

## Federal Guidelines for Dealing with Upcoming Flu

By Edwin S. Hopson  
Wyatt, Tarrant & Combs, LLP

Recently, the U.S. Occupational Safety and Health Administration (OSHA) issued a press release advising employers that several federal departments had issued new guidance for businesses as to how to plan for and respond to the upcoming flu season.

That guidance, prepared by the U.S. Centers for Disease Control and Prevention (CDC), concerns not only the impact that seasonal flu normally has upon employees and their employers' business operations but also the impact that 2009 H1N1 influenza could have this fall and winter on businesses.

Employers are advised by CDC to:

- Encourage employees with flu-like symptoms or illness to stay home and, if indicated, seek appropriate medical care;
- Encourage frequent hand washing and routine cleaning of commonly touched surfaces;
- Operate with reduced staffing when necessary; and
- Possibly having employees who are at higher risk of serious medical complications from infection work from home.

According to the press release, "[i]t is not known whether the 2009 H1N1 influenza virus will cause more illness or more severe illness in the coming months, but the CDC recommends that everyone be prepared for influenza."

Because of the serious health risks, businesses are encouraged to develop and implement plans that can reduce the spread of flu and to encourage employees to obtain a seasonal flu vaccination as well as a H1N1 vaccination when they become available, or even offer the seasonal flu vaccine in the workplace.

CDC also suggests that employers be flexible and allow employees with ill family members or children at home due to a school closure to work from home.

It is also suggested that employers cancel non-essential face-to-face meetings and travel, and space employees farther apart in the workplace.

OSHA's guidance on a possible flu pandemic can be found at: [http://www.osha.gov/Publications/influenza\\_pandemic.html](http://www.osha.gov/Publications/influenza_pandemic.html). Another federal government website dealing with influenza can be accessed at: <http://www.pandemicflu.gov/index.html>. ▲

### Coming out of Washington

Here's a heads up on a couple of new rules that OSHA is updating — on protective equipment and acetylene standards. Also, you may want to sign up for the free electronic newsletter the U.S. Department of Labor has started. See below.

- OSHA recently published a final rule revising the personal protective equipment standards (for general industry and others) pertaining to eye- and face-protective devices and also head- and foot- protection. For information on the new rule go to the "Federal Register," Sept. 9, 2009, pages 46350-46361. In essence, OSHA is updating its regulations to include more recent editions of the national consensus standards. In addition, OSHA will require safety shoes to comply with a specific American National Standards Institute (ANSI) standard; and it includes a provision to require filter lenses and plates in eye-protective equipment to meet a test to guard against radiant energy. The final rule will become effective Oct. 9, 2009.

- OSHA is proposing to revise its acetylene standard by updating its references to current acetylene industry work practices. For information on this rule, go to the "Federal Register," Aug. 11, 2009, pages 40441-40447, in which OSHA has published its final rule. This is a continuation of OSHA's ongoing effort to update references to standards developing organizations (SDO) standards.

- The U.S. Department of Labor has started an

Due to serious health risks from H1N1 flu, businesses are urged to develop and carry out plans that can reduce its spread.

**75 percent of the nation's current illegal drug users and 79 percent of the nation's heavy alcohol users are employed. And 3.1 percent and 7.1 percent respectively say they use drugs or alcohol at work.**

electronic newsletter to help everyone keep abreast of what is happening in all facets of the Agency. The newsletter provides information on such things as Secretary Solis' speeches, upcoming seminars, and grant opportunities. To subscribe, visit the Department's Web site at <http://www.dol.gov/dol/email.htm>. ▲

### Drug-Free Work Week Oct. 19-25

According to recent research, 75 percent of the nation's current illegal drug users are employed, and 3.1 percent of them say they have actually used illegal drugs before or during work hours. Also, 79 percent of the nation's heavy alcohol users are employed, and 7.1 percent of them say they have actually consumed alcohol during the workday.

