

TOGETHER WITH TOSHA

Newsletter



In This Issue:

- **Safe + Sound Week**
- **Trench Safety Stand Down**
- **Fall Safety Stand Down**
- **Crane Final Rule**
- **COVID Publications**
- **National Preparedness Month**
- **Fatality Statistics**
- **Fatality Review Summary**
- **TOSHA Inquiry Article**
- **Volunteer STAR News**
- **Consultation Article**
- **Bulletin Board**

A Message from TOSHA Leadership

Fall is here! We can tell because it is getting dark earlier each night, the temps have finally cooled the air, schools have started back, pumpkins can be seen everywhere, and of course, there is FOOTBALL! With the fall festivities, there are still some major concerns over the COVID-19 pandemic. Teachers are concerned for their health as many students return to school, coaches and players are concerned for their health since football is a close contact sport, and anyone else who goes to work, or just steps outside to enjoy the cool temps is concerned about the spread of COVID-19.

Since there is no rule or standard that prohibits employers from maintaining their operations, Tennessee OSHA has and continues to receive employee complaints involving COVID-19 issues. Our agency is committed to address every complaint ensuring that employers know how to protect their employees. However, we also have other priorities that must be addressed. For instance, we have investigated 30 fatalities this year and 265 referrals dealing with either an amputation and/or a hospitalization.

To make certain that we address any issues that arise, TOSHA follows certain inspection priorities. Our top priority is an imminent danger situation in the workplace; next is a fatality at a workplace. Following that is a compliant or referral alleging hazards in the workplace and finally, are our general scheduled inspections. Adhering to this schedule of priorities, allows our agency to use resources wisely while still investigating each instance reported to us. Further in this newsletter is an article explaining specifically how TOSHA responds to complaints and referrals using the inquiry process.

My intent for addressing TOSHA priorities is to let you know that TOSHA is concerned about the coronavirus too and we are working diligently to address everyone's fears. I am certain that we are going to get through this pandemic together and find ourselves enjoying the fall activities feeling more at ease soon! Be safe and stay healthy! Until next time.



Wendy Fisher
Assistant Commissioner,
TOSHA

SAFE + SOUND WEEK



Thank you for participating in Safe + Sound Week 2020! There were more than 2,900 participants across the United States that were recognized during Safe + Sound Week 2020 for their successes of workplace health and safety programs.

If you're wondering what you can do to make your workplace Safe + Sound Week, check out the [Safe + Sound Campaign's resources](#) to help you continuously improve your safety and health program throughout the year.

National Fall Safety Stand Down 2020 Recap



TOSHA joined Kiewit Infrastructure South Company during the **National Fall Safety Stand Down** week in Franklin, TN. Andrew Hicks, TOSHA Occupational Safety Specialist, spoke at the opening event held at an active jobsite and all workers at the site were invited to attend. To kick-off the week, the company promoted the slogan "Built on Safety, Get in the Game". Andrew gave a presentation covering the topic of Fall Protection Equipment and its use. He did a second presentation with an interpreter for the Spanish speaking workers. There were approximately 150 workers in attendance and Kiewit provided a catered lunch.

Trench Safety Stand Down Week 2020 Recap



TOSHA participated in "We Dig Tennessee" podcast by the Middle Tennessee and East Tennessee chapters of the National Utility Contractors Association (NUCA). Calvin Wyatt of TOSHA talked with Matt Mingus and Craig Ingram of NUCA about Trench Safety, Competent Persons, and Calvin answered questions submitted by NUCA members. To listen to the "Talkin' TOSHA" episode click [here](#).

Crane and Derricks in Construction Railroad Roadway Final Rule

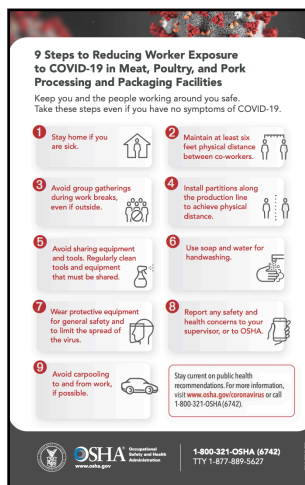
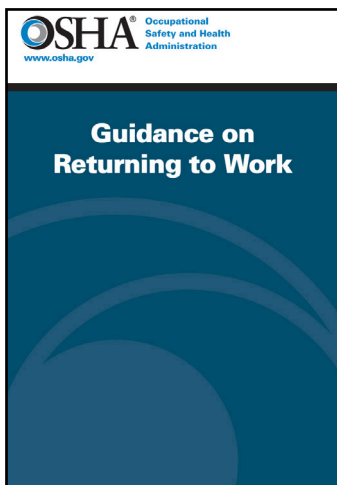


The Occupational Safety and Health Administration (OSHA) published a **final rule** for public inspection today amending the agency's crane standard. The final rule will maintain safety and health protections for workers, while reducing compliance burdens.

