

TOGETHER WITH TOSHA

newsletter

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Returning to Work

As COVID-19 infection rates decline, employers are taking steps to bring employees back to work and increase production as part of economic recovery. This is a challenging time for employers as they welcome back staff who may not have been on-site in some time, and they may be bringing new employees on board who have no prior experience in the employer's industry.

One of the key elements of an effective workplace safety and health program, which serves both employer and employees, is training. Employees who are aware, through effective training, of the hazards in the workplace, and the appropriate work practices and equipment they must use to protect themselves, will contribute positively to the overall safety program.

There are resources online such as [OSHA publication 2208](#) that can assist employers in evaluating their workplace to identify hazards. This publication also offers guidance on conducting a self-inspection. TOSHA has posted general safety training information on the [resource center](#) of our website. Additionally, small employers may contact our Consultative Services section to request on-site assistance in developing or improving their program, at no direct cost to the employer.

No employer hopes for fatal accidents or serious injuries in the workplace. They cost time and money, and in the worst cases, cause life-altering changes for the victim and family. An effective safety and health program doesn't just minimize costs due to injuries; it also helps foster an atmosphere of teamwork between the employees and the employers. In such an atmosphere, everyone benefits.

Fostering a Safe Workplace Free from Retaliation

The Occupational Safety and Health Administration remains committed to protecting the rights of workers who raise safety and health concerns. Protecting workers means not only complying with regulations, but also that workers also have a legal right to raise safety and health concerns on the job without fear of retaliation. Workplace policies allowing workers to report unsafe, potentially dangerous, and costly problems are a key element of a safety and health program. It is well-known that companies with effective safety and health programs find it helpful to encourage employees to report their concerns.

Unfortunately, not all establishments foster a cooperative environment where workers can express concerns about workplace practices. Section 11(c) of the Occupational Safety and Health (OSH) Act protects employees who exercise their rights under the law. In the decades since the passage of the OSH Act, Congress has enacted several other statutes expanding whistleblower protection in other areas. These provisions protect employees from retaliation when they raise or report concerns regarding hazards or violations of various laws related to workplace safety and health, transportation, consumer product, environmental, financial reform, food safety, health insurance reform, securities, and taxes.

It is illegal for an employer to retaliate against an employee engaging in protected activities under these laws. Such activities may include requesting personal protective equipment, filing reports about possible violations of the law with the OSHA or other government agencies, raising concerns about workplace hazards or potential violations of the law to the employer, reporting a workplace injury or illness, or refusing to conduct tasks that would violate the law.

The agency has aggressively pursued whistleblower cases of retaliation and wrongful termination and has seen positive results. From Oct. 1, 2020, through Dec. 31, 2020, federal OSHA received 2,835 whistleblower complaints, of which the agency has processed 99 percent, or 2,823 complaints. The agency has recorded 657 whistleblower complaints for investigation and closed 2,164 cases administratively.

To prevent workplace retaliation, OSHA issued Recommended Practices for Anti-Retaliation Programs to help employers create an environment in which workers feel comfortable voicing their concerns without fear of retaliation. The recommendations are intended to apply to all public and private sector employers covered by the more than 20 whistleblower protection laws that OSHA enforces. The recommendations are adaptable to most workplaces, and employers may adjust them for such variables as number of employees, makeup of the workforce, and type of work performed. These concepts can be used to create a new program or enhance an existing one.

The document outlines five key elements of an effective anti-retaliation program:

1. Management leadership, commitment, and accountability,
2. System for listening to and resolving employees' safety and compliance concerns,
3. System for receiving and responding to reports of retaliation,
4. Anti-retaliation training for employees and managers, and
5. Program oversight.

A proactive anti-retaliation program should respond appropriately to employees' compliance concerns (i.e., concerns about hazards or potential employer violations of one of the more than 20 laws enforced by OSHA), and address retaliation against employees who raise or report concerns.

To obtain more information on OSHA's Whistleblower Protection Program or the laws under its jurisdiction, visit www.whistleblowers.gov or call (800) 321-6742 (OSHA).