From Oct. 19-25, 2009, the U.S. Department of Labor will sponsor its annual Drug-Free Work Week. Although coordinated out of Washington, activities are conducted by various organizations in individual workplaces around the country. To get resources and ideas on how you can participate, go to the event's Web site at <http://www.dol.gov/asp/programs/drugs/workingpartners/DFWW-Introduction.asp>. ▲

#### Safety and Health Training Schedule

October 5 - 9, 2009

*These are free courses offered by Kentucky OSHA. Register online at <http://rsvpbook.com/event.php?71815>, or call 502-564-3070.*

#### Ashland

Ashland Community and Technical College  
Roberts Drive Campus

#### Agenda

#### Monday, October 5.

*Overview of the KY OSH Program 8:30 - 11:30 a.m.*

This session discusses the obligation to provide a safe and healthy workplace. Topics include the operations of the KY OSH Program, including enforcement and voluntary compliance, and also safety and health topics currently being considered for future standards and policies.

*KY OSH Mandated Health Programs 1:00 - 4:00 p.m.*

This session takes a broad look at the basic health programs required for general industry. The course will familiarize participants with the core elements and explain the requirements in plain language.

#### Tuesday – October 6

*Back Safety and Office Ergonomics 8:30 - 11:30 a.m.*

This session explains why many back injuries occur from lifting and how they may be prevented. The office ergonomics portion focuses on risk factors, stress, and

avoiding disorders associated with computer use.

*Noise and Hearing Conservation 1:00 - 4:00 p.m.*

This session explains the composition of sound, the instrumentation and criteria used to determine excessive noise levels, the effects of noise on the hearing mechanism, personal protective equipment, and basic noise control methodology. Also included is a discussion of the hearing conservation requirements. These requirements include employee exposure monitoring, audiometric testing, hearing protection, employee training, and related recordkeeping

#### Wednesday - October 7

*Electrical Safe Work Practices 8:30 - 11:30 a.m.*

This course is designed to familiarize participants with the KY OSH's electrical Safety-Related Practices standards 1910.331 - 1910.335. Topics include de-energized and energized electrical equipment, shock and arc flash blast hazards, personal protective equipment and others.

*Welding, Cutting, and Brazing 1:00 - 4:00 p.m.*

This session focuses on the processes and hazards associated with welding operations, including oxy-acetylene, TIG, MIG, and open arc, personal protective equipment, safety and health hazard recognition and control, and KY OSH requirements.

#### Thursday – October 8

*Confined Space Entry 8:30 - 11:30 a.m.*

This session explains the regulations on confined spaces. Topics include assessment and entry into a confined space environment, such as sewers, tanks and pits, and emergency entries.

*Bloodborne Pathogens 1:00 - 4:00 p.m.*

This session explains the measures needed to protect employees from the hazards of exposure to blood and infectious materials containing bloodborne pathogens, such as the hepatitis B virus, and HIV. Topics include infection control, engineering and work practice controls, personal protective equipment, housekeeping; medical evaluations, warning signs and labels.

#### Friday – October 9

*Introduction to Basic Electrical Safety 8:30 - 11:30 a.m.*

This session introduces its participants to basic electrical concepts and the hazards associated with them in general industry. The focus of the class is to show hazards looked for by Kentucky Occupational Safety and Health consultants while conducting safety and health audits. The course is designed to familiarize students with the CFR 1910.300 through 1910.308 OSHA electrical standards and the potential hazards associated with electrical installations and equipment. Topics include electrical hazards associated with the use of electric utilization systems, wiring design and method, wiring protection, wiring components, electrical definitions, proper examination of electric equipment, electric equipment for specific locations, and acceptable installation and use of both portable and fixed electric equipment. ▲

## JUNE CITATIONS & FINES

Below is a listing of the citations and fines issued by the Kentucky Occupational Safety and Health agency during the month of June of 2009. Provided here are summaries of the citations and the total amount of the fines. A company has 15 working days from receipt of the citations and proposed penalties to either elect to comply with them, to request and participate in an informal conference with the KOSH area director, or to contest them before the independent Occupational Safety and Health Review Commission.

