



This newsletter is to inform you of recent changes and trends regarding health and safety. The Turning Point is a monthly newsletter covering topics from various industries and sectors. The Turning Point will respond to your inquiries and inform you of current services and updates regarding Raising the Standard Consulting Inc.

U.S. DEPARTMENT OF LABOR UPDATES

US Labor Department's OSHA cites Republic Engineered Products for repeatedly exposing workers to fall and energy control hazards at Lorain, Ohio, facility. Proposed penalties total \$563,000.

May 16, 2011

LORAIN, Ohio – The U.S. Department of Labor's Occupational Safety and Health Administration has cited steel manufacturer Republic Engineered Products Inc. in Lorain for seven willful and three repeat safety violations, with proposed penalties totaling \$563,000, for failing to protect workers from fall hazards and implement adequate energy source lockout/tagout procedures to prevent injury from hazardous equipment. The company also has been placed in OSHA's Severe Violators Enforcement Program, which focuses enforcement resources on employers that have demonstrated indifference to their Occupational Safety and Health Act obligations by committing willful, repeated or failure-to-abate violations.

"There is no excuse for Republic Engineered Products to continue to neglect its workers' safety," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "This company has a long history of OSHA violations, including employee injuries and fatalities in several of its plants. It needs to make a serious effort to comply with common-sense regulations to protect its employees."

OSHA began the inspection of the Lorain facility in November 2010 after a worker was hospitalized with a broken pelvis when he fell 9 feet from a coil transfer car in the bar mill. The willful violations carried proposed penalties of \$480,500 for exposing employees to falls from the car and an unguarded platform, and for failing to affix lockout/tagout devices to control the unexpected energizing of equipment. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

The repeat violations with proposed fines of \$82,500 were cited for failing to train employees in lockout/tagout procedures; specify the procedural steps necessary to lock out electrical, hydraulic and gravitational energy sources for the coil transfer car; and isolate all hazardous energy sources. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. The company was cited in 2008 at both the Lorain facility and its Blasdell, N.Y., facility for failing to develop and adequately train workers on lockout/tagout procedures. Failure to operate energy isolation devices properly also was cited in Blasdell in 2008.

The company's Lorain location, which employs approximately 250 people, also was cited in another incident by OSHA in 2010 for 13 violations and fined \$143,000. The Lorain facility has been inspected 25 times since 1990, resulting in 76 violations in addition to those currently being cited.

Republic Engineered Products Inc., which is headquartered in Canton, Ohio, employs more than 2,200 workers companywide and operates additional manufacturing facilities in Canton and Massillon, Ohio, as well as in Blasdell, N.Y.; Gary, Ind.; and Hamilton, Ontario, in Canada. Excluding the Lorain location, the company's combined sites have been inspected 53 times since 1990, resulting in a total of 124 violations.

US district court upholds OSHA subpoena in grain engulfment case.

May 16, 2011

CHICAGO – A U.S. district court has upheld a subpoena issued by the U.S. Department of Labor's Occupational Safety and Health Administration requesting documents from Grinnell Mutual Reinsurance Co. concerning inspections and reports the company prepared for Haasbach LLC. Two teenage workers were killed in a grain engulfment at Haasbach's Mount Carroll, Ill., site in July 2010.

Grinnell contended that the subpoena would discourage businesses from allowing insurers to conduct safety inspections if the material contained in the inspection reports can be used against a business during later litigation or OSHA enforcement proceedings. The court ordered that the records be given to OSHA.

OSHA Assistant Secretary Dr. David Michaels praised the decision. "The court affirmed OSHA's authority to obtain relevant information from an employer's workers' compensation insurance company. This is not surprising legally, but it does illustrate that workers' compensation and OSHA are not separate worlds divorced from each other," he said. "Workers' compensation loss control activities overlap with OSHA's efforts to bring about safe and healthful workplaces, and in order to achieve a safe and healthful working environment for all Americans, all efforts of business, insurance, labor and government must move forward together."