2021 TOSHA Fatality Statistics

16 Fatalities from January 1, 2021 through May 31, 2021

Industry: # of Inspections (16)

Construction (23) - 3
Manufacturing (31,32,33) - 4
Public Sector - 2
Transportation - 2
Service - 1
Arbor/Logging - 2
Healthcare - 2

Fatality Type: # of Victims (16)

Struck by - 5
Crushed by/Caught in - 2
Falls - 3
Electrocution - 1
Other (COVID-19, Violence, etc.) - 5

****Statistics may change due to findings during the TOSHA investigation****

Fatal Review Summary #1489625

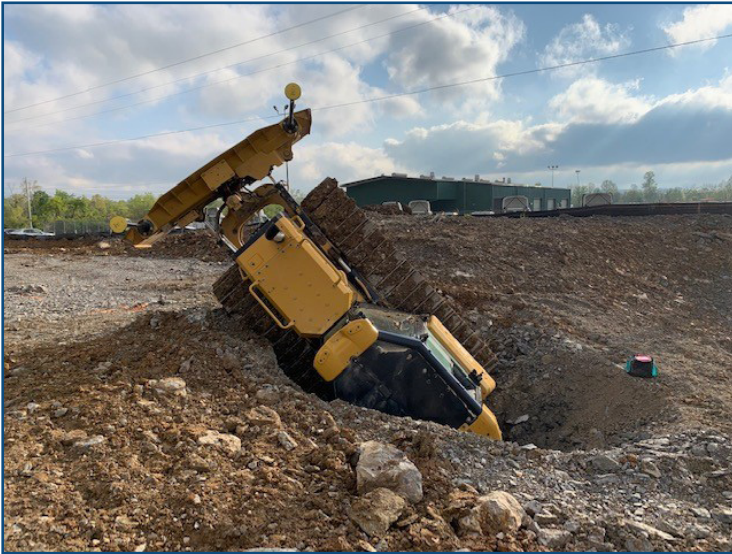


A 60-year-old male was electrocuted when he attempted to throw a lead twine to another worker and the twine contacted a 7200v distribution line.

The victim had been contracted by Comcast to install new cable lines on a set of utility poles. He had positioned two bucket trucks, one beneath each of two power poles. To thread the line from one pole to the next, he tied a nylon twine to the cable to be pulled. While working in one of the telescopic boom trucks, he then attempted to throw the twine approximately 107' to another employee located in the other elevated bucket. This throw attempt was due to trees and undergrowth preventing the cable to be placed from the ground. When the line was thrown, it made contact with the

7,200 volt distribution line that was above the communication lines on the poles. The nylon twine was embedded with a copper tracer wire that added to the conductivity of the twine. The victim was electrocuted as soon as the twine created a conductive path from the distribution line to himself. It was determined that the bucket for the truck was not isolated or insulated.

Seat Belts Work



While working at a construction site in Middle Tennessee, a site contractor was performing grading work on a bioretention pond when he unknowingly backed his dozer off into an inlet to the pond that had already been dug but left with no markings or barricades. The dozer operator was wearing his seat belt and was able to walk away from the incident without injury.

Moral of the story: Seat belts **WORK!**

Continue to ensure that your employees and subcontractors are wearing their seat belts while operating equipment with Roll-Over Protective Structures (ROPS).

Working in Outdoor & Indoor Heat Environments

Millions of U.S. workers are exposed to heat in their workplaces. Although illness from exposure to heat is preventable, every year, thousands become sick from occupational heat exposure, and some cases are fatal. Most outdoor fatalities, 50% to 70%, occur in the first few days of working in warm or hot environments because the body needs to build a tolerance to the heat gradually over time. The process of building tolerance is called heat acclimatization. Lack of acclimatization represents a major risk factor for fatal outcomes. You can learn more about heat stress by [clicking here](#).

What is an NEP?

When federal OSHA implemented a well-publicized National Emphasis Program (NEP) on Coronavirus Disease in March of this year, you may have asked, "What is an NEP?"