### C.W. WRIGHT CONSTRUCTION CO.

11500 Ironbridge Road, Chester, Va.

Inspection site: 3309 Natchez Lane, Louisville

6-19-09

\$27,000

#### Serious

- Employees working on de-energized power lines were not properly trained. \$4,500
- Employer failed to determine if working conditions were safe for electrical employees, resulting in employee's shock and severe burn while trying to close cutout with his bare hands. \$4,500
- Employees were working within permitted approach distance to live power lines, when employee contacted energized part and was shocked. \$4,500
- Employee was permitted to close a cutout without use of gloves or tools rated for 7,200 volts. \$4,500
- Employer failed to render inoperable all sources of electrical energy and failed to tag devices as de-energized. \$4,500
- Employer failed to ensure that 7,200-volt power lines were grounded prior to allowing employees to work on them. \$4,500

### MOREL CONSTRUCTION CO.

627 W. Main St., Louisville

Inspection site: 651 Overdale Dr., Louisville

6-19-09

\$22,575

#### Repeat Serious

- Employee and subcontractor employees were working on roof at least 19 feet above ground with no fall protection. \$6,000
- Subcontractor employees were working on roof as high as 26 feet with not fall protection. \$6,000

#### Serious

- Employee was using temporary electric receptacle with no ground fault protection. \$875
- Nine subcontractor employees were working on scaffold with no guard rails, end rails or fall protection. \$3,000
- Nine subcontractor employees were working on scaffold with no toe boards or falling-object protection in place. \$700
- Employees working in aerial lifts with no fall protection. \$3,000
- Employees were working in area with multiple wall openings and no guardrails or fall protection. \$3,000

### ROY ANDERSON LUMBER CO.

P.O. Box 275, Tompkinsville

Inspection site: 1115 Columbia Ave. Tompkinsville

6-19-09

\$10,500

#### Serious

- Employer did not have procedures in place for the control of hazardous energy. \$3,500
- Employer failed to conduct periodic inspections of energy control procedures, resulting in employee being fatally injured when he was pulled into a rotating shaft while performing maintenance work. \$3,500
- Employer did not properly train employees in lockout/tagout procedures. \$3,500

### CORBIN ICE COMPANY

P.O. Box 564, Corbin

Inspection site: 1311 Cumberland Falls Pkwy., Corbin

6-4-09

\$9,500

#### Serious

- Employer did not have an emergency response plan for employees who responded to ammonia release and donned full-face respirators. \$1,250
- Employer had not performed air monitoring to evaluate for decreased level of respiratory protection for employees who used respirators that weren't certified for use for ammonia release. \$1,250
- Employee who responded to ammonia release was not properly trained and certified; employer did not properly train 20 employees who worked with chemicals, including anhydrous ammonia. \$1,250
- Employer did not have a written respiratory protection program. \$1,250
- Employee had not received medical evaluation to determine his ability to use full-face respirator. \$1,250
- Employee did not have appropriate qualitative or quantitative fit test for using full-face respirator. \$1,250
- Employer did not ensure employee using full-face respirator was properly trained on proper care, maintenance, storage, etc. of respirator. \$1,250
- Employer did not have written hazard communication program for 20 employees who worked with chemicals, including anhydrous ammonia. \$750

#### Other

- Electrical supply box did not have proper covering over exposed wiring. \$0

### RAIL SERVICES

P.O. Box 35, Calvert City

Inspection site: 646 Gary Johnson Lane, Calvert City

6-15-09

\$8,750

**Serious**

- Five employees were working on rail car at least 16 feet above ground with no fall protection; one employee fell. \$2,500
- Five employees were working on rail cars that did not have proper guard rails. \$2,500
- Guard rails on rail guards were less than 42 inches tall and had no intermediate rail. \$2,500
- No simulated emergency and rescue training had been conducted since 2006 for employees working in permit required confined spaces. \$1,250