The court ruled that OSHA has jurisdiction to investigate the workplace fatalities, and further has the authority to require the production of relevant evidence and the ability to issue a subpoena to obtain that evidence. The requested documents, which included copies of site safety inspections, applications for insurance coverage for the site, and correspondence between Grinnell and Haasbach concerning the site, were found to "reasonably relate to the investigation of the incident and the question of OSHA jurisdiction," according to the decision.

Haasbach was issued 25 citations by OSHA with a penalty of \$555,000 following an investigation into the deaths of the two teenage workers at the company's grain elevator in Mount Carroll. A 20-year-old man also was seriously injured in the July 2010 incident when all three became entrapped in corn more than 30 feet deep. At the time of the incident, the workers were "walking down the corn" to make it flow while machinery used for evacuating the grain was running.

OSHA's Region V, which includes Illinois, Ohio and Wisconsin, initiated a Grain Safety Local Emphasis Program in August 2010, and has since conducted 61 inspections and cited grain operators/facilities for 163 violations. The violations cover hazards associated with grain engulfment, machine guarding, electricity, falls, employee training, combustible dust and lockout/tagout of energy sources on potentially dangerous equipment.

You Have the Right to a Safe WORKPLACE

The Occupational Safety and Health Act of 1970 (OSH Act) was passed to prevent workers from being killed or seriously harmed at work. The law requires employers to provide their employees with working conditions that are free of known dangers. The Act created the Occupational Safety and Health Administration (OSHA), which sets and enforces protective workplace safety and health standards. OSHA also provides information, training and assistance to workers and employers. Workers may file a complaint to have OSHA inspect their workplace if they believe that their employer is not following OSHA standards or that there are serious hazards.

Workers' rights under the O.S.H. ACT

Workers are entitled to working conditions that do not pose a risk of serious harm. To help assure a safe and healthful workplace, OSHA also provides workers with the right to:

- » Ask OSHA to inspect their workplace;
- » Use their rights under the law without retaliation and discrimination;
- » Receive information and training about hazards, methods to prevent harm, and the OSHA standards that apply to their workplace. The training must be in a language you can understand;
- » Get copies of test results done to find hazards in the workplace;
- » Review records of work-related injuries & illnesses;
- » Get copies of their medical records;

OSHA standards: Protection on THE JOB

OSHA standards are rules that describe the methods that employers must use to protect their employees from hazards. There are OSHA standards for Construction work, Agriculture, Maritime operations, and General Industry, which are the standards that apply to most worksites. These standards limit the amount of hazardous chemicals workers can be exposed to, require the use of certain safe practices and equipment, and require employers to monitor hazards and keep records of workplace injuries and illnesses. Examples of OSHA standards include requirements to: provide fall protection, prevent trenching cave ins, prevent some infectious diseases, assure that workers safely enter confined spaces, prevent exposure to harmful substances like asbestos, put guards on machines, provide respirators or other safety equipment, and

provide training for certain dangerous jobs. Employers must also comply with the General Duty Clause of the OSH Act, which requires employers to keep their workplace free of serious recognized hazards. This clause is generally cited when no OSHA standard applies to the hazard.



Workers can ask OSHA to Inspect THEIR WORKPLACE

Workers, or their representatives, may file a complaint and ask OSHA to inspect their workplace if they believe there is a serious hazard or that their employer is not following OSHA standards. A worker can tell OSHA not to let their employer know who filed the complaint. It is a violation of the Act for an employer to fire, demote, transfer or discriminate in any way against a worker for filing a complaint or using other OSHA rights.

You can file a complaint online; download the form and mail or fax it to the nearest OSHA office; or call 1-800-321-OSHA (6742). Most complaints sent in on line may be resolved informally over the phone with your employer. Written complaints that are signed by a worker or their representative and submitted to the closest OSHA office are more likely to result in an on-site OSHA inspection.