In a nutshell, an NEP is an inspection scheduling program used by OSHA to target high hazard industries for inspection, with the goal of diverting limited inspection resources to the places with the greatest hazards. OSHA has been using them for years on hazards such as amputations, combustible dust, falls, and hexavalent chromium. Generally, state plans such as Tennessee OSHA are required to adopt these NEPs. These NEPs are posted as directives and are available online for anyone to read.

An NEP does not establish any new requirements for employers. NEPs discuss scheduling and scope of related inspections; however, they do not "create" a standard.

TOSHA Hazard Alert

COVID-19 National Emphasis Program

- What is COVID-19
- NEP—Who is Affected
- Protection Measures
- What Standards Apply
- How can TOSHA Help

What is COVID-19

COVID-19 is a new disease, caused by a novel (or new) coronavirus that has not previously been seen in humans. COVID-19 is a highly infectious disease that is spread from person to person through particles produced when an infected person exhales, talks, vocalizes, sneezes, or coughs. Although most people who have COVID-19 have mild symptoms, COVID-19 can also cause severe illness and even death.

National Emphasis Program – Who is Affected

National Emphasis Program (NEP)—Coronavirus Disease 2019 (COVID-19), DIR 2021-01 (CPL-03) describes policies and procedures for implementing a NEP to ensure that employees in high hazard industries or work tasks are protected from the hazard of contracting SARS-CoV-2, the cause of Coronavirus Disease 2019 (COVID-19). The NEP uses existing standards to address the COVID-19 hazard, **it is not a new rule or standard.**

Appendix A and B lists industries with the highest anticipated exposures. This list includes and is not limited to:

- Medical offices, including dentists
- Hospitals, ambulance services, surgery centers, skilled and residential care facilities
- Meat slaughtering and packing including poultry
- Retail and restaurant establishments
- Staffing and warehousing operations
- Corrections
- Manufacturing identified as essential during the pandemic
- Construction

And others, again this is not an exhaustive list. Please see the appendices for further guidance.

Protection Measures

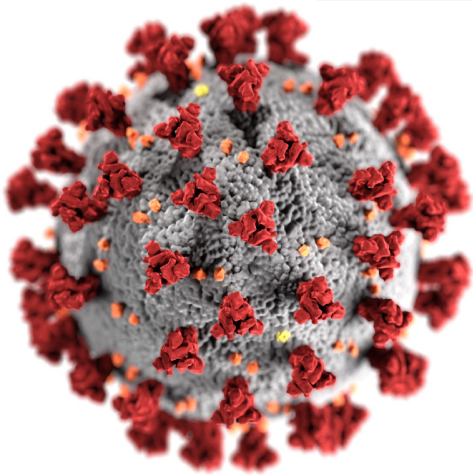
- Train employees about steps they can take to reduce the spread of COVID-19
- Employees should wash hands with soap and water for at least 20 seconds
- Cover mouth and nose with tissue when coughing or sneezing, or use the inside of the elbow
- Discard of used tissues in the trash and immediately wash hands with soap and water
- Place posters at the entrance to workplaces and other visible areas which encourage hand hygiene
- Provide alcohol-based hand rubs with at least 60% alcohol at convenient locations throughout the work area
- Clean and disinfect frequently touched objects such as workstations, keyboards, handrails, doorknobs, etc. To disinfect, use products that meet EPA's criteria for use against SARS-CoV-2, the cause of COVID-19, and are appropriate for the surface. Provide disinfectant wipes in near proximity to commonly used surfaces
- Minimize sharing of tools/equipment when possible
- Allow employees to wear masks over their nose and mouth to prevent spread of the virus
- Increase ventilation rates provided by HVAC system, increase percentage of outdoor air that circulates into the system and install high efficiency air filters
- Space employees approximately 6 feet or 2 meters apart when possible
- Provide services remotely (e.g. phone, video, or internet)
- Temporarily move/reposition workstations
- When possible have employees telework

TOSHA Hazard Alert (continued)