**Other**

- Employer did not have noise-monitoring program in place. \$0
- Written respiratory protection program did not have procedures for ensuring adequate air quality, quantity and flow. \$0
- Respirators were not stored in bags to keep them from getting damp and dusty. \$0
- Hazards of permit space were not listed on permit. \$0
- Entry permit did not identify the on-site rescue team as emergency service or the means for summoning that service. \$0
- Certification for permit required confined space entry did not include trainer's signature or initials. \$0

**AICHI FORGE**

**DBA AICHI FORGE USA**

**596 Triport Road, Georgetown**

**Inspection site: 596 Triport Road, Georgetown**

**6-2-09**

**\$7,325**

**Serious**

- Positioning of work rest and tongue guard on bench grinder exceeded maximum distance of 1/8 inch. \$900
- Rotating gears of furnace were not properly guarded. \$3,500
- Chain and sprocket on billet conveyor was missing half its guard. \$1,125
- Hand-held grinder did not have a guard. \$900
- Employees in or near die shop were not protected from welding rays by screen or shield. \$900

**Other**

- Employee operating powered industrial truck was not properly trained. \$0
- Power cord's outer insulation was pulled back, exposing inner insulation. \$0

**DEAN MILK CO.**

**4420 Bishop Lane, Louisville**

**Inspection site: 4420 Bishop Lane, Louisville**

**6-19-09**

**\$6,125**

**Serious**

- Employees were sampling milk on tanker trucks at least 10 feet above ground with no fall protection. \$4,500
- Employees sampling milk on tanker trucks at least 10 feet above ground were not provided with fall protection anchorage capable of supporting 5,400-pound dead load. \$1,625

**CENTURY ALUMINUM OF KENTUCKY**

**1627 State Route 271 N., Hawesville**

**Inspection site: 1627 State Route 271 N., Hawesville**

**6-2-093**

**\$5,000**

**Serious**

- Anode being lifted by overhead crane was not properly secured, resulting in amputation of employee's finger. \$5,000

**HOLLEY PERFORMANCE PRODUCTS**

**P.O. Box 10360, Bowling Green**

**Inspection site: 1801 Russellville Road, Bowling Green**

**6-2-092**

**\$5,000**

**Other**

- Employer did not report employee's hospitalization to the Kentucky Labor Cabinet within 72 hours of incident. \$5,000

**LAKE BARKLEY WINDOWS, GUTTER AND SIDING**

**117 Lafette St., Cadiz**

**Inspection site: University of Kentucky Research Center – Hopkinsville, Princeton**

**6-2-09**

**\$4,950**

**Serious**

- Five employees were working below overhead hazards, including pneumatic nailers, hand tools, radio and bundles of shingles, with no head protection, \$600
- Employee using pneumatic nailer without eye protection. \$600
- Scaffold was not designed by qualified person; scaffold did not have ladder for access to work platform; scaffold was not at least two feet from 110/120-volt service line; scaffold was not erected under supervision of a competent person; employee working on scaffolding was not protected from falling; employer did not properly train employees on scaffold hazards; ladder jacks were not properly used. \$1,500
- Two employees were working on roof at least 16 feet above ground with no fall protection; employer did not provide fall protection training. \$1,500
- Extension ladder did not extend at least three feet above roof surface; extension ladder was not properly secured; employer did not provide employees with ladder training. \$750

**Other**

- Employer did not have anyone trained to render first aid. \$0

**FRANKLIN COUNTY FISCAL COURT**

**100 Lewis Ferry Road, Frankfort**

**Inspection site: Country Lane, Frankfort**

**6-18-09**

**\$4,625**

**Serious**

- Employee working in aerial lift was not using proper fall pro-

tection. \$3,500

- Five employees were working near traffic without wearing reflective clothing. \$1,125