When the OSHA inspector arrives, workers and their

Core Values ... How essential are they?

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representatives have the right to:

- » Go along on the inspection.
- » Talk privately with the OSHA inspector.
- » Take part in meetings with the inspector and the employer before and after the inspection is conducted.

Where there is no union or employee representative, the OSHA inspector must talk confidentially with a reasonable number of workers during the course of the investigation. When an inspector finds violations of OSHA standards or serious hazards, OSHA may issue citations and fines. A citation includes methods an employer may use to fix a problem and the date by when the corrective actions must be completed. Workers only have the right to challenge the deadline for when a problem must be resolved.

Employers, on the other hand, have the right to contest whether there is a violation or any other part of the citation. Workers or their representatives must notify OSHA that they want to be involved in the appeals process if the employer challenges a citation.

If you send in a complaint requesting an OSHA inspection, you have the right to find out the results of the OSHA inspection and request a review if OSHA decides not to issue citations.

Employer Responsibilities

Employers have the responsibility to provide a safe workplace. Employers MUST provide their employees with a workplace that does not have serious hazards and follow all relevant OSHA safety and health standards. Employers must find and correct safety and health problems. OSHA further requires employers to try to eliminate or reduce hazards first by making changes in working conditions rather than just relying on masks, gloves, ear plugs or other types of personal protective equipment (PPE). Switching to safer chemicals, enclosing processes to trap harmful fumes, or using ventilation systems to clean the air are examples of effective ways to get rid of or minimize risks.

Employers MUST also:

- » Inform employees about hazards through training, labels, alarms, color-coded systems, chemical information sheets and other methods.
- » Keep accurate records of work-related injuries and illnesses.
- » Perform tests in the workplace, such as air sampling required by some OSHA standards.
- » Provide hearing exams or other medical tests required by OSHA standards.
- » Post OSHA citations, injury and illness data, and the OSHA poster in the workplace where workers will see them.
- » Notify OSHA within 8 hours of a workplace incident in which there is a death or when three or more workers go to a hospital.
- » Not discriminate or retaliate against a worker for using their rights under the law.

You Cannot be Punished or Discriminated Against for Using YOUR OSHA RIGHTS

As different jurisdictions and responsible construction companies start to understand the importance of

safety for workers at their workplaces, the need to educate workers to take responsibility for their own safety at their workplaces is now higher than before. In the US and other developed countries, this need is not only high but is a requirement by law. All employers are required to provide basic information and training to their employees, in particular, employers are required to have new employees trained on safety matters before they start working. Various Construction Safety Training Systems and programs are available across all the US.

Construction sites are prone to various risks and employees are trained in the basics of construction safety. The training enables them to identify the obvious dangers and risks and be in a position to protect themselves against the same.

In general, Construction Safety Training Systems trainees are expected to cover the following training courses:

The Laws at the Workplace – All trainees are required to know what the law requires of them at their workplace in relation to their own safety.

Implementing construction safety strategies is not only a duty of employers. Employees must play their part for their own safety benefit.

Construction Workplace Dangers and Risks – All trainees are required to be able to identify and suggest ways of mitigating the various dangers and risks that they are bound to face at their construction workplace.

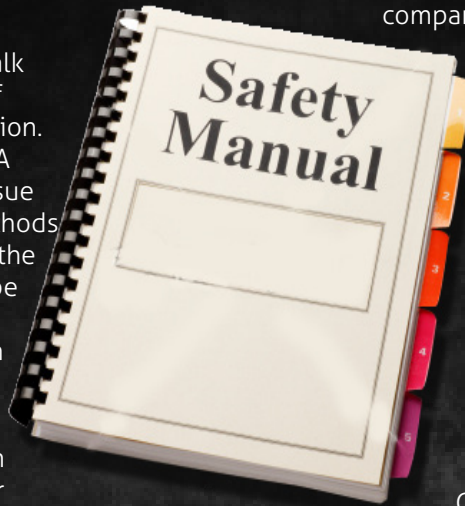
Personal Protective Equipments – At the end of the training, trainees are expected to know how to use all the vital personal protective equipments to enhance their safety.