- Stagger shifts to limit number of employees on site
- Increase physical distance between employees and customers by installing partitions/drive through
- Encourage visitors, customers, etc. to wear face coverings inside businesses
- Consider conducting daily in-person or virtual health checks (e.g., symptom and temperature screening) of employees before they enter the facility
- Encourage workers to report any safety and health concerns

What Existing OSHA Standards Apply

- The General Duty Clause which requires employers to furnish to each worker “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.”
- The Personal Protective Equipment (PPE) standards requiring the use of gloves, eye and face protection, and respiratory protection for specific job tasks.
- The Sanitation standards which require employers provide soap, hot and cold (or tepid) water, and individual towels/air blowers be made available in the workplace. The employer is required to permit employees to utilize toilet facilities as needed. In addition, it requires that all workplaces be kept clean to the extent that the nature of the work allows.



How Can TOSHA Help

Consultative Services is a program offered to employers, especially smaller employers, to assist them in achieving a safe and healthful workplace for their employees. Consultative Services offers both occupational safety and industrial hygiene services to manufacturing, construction, and other types of businesses in Tennessee. A company's participation in the program is confidential, and no information about the company is used in compliance enforcement. Onsite and virtual opportunities are available to help develop and/or enhance your safety and health programs. Click [here](#) or search TOSHA Consultation Request Form

Contact Information:

TOSHA Main Office
Phone: (800) 249-8510
www.tnosha.gov

TOSHA Consultation
Phone: (800) 325-9901
TOSHA.Consultation@tn.gov

Tennessee OSHA · TNOSHA.gov · (800) 249-8510

Volunteer STAR News



Successful Volunteer STAR recertifications were recently conducted at **ABC INOAC** in Livingston, **SPX Flash Technology** in Franklin, and **Marvin Windows and Doors of TN** in Ripley.

The Volunteer STAR is patterned after the OSHA Voluntary Protection Program and recognizes the best of the best in safety and health programming and performance. Qualified candidates must demonstrate that they have

performed in a manner that is below the national average for injury and illness rates in their industrial classification. They must also have all the critical safety and health management system components in place and involve their employees in a manner that ensures total involvement in safety and health issues. Volunteer STAR is open to all manufacturers (NAICS codes 20 – 39). Programs must be in place for at least a year, prior to evaluation.

On average for 2020, the Tennessee Volunteer STAR sites experience three-year Total Case Incident Rates (TCIR) of 51% below their industry average and three-year Days Away, Restricted or Transferred Case Rates (DART) of 52% below their industry average. In 2020 there were eleven (11) sites that experienced a TCIR of 0.0 and there were seventeen (17) sites that experienced a DART of 0.

43rd Annual Tennessee Safety & Health Conference

Gaylord Opryland Resort & Convention Center
Nashville, TN

June 30 - July 2, 2021

Visit
www.tshc.org
for exhibitor, sponsorship,
golf tournament, and
attendee information.



Registration is open!

Conference highlights include:

- Spacious exhibit hall with top vendors displaying the latest & most innovative products
- Various educational workshops including the OSHA 10-hour General Industry Course
- Dynamic keynote speakers on Wednesday AND Thursday
- Opportunity to earn CEUs for attendance
- Kahoots! conference game -- play for a chance to win a cash prize! Everyone is welcome!
- Numerous prizes!
- And more!

** Please note that the conference begins on Wednesday this year **

Due to social distancing requirements, space will be somewhat limited this year, so early registration is recommended to guarantee your spot. If these requirements change, we will follow the most current guidance.

Register today!
www.tshc.org

June is Trench Safety Month!

Safety Training and Protective Systems Save Lives



Trench Safety Stand Down Week | June 14–18, 2021

Make plans for your company to participate in this year's NUCA Trench Safety Stand Down Week. Being a part of our popular 5th annual TSSD Week will help educate your employees on trenching hazards at the jobsite.

OSHA's National Emphasis Program on Trenching and Excavation is a high agency priority. NUCA and OSHA have teamed up again this year for our annual trench safety program. More than 32,000 employees on 3,500 jobsites participated in the 2020 TSSD.