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**LOUISVILLE METRO GOVERNMENT**  
**527 W. Jefferson St., Louisville**  
**Inspection site: 527 W. Jefferson St., Louisville**  
**6-3-09** **\$3,750**

**Serious**

- Employer did not report within 27 hours the hospitalization of police officer with non life-threatening gunshot wound. \$3,750

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**BAILEY'S MASONRY**  
**240 W. Dixie, Suite 200, Elizabethtown**  
**Inspection site: 651 Overdale Dr., Louisville**  
**6-2-09** **\$3,625**

**Serious**

- Nine employees were working as high as 16 feet above ground on scaffold with no guard rails, end rails or fall protection. \$2,500
- Nine employees were working on and around scaffold with no toe boards or falling-object protection. \$500
- Scaffolding was missing cross braces. \$625

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**CONTINENTAL MILLS**  
**100 Krusteaz Way, Hopkinsville**  
**Inspection site: 100 Krusteaz Way, Hopkinsville**  
**6-15-09** **\$3,500**

**Serious**

- Chain and sprocket were improperly guarded, resulting in amputation of employee's fingertip. \$3,500

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**CONTINENTAL CRUSHING AND CONVEYING**  
**P.O. Box 189 Hwy. Route 460, Salyersville**  
**Inspection site: R.R. 460, Salyersville**  
**6-2-093** **\$3,500**

**Serious**

- Press brakes were not properly guarded, resulting in employee's finger amputation. \$3,500

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**KENERGY CORP., DBA KENERGY**  
**P.O. Box 1389, Owensboro**  
**Inspection site: 3111 Fairview Dr., Owensboro**  
**6-2-093** **\$3,500**

**Serious**

- Employee fell from stepladder while operating a gasoline-powered chain saw, contrary to manufacturer's instructions. \$3,500

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**N.R.E. ACQUISITION CO.,**  
**DBA VMV PADUCAHBILITIES**  
**1300 Kentucky Ave., Paducah**  
**Inspection site: 1300 Kentucky Ave., Paducah**  
**6-2-093** **\$3,500**

**Serious**

- Employee fell from stepladder while operating a gasoline-powered chain saw, contrary to manufacturer's instructions. \$3,500

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**FINISHING TOUCH ROOFING**  
**5828 Cairo Road, Paducah**  
**Inspection site: 1200 Jefferson St., Paducah**  
**6-18-09** **\$3,450**

**Repeat Serious**

- Employee was not wearing head protection while working below roofers. \$1,200

**Serious**

- Employees working in basket of aerial lift were not using proper fall protection. \$750
- Fall-arrest systems used by roofers did not prevent them from falling at least six feet; employees were not properly trained in fall protection. \$1,500

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**JOSH WALKER, DBA FINISHING TOUCH ROOFING**  
**5828 Cairo Road, Paducah**  
**Inspection site: 1200 Jefferson St., Paducah**  
**6-19-09** **\$3,450**

**Serious**

**Repeat Serious**

- Employee was not wearing head protection while working below roofers. \$1,200

**Serious**

- Employees working in basket of aerial lift were not using proper fall protection. \$750
- Fall-arrest system used by three roofers did not prevent them from falling six feet to lower level; employees were not properly trained in fall protection. \$1,500

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**CLUB CHEF**  
**3776 Lake Park Dr., Covington**  
**Inspection site: 3776 Lake Park Dr., Covington**  
**6-16-09** **\$3,375**

**Serious**

- Employer did not develop change schedules for maintenance employees using respirators while investigating ammonia leaks. \$1,125

- Employer had not conducted fit tests for employees using respirators. \$1,125
- Employee training did not include health and physical hazards of working near anhydrous ammonia. \$1,125