The final rule adds certain exemptions and clarifications to recognize the unique equipment and circumstances in railway roadway work. The rule also reflects that some OSHA requirements, with regards to the operation of railroad roadway maintenance machines equipped with cranes, are preempted by Federal Railroad Administration (FRA) regulations.

The final rule is scheduled to be published in the Federal Register on September 15, 2020 and will become effective 60 days after the date of publication.

Get Printed Coronavirus Publications



Free printed copies of posters and guidance booklets on protecting workers from the coronavirus can be ordered from OSHA's [publications page](#).

September is National Preparedness Month



Emergency Preparedness and Response

As the very active 2020 hurricane season continues, we wanted to remind everyone that September is **National Preparedness Month** and that OSHA has an **Emergency Preparedness and Response** webpage that provides information to protect workers responding to **hurricanes, wildfires, tornadoes, floods**, and other natural disasters. Please note that the hurricanes page highlights COVID-19 hurricane preparedness and response resources, including the **FEMA COVID-19 Pandemic Operational Guidance for the 2020 Hurricane Season**.

2020 TOSHA Investigated Fatality Statistics

January 1st – September 30, 2020

31

Industry Sectors per NAICS Codes

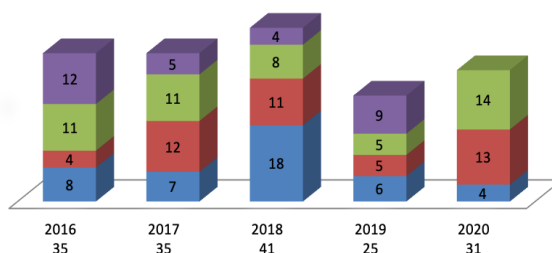
Manufacturing (31, 32, 33) - 4
 Construction (23) - 9
 Service - 14
 Public Sector - 1
 Arbor / Logging - 1

Fatality Cause

Struck by - 5
 Crushed by/Caught in - 7
 Falls - 4
 Electrocution - 5
 Thrown From/Overturned Vehicle - 1
 Chemical Exposure - 3
 Other - 6

Fatality Totals per Quarter

■ Jan-March ■ April - June ■ July - Sept ■ Oct - Dec



Fatality Review Summary #1467240

A 38 year old female security guard was crushed by a building as it collapsed on her while she sheltered in place during an EF-3 tornado at the CEVA Logistics facility. G4S Secure Solutions Inc. provided 24 hour security at the facility.

The 458,136 square feet precast concrete and steel building handled fixtures and setup materials. The building had a total of 12 employees that worked there primarily on the 1st shift.

On 3/3/2020 at approximately 1:30 am an EF-3 tornado struck the building. When the tornado hit, the victim was sheltering in place in the men's bathroom under a sink in accordance with CEVA Logistics Emergency Action Plan. The tornado collapsed the walls and roof structures.

The victim was found by emergency rescue around 11:00 am CST. It was determined that the victim was crushed by the concrete and steel of the building.

Citation(s) as Originally Issued

A complete inspection was conducted at the accident scene.

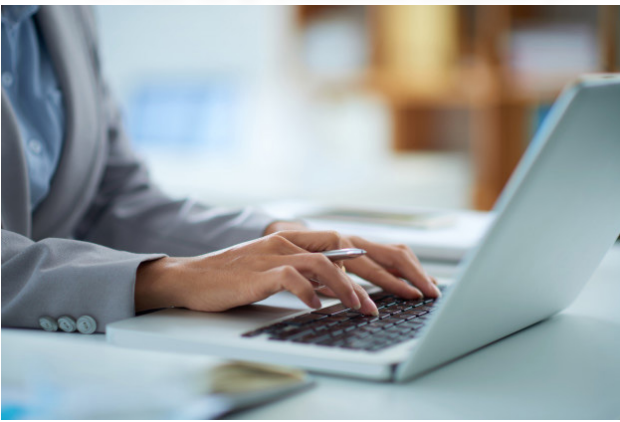
No citations were recommended.



Crushed by building-- insp#1467240 GS4 Secure Solutions Inc.



What is a TOSHA Inquiry?



"TOSHA just called to tell us they've received a complaint; they want to speak with our safety director or someone in charge."

If you've ever heard a statement that resembles this, your establishment has likely been selected for an inquiry by TOSHA in the past.

What is an inquiry? An inquiry is one of the tools utilized by TOSHA to address safety and health complaints submitted to the agency. The process is simple. If a complaint received by TOSHA does not allege a serious hazard, TOSHA staff may elect to contact the employer and have them conduct their own investigation and submit those findings to TOSHA. Typically, the employer will be contacted via telephone, the complaint items will be discussed verbally, and a follow up letter will be sent to the employer by email, fax, or postal service.

The employer then evaluates each complaint item in the letter and provides a written response to TOSHA documenting that the hazard alleged in each item either does not exist, or if it did exist, how it has been corrected. The employer must provide that response within five days.

TOSHA staff will evaluate the written response upon receipt, and if all items have been satisfactorily addressed, the complaint will be closed. Sometimes TOSHA staff will ask the employer to provide additional documentation such as a receipt, photograph, or copy of a specific safety or health program.