Housekeeping – A well-kept workplace has minimal risks and trainees are expected to be able to housekeep their workplaces and thereby increase their own safety.

Emergency Response – Trainees are made aware and appreciate the fact that even with all the necessary safety measures put in place by employers, emergency situations are bound to occur and they are therefore equipped with the necessary skills and expertise in handling emergency situations.

Machineries, Mobile Equipments and Tools – Misuse of these is a common practice at most workplaces and Systems are designed to make trainees know that they can only handle machinery and equipments whose operations they have been trained on.

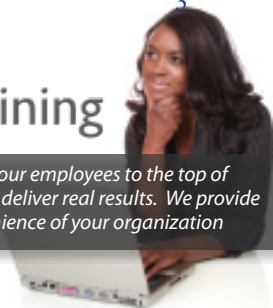
Construction safety programs are not only suitable for employees. They are very useful to construction site managers, supervisors and safety committees as well. RTS Consulting (USA) can provide on line or on site training which employers can use to engage and train their employees.



10|30 hour training

WEB-BASED training

Raise the safety, health, and productivity of your employees to the top of your agenda and provide training solutions that deliver real results. We provide web-based training programs for the convenience of your organization



Emphasis: The classes are prepared for presentation to workers. They emphasize hazard identification, avoidance, control and prevention, not OSHA standards and regulatory codes. The presentations are tailored to the needs and understanding of the audience. Each class is evaluated to determine the best methods of training before the class begins.

Site-Specific Training: We believe that the most rewarding classes for students are the ones they can relate to because the trainer uses examples, pictures, and scenarios that come from the student's work place, industry or community.

Training Purpose: We explain up front, that the training isn't a bureaucratic exercise. We emphasize that it may save a life & help them continue to provide for their family. We explain that safety & health add value to the company, the workplace and their life.

Homogenous Class: The ideal class to teach is one where students have similar positions and needs. We endeavor to conduct separate training classes for supervisors, managers, and workers as much as possible unless a combined session would assist the students in fostering a culture of teamwork. We also try to separate workers into like groups, for example, office personnel, machine operators, and maintenance staff when possible.

Use Objectives: At the beginning of each session we describe the skills and abilities the students should have or exhibit for each topic and relate the objectives to the students' work, whenever possible.

Presentation Assortment: Students learn in different manners, and get tired of one training style. Therefore we use different trainers, computer presentations, videos, case studies, exercises and graphics to make the course interesting and enjoyable. By doing this we employ the three levels of training techniques - presentation (*presenting the material in a variety of ways*), discussion (*getting the students involved in the learning*), and performance (*students practice the material they learned*).

Testing: We use quizzes and tests to ensure the student understands key objectives. We also provide students feedback on incorrect answers in an open discussion format.

HEALTH CARE EDUCATION

This module consists of 12 unique courses designed to provide participants with a well-rounded understanding of safety in the health care industry. You'll learn everything from how to recognize and prevent workplace violence to gaining basic knowledge of patient's rights and confidentiality.

TECHNICAL, INDUSTRIAL & SAFETY SKILLS

The goal of this training is to help participants to understand the risks and take the necessary precautions for the health and safety of workers and how to prevent accidents within the technical and industrial trades.

This module is divided into 5 sub-sections:

- Canada Safety
- OSHA - Construction
- OSHA - General Industry
- OSHA - 10/30 Hour Outreach Training
- OSHA - Hazardous Waste Training

PUBLIC SAFETY

The basis of this training covers the key components of human resources with emphasis on courses such as employment law, handling conflict and confrontation and explores successful arbitration and mediation methods. It also includes courses that aid in improving business-writing skills and offers advanced insight for analyzing financial statements.



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