**SUMMIT TRUCKING**

1800 Progress Way, Clarksville, Ind.  
 Inspection site: 2000 Nelson Miller Pkwy., Louisville  
 6-15-09 \$3,250

**Other**

- Employer did not inform KOSH of fatal accident within eight hours of accident. \$3,250

**LONNIE BYERS**

922 Whitney Dr., Louisville  
 Inspection site: 2516 Jenlee Lane, Louisville  
 6-2-09 \$3,000

**Serious**

- Two employees were working on roof at least nine feet above ground with no fall protection in place. \$1,500
- Employer did not properly train employees in fall hazards. \$1,500

**PRECISION MASONRY**

136 Zorro Place, Shepherdsville  
 Inspection site: 1120 Eminence Road, New Castle  
 6-18-09 \$3,000

**Serious**

- Two employees were working on scaffold with no fall protection or guardrail system. \$1,500
- Cross braces of scaffolding were not properly secured. \$1,500

**RYONS RESIDENTIAL ROOFING**

10924 E. Hwy. 90, Monticello  
 Inspection site: Tuscony Subdivision, Somerset  
 6-18-09 \$3,000

**Serious**

- Four employees were working on roof at least 12 feet above ground with no fall protection. \$1,500
- Employees were not properly trained in fall protection. \$1,500

**GOMEZ GENERAL CONTRACTORS**

14141 Airline Hwy., Bldg. 4, Suite E, Baton Rouge, La.  
 Inspection site: 4320 Saratoga Woods Dr., Louisville  
 6-18-09 \$2,250

**Serious**

- Seven employees were working on roof at least eight feet

- above ground with no fall protection. \$1,500
- Employer did not provide fall protection training. \$750

**J&J CABLE CONSTRUCTION**

5409 W. Heather Ridge Path, Lecanto, Fla.  
 Inspection site: Hwy. 109 N., Hopkinsville  
 6-19-09 \$2,000

**Serious**

- Employer did not ensure that bucket truck was operated by qualified CDL operator and did not routinely inspect truck. \$2,000

**GREEN TOKAI CO.**

1725 Downing Dr., Maysville  
 Inspection site: 1725 Downing Dr., Maysville  
 6-2-093 \$1,875

**Serious**

- Cords on industrial fans were missing ground prongs. \$1,875

**WAL-MART STORES**

3706 Diane-Marie Road, Louisville  
 Inspection site: 3706 Diane-Marie Road, Louisville  
 6-19-09 \$1,625

**Serious**

- Employer did not ensure that operator of forklift involved in fatal accident was properly trained. \$1,625

**Other**

- Industrial truck with cut electrical cord had not been taken out of service and repaired. \$0

**CHUCK BURKE, DBA BURKE CONTRACTING**

1022 Clintonville Road, Paris  
 Inspection site: Greystone Court, Paris  
 6-18-09 \$1,500

**Serious**

- Three employees were working on roof at least 10 feet above ground with no fall protection. \$1,500

**GLEN HARRIS CONSTRUCTION**

650 Harvey Road, Benton  
 Inspection site: 501 Poplar St., Benton  
 6-1-09 \$1,500

**Serious**

- Four employees were working at least 10 feet above a concrete floor with no fall protection; employees were not properly trained in fall hazards. \$1,500

**GREG CARTMILL**  
**DBA TYSCO BUILDERS**  
 265 Blake Way, Mt. Sterling  
 Inspection site: 3229 Ironworks Pike, Lexington  
 6-2-09 \$1,500

**Serious**  
 • Two employees were working on roof at least 13 feet above ground with no fall protection. \$1,500

**NATHAN DIXON**  
**DBA ALL GOOD ROOFING**  
 127 Rollington Road, Peewee Valley  
 Inspection site: Hurstbourne Crossing Drive, Louisville  
 6-18-09 \$1,500

