosynovitis, cases of which he felt the employer was not fully aware nor were any steps being taken to prevent such cases in the future.

OSHA referred the situation to NIOSH for research and as a result, four NIOSH representatives called on our member, studied his record and according to them, found our member had far more tenosynovitis cases than is normal for operations in his SIC code.

Accordingly, OSHA cited the member under the General Duty Clause which requires the employer to provide "a safe and healthy workplace". To abate the hazard, the member will probably have to restructure the jobs involved and at considerable expense.

Our point in mentioning this incident is to alert our members to the need for periodic reviews of their OSHA 200 forms to see if any pattern of accident or illness cases indicates the existence of a medical or operational problem that should be addressed from the viewpoint of both health and safety.

This case is the first indication we have had that OSHA inspectors are making such detailed analysis of OSHA Form 200. If other similar incidents arise, we would like to hear about them in detail.

In this particular case, it is entirely likely that if the member had been aware of the high frequency of tenosynovitis cases and had so indicated to the OSHA inspector and had advised him the situation had been called to the attention of a physician or another person capable of solving the problem, the situation would not have developed beyond that point.

Union's Right to Know Confirmed

The National Labor Relations Board has just given formal approval to the principle that unions representing their members are entitled, with a few limitations (i.e. protection of trade secrets), to health, safety, and medical information about a plant's workers and to the generic names of the substances used or produced in the plant.

A detailed discussion of the Board's decision was included in the June 1982 National Safety News. For a copy write to Paul Colson at AIM.

Employee Sues OSHA An Interesting Case

An employee of a New Hampshire shoe company is suing the U.S. government for damages based on alleged negligence by OSHA inspectors. The suit charges that the worker sustained injuries as a result of equipment violations which OSHA inspectors had repeatedly failed to cite during several inspections. A government motion to dismiss the complaint was denied by the U.S. District Court for New Hampshire on the basis that it falls within the provisions of the Federal Tort Claims Act.

As the action develops in this suit, we will keep our members informed.

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Union Sponsors Asbestos Workers Screening

The Asbestos Workers International Union is presently conducting a nationwide clinical survey of all of its "high risk" members with a history of over 30 years exposure to asbestos. Canadian workers will be included.

The Union bases their survey on the fact (their own statistics) that 50% of the deaths in its organization are caused by a variety of cancers which might indicate their members have a lowered resistance to malignancies owing to their work with asbestos.

Wives of the workers will also be studied.

The program is co-sponsored by the Union, Mount Sinai Hospital (New York) and the American Cancer Society. While our information about this survey is fragmentary at present, we assume the involved employees' lifestyles, including diet, smoking, drinking and use of drugs, will be factored into the studies. Many authoritative studies show that unsatisfactory life style is a major, if not the major causative factor in many types of cancer.

If an Employee Refuses Audiometric Testing

While OSHA requires employers to institute a hearing conservation program which includes audiometric testing for employees exposed to noise levels of 85 dBa and over, the employer will not be cited if a particular employee refuses to be tested provided the employer documents that refusal.

In such cases, the employer should have the employee sign a waiver which indicates he was offered the testing but he refused.

The same kind of waiver should be obtained when any employee declines "medical surveillance" required by OSHA when the employer utilizes toxic materials covered by particular OSHA standards.

Hazardous Chemicals Labels Available

With OSHA's requirements for labeling certain regulated chemicals already in effect and an overall regulation for labelling all hazardous chemicals coming soon, employers should know where to secure acceptable labels.

We have just received a catalog from Teledyne Isotopes, 50 Van Buren Ave., Westwood, NJ 07675 which indicates they can provide the specific labels for most of the chemicals used regularly in industry.

Their paste on labels identify the particular chemical, explain its hazards, indicate how it is to be handled with safety and what remedial action to take in case of excessive employee exposure to the materials.

For a copy of the catalog of signs, please write to Paul Colson at AIM.

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