An advantage for the employer is that an inquiry is minimally disruptive to the workplace and generally allows the employer to correct the hazard without receiving a written citation.

The complainant has the advantage of a rapid response to a workplace hazard and, if they provided contact information, the complainant will receive a copy of the employer's response.

Most inquiries, often referred to as 'complaints by letter' are closed after the response is evaluated and no further action is taken. However, in cases where the employer does not respond, or the complainant disputes the response, an onsite inspection may be conducted. Such inspections occur only in a small percentage of inquiries.

Volunteer STAR News



On September 2nd, **Commissioner Jeff McCord** presented the employees of **Georgia Pacific** in Lebanon with the Volunteer STAR Award. This was the third time the company has received the award.

Economic Impact of TOSHA's Consultation Program

OSHA's Consultation programs work with employers who want to "do the right thing" when it comes to safety and health at their site, but what is the measurable impact of this activity from an injury and cost reduction standpoint? Federal OSHA and the US Department of Labor conducted a study in 2018 to determine these costs nationwide and here in Tennessee. The results of this were published by OSHA in a white paper entitled "Benefits of the OSHA On-Site Consultation Program - An Economic Analysis Working Paper" August 1, 2018.

OSHA used data from 2012-16 (excluding FY 2014 due to the partial budget shutdown) to determine the anticipated cost reduction for employers who participated in the consultation program. Past OSHA studies for consultation and enforcement activities were used. This data showed an assumption of a 25% injury reduction at sites who implemented safety programs and abated serious hazards. OSHA also used an average worker's compensation cost of \$30,526 per injury to an insurance carrier in the calculations.

In the years covered by the study, TOSHA Consultative Services performed the following:

- Conducted an average of 366 initial onsite visits annually with smaller employers
- Identified an average of 2,810 serious hazards annually (7.7 per initial visit)
- The average population of employees affected annually was 25,714 (70.2 per visit)
- The aggregate annual average number of estimated injuries for all sites was 771

Utilizing its past studies and BLS data mentioned above, combined with the worker's compensation injury costs for insurance carriers, estimates for each state could be calculated. Additionally, OSHA used an estimate of the indirect costs to the employer of an injury (lost production, equipment, administrative costs, retraining workers, etc.) of 110% of the worker's compensation cost (Stanford University Department of Civil Engineering 2017 study).

Using these figures, the following estimated impact for small business employers working with TOSHA Consultation follows, assuming the employers experienced the predicted 25% injury reduction in their workplaces (193 injuries prevented overall):

- \$5,887,149 -Value of Injuries Prevented through reduced workers compensation carrier costs for TOSHA Consultation customers
- \$6,475,864 -Value of Injuries Prevented through reduced indirect costs for TOSHA Consultation customers



- **\$12,363,013 - Estimated total cost savings to employers and their insurance carriers who worked with TOSHA Consultation**

OSHA also calculated the reduction of the worker "willingness to pay" (WTP) value of avoided injury at \$77,000 per case. This is a "value" of workers taking risks in their employment, for example, working at a higher paying yet higher risk job vs. one with lower wages and lower perceived risk of injury). This equated to a total cost reduction to the workers of Tennessee of \$14,849,979.

So, what is the estimated total impact? Add the estimated cost benefits of \$12,363,013 to employers and their compensation carriers, and the estimated cost benefit to the employees of \$14,849,979; it results in an **estimated overall potential cost savings of \$27,212,992 to Tennessee employers, insurers and workers who worked with TOSHA Consultation.**

Tennessee OSHA's Consultative Services section provides on and offsite assistance primarily to smaller employers (250 employees onsite, 500 nationwide) in high hazard type industries. Trained consultants are on staff to help with safety and health questions, provide onsite audits, conduct industrial hygiene monitoring, program reviews, etc. The consultants do not report hazards to enforcement and keep any findings confidential. The consultants do not issue fines, penalties or citations; however, there would be agreement to correct any of their findings and report these back to them. Also, there is no direct charge for the service; it is paid for by state and federal tax dollars.

For further information, please call TOSHA's Consultative Services section at (800) 325-9901 or send an e-mail to TOSHA.Consultation@tn.gov. Also, a copy of the referenced paper can be found [here](#).



Tennessee
Safety & Health Conference

June 30 - July 2, 2020

COVID-19 Resources:

TOSHA's COVID-19
Website

OSHA's COVID-19
Website



Tennessee
Pledge

Reopening Tennessee Responsibly

The "Tennessee Pledge" is a plan to help Tennesseans return to work in a safe environment, restore their livelihoods and reboot our state's economy.

Agency Links

OSHA

Tennessee's Government Website

Tennessee Department of Labor & Workforce Development

Tennessee Occupational Safety & Health Administration (TOSHA)

Useful Links

File a Complaint

Video Library

TOSHA Publications

Safety & Health Conference

Recognition Links

TOSHA Safety Awards

VPP

SHARP



#337483



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