**Serious**  
 • Five employees were working on roof at least 16 feet above ground with no fall protection. \$1,500

**SIGNATURE RENOVATIONS GROUP**  
 8992 Preston Road, Suite 110-424, Fresco, Texas  
 Inspection site: 3800 Nicholasville Road, Lexington  
 6-18-09 \$1,500

**Serious**  
 • Twenty-three employees were working on roof as high as 27 feet above ground with no fall protection. \$1,500

**STARLIGHT ELECTRIC**  
 3613 Mattingly Road, Buckner  
 Inspection site: 651 Overdale Dr., Louisville  
 6-1-09 \$1,500

**Serious**  
 • Six employees were working on area at least 13 feet above ground with multiple wall openings and no fall protection. \$1,500

**Other**  
 • Electric duplex receptacle had ungrounded or open neutral conductor. \$0

**PERRY COUNTY TIRE**  
 P.O. Box 660, Hazard  
 Inspection site: 116 Village Lane, Hazard  
 6-19-09 \$1,250

**Serious**  
 • Training for employees who service rims did not meet standard; current charts or rim manuals were not available for employees to reference when servicing rims. \$1,250

**Other**  
 • Employer did not have anyone trained to render first aid. \$0

**RIVER CITY PROPERTIES**  
**DBA WESTBURY HARBOUR APARTMENTS**  
 1007 Lyndon Lane, Louisville  
 Inspection site: 1007 Lyndon Lane, Louisville  
 6-5-09 \$1,250

**Serious**  
 • Employer did not provide emergency eyewash or shower for employees using corrosive chemicals. \$1,250

**Other**  
 • Employer did not have a written hazard communication program in place. \$0  
 • Bottles containing chemicals such as bleach and ammonia were not properly labeled. \$0  
 • Employer did not properly warn employees of hazards of working with certain chemicals, and bottles were not labeled with potential hazard information. \$0  
 • Employer did not have MSDSs for chemicals. \$0  
 • Employees not properly trained on hazards of chemicals. \$0

**MAC AUTO TEAM**  
**DBA CHRYSLER ON NICHOLASVILLE**  
 131 Commerce Dr., Nicholasville  
 Inspection site: 131 Commerce Dr., Nicholasville  
 6-2-093 \$1,200

**Serious**  
 • Eyewash station did not work properly. \$600  
 • Bench grinder did not have work rest; bench grinder was missing tongue guard. \$600

**Other**  
 • Employer did not maintain OSH logs for 2006, 2007 and 2008. \$0  
 • Employer did not have written emergency action plan for employees to review. \$0  
 • Employer did not have written exposure plan for employees exposed to blood. \$0  
 • Employer did not have written hazard communication program for chemicals used in workplace. \$0

**D.W. WILBURN**  
 153 Blue Sky Pkwy., Lexington  
 Inspection site: 53 Public Square, Somerset  
 6-2-093 \$875

**Serious**  
 • Scaffold, with working platform at least 42 feet above ground, was not properly braced. \$875 ▲

*Continued, see SUPPLEMENT page 1*

## Watchful eye on Washington

A regular feature of Kentucky OSHA Journal

### “Hilda making it a pro-labor department”

U.S. Labor Secretary Hilda Solis was one of the guest speakers at the national AFL-CIO’s annual convention Sept. 13-17 in Pittsburgh. John Sweeney, the organization’s president since 1995, who turned the gavel over to new leadership at the convention, introduced Solis. In his remarks, Sweeney said, “When Hilda was elected to Congress she spoke out for us, she marched with us, she picketed with us, and she had the best voting record of anyone in the United States Congress. Today as our Secretary of Labor, she is turning around the anti-labor Department of the Bush years, which I often called the second Commerce Department. Hilda is remaking it into a pro-labor department.

“When she spoke to our executive council [during the convention], she made it clear that the days of the Labor Department allowing the corporations to get away with shirking the law or cheating workers of wages or abusing workers, they were over.

“In Secretary Solis’ on words, she refers to a new sheriff in town, and she’s the sheriff. And she’s going to be enforcing, or leading the enforcement, on all major legislation that affects workers. ... We know that whenever or wherever companies exploit and abuse workers, or try to steal their pay, Hilda Solis will be there. When companies break minimum wage and child labor laws, Hilda Solis will be there. When it comes to strengthening and enforcing job safety, Hilda Solis will be there. ... Please welcome the Secretary of Labor, the secretary for us, Hilda Solis.”

In her speech, Solis said, “I think it’s even more important than ever that we have an active Department of Labor that advocates for the needs of working class people.”

### Combustible dust regulation on the fast track

Labor Secretary Hilda Solis and OSHA interim administrator Jordan Barab have said that a new combustible dust regulation is one of their rulemaking priorities at OSHA. And the rulemaking process is moving along. OSHA has submitted the proposed regulation to the Office of Management and Budget for review.

This news comes in the wake of the Chemical Safety Board’s recent release of its investigation into the explosion and fire that killed 14 and injured 36 at the Imperial Sugar plant in Wentworth, GA.

The U.S. Chemical Safety and Hazard Investigation Board

(CSB) completed a study of combustible dust hazards in late 2006, which identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured 718.

The CSB recommended that OSHA pursue rulemaking on this issue. While a number of OSHA standards address aspects of this risk, the Agency does not have a comprehensive standard.

OSHA has published a Safety and Health Information Bulletin, “Combustible Dust in Industry: Preventing and Mitigating the Effects of Fire and Explosions,” and has implemented a Combustible Dust National Emphasis Program (NEP). OSHA will use information gathered from the NEP as it considers future rulemaking on combustible dust hazards.

A number of OSHA standards address aspects of combustible dust control, including those on housekeeping, emergency action plans, ventilation, spray finishing, permit required confined spaces and electric power generation.

### State OSHA official urges workers to “hold employers accountable and report violations”

Speaking at the Labor Day Picnic in Paducah on Sept. 7, Kentucky Department of Labor Deputy Secretary Mark Brown urged workers to hold employers accountable and report violations of work safety rules and wage rules to the state. He said it is important to enforce those rules to prevent injury and death, and ensure that people aren’t taken advantage of through low wages and benefits, *The Paducah Sun* reported.

### Accidents do happen — like this odd one

Cam Rahn Bay, Vietnam (Sept. 21). A Vietnamese worker and two colleagues who went to his aid suffocated to death inside a vat of fish sauce, police and news reports said. The accident happened at a fish sauce plant in Cam Ranh township, in the coastal Khanh Hoa province, said a police officer who refused to be named.

One worker got into trouble after climbing in to fix a pipe, prompting his co-workers to try to rescue him, the Nong Nghiep (Agriculture) Vietnam newspaper reported.

All three died on the spot. Police were still investigating the deaths, a policeman said. Vietnamese fish sauce, a widely-used condiment, is made from a mix of anchovies and salt, which is left to distill for more than a year in three-millimeter high wooden vats. ▲

KENTUCKY OSHA JOURNAL is published monthly for \$129 a year (e-mail version) or \$149 a year (paper version) by Kentucky Roll Call Inc., P.O. Box 1233, Frankfort, Ky. 40602. Tel: (502) 875-7745, or toll free 877-875-7797. Fax: (502) 875-7749. E-mail: reese@kentuckyrollcall.com. Copyright 2009 by Kentucky Roll Call Inc. Photocopying or reproducing without specific permission prohibited by law. KENTUCKY OSHA JOURNAL does not attempt to offer solutions to subscribers, but rather to provide information about current developments in the federal and state occupational safety and health programs. Contributing writer: Edwin S. Hopson, Attorney at Law, Wyatt, Tarrant and Combs LLP, Citizens Plaza, Louisville, Ky. 40202-2898. Editor and Publisher: Lowell Reese.