Every company or organization that holds a TSSD will receive a certificate of participation, as well as hard-hat stickers for every employee who participated. Recognition will also be given in NUCA publications. Please plan for your company to be a part of this vital industry safety event this year.



Also sponsored by NUCA's Safety Ambassadors Club

Alex E. Paris Contracting
Atlas Excavating
Barber Utilities
Case Construction Equipment
Caterpillar, Inc.
Cemen Tech, Inc.
Core & Main
CNA
Ditch Witch
Efficiency Production
Ferguson Waterworks
Greg Strudwick & Associates
HCSS
HRP Construction
Hymax by Krausz

John Deere
Johnson Bros.
Komatsu America Corp.
L.G. Roloff Construction
McLaughlin Boring Systems
National Trench Safety
Oxford Plastics USA
Petticoat-Schmitt Civil Contractors
Safety Management Services
Sunstate Equipment Co.
Team Fishel
United Rentals
Xylem
Wacker Neuson Corp.

For more details and TSSD materials: nuca.com/tssd #TSSD21 #TrenchSafetyMonth

Want to Learn More About TOSHA Consultation?

TOSHA Consultation can now assist employers off site along with our on-site activities. One of the new resources available is the “Virtual Visit”, which has all the elements of a regular consultative visit but is done using technology such as MS-Teams, Zoom, or WebEx. This policy was developed early during the COVID-19 pandemic and has resulted in nationwide success.

The best use of a “Virtual Visit” is when there is a single issue, a program concern, issues concerning access, or something requiring a rapid turn-around. An example of this was a Tennessee nursing home requiring assistance with employee respirator guidance during the pandemic, a period when a physical onsite visit would not be feasible. However, TOSHA Consultative Services assisted this employer with the development of a written respiratory protection program within the same day of their request.

Additionally, some of our “Virtual Visits” were followed up with an onsite visit after the pandemic abated. This “breakup” of the visit into two sections was beneficial; it allowed an employer to focus their time initially to review and correct any program deficiencies before the onsite visit when the focus was on physical safety and health hazards and appropriate time for correction. This focused onsite hazard review and offsite program review was found to be efficient use of time by both the consultants and employers.

OSHA’s “Virtual Visit” policy was implemented in April of 2020. In its first year, OSHA’s Directorate of State and Cooperative Programs found it resulted in 2,552 visits being conducted, which helped employers identify, correct, and prevent 4,521 hazards, which impacted 125,073 workers and removed these hazards from their workplaces. Nationwide, the top hazards identified were in Chemical Hazard Communication, Respiratory Protection, Portable Extinguishers, PPE, Lockout/ Tagout, and Bloodborne Pathogens.

TOSHA’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 penalties or citations; however, there would be agreement to correct any of their findings and report back. Also, there is no direct charge for the service; it is paid for by state and federal tax dollars.

Please contact TOSHA Consultative Services at (800) 325-9901 or TOSHA.Consultation@tn.gov for more information. To submit a request, please [click here](#).



Tennessee
Safety & Health Conference

June 30 - July 2, 2021

Click here to
see the
**MOST
CITED
STANDARDS**

COVID-19 Resources:
TOSHA's COVID-19
Website
OSHA's COVID-19
Website

**2021 January - July
TOSHA Seminar
Schedule**



Recordkeeping - This half day class will review recordkeeping requirements, maintenance of the OSHA 300 log, reporting & electronic scanning requirements.

- 01/20 - Virtual - TCCI
- 02/25 - Virtual - TCCI
- 03/18 - Virtual - TCCI
- 05/06 - Murfreesboro (Hybrid) - TCCI

Maintenance Related Standards - This full day class will review the most cited standards in general industry, lockout / tag-out (LOTO), machine guarding, electrical, confined spaces, housekeeping, egress routes, emergency procedures, fire safety, compressed gas safety & health hazards.

- 02/03-04 - Virtual - TCCI
- 03/16-17 - Virtual - TCCI

Basic Safety and Health - This two ½ days class will review Exit Routes, Emergency Action and Fire Prevention Plans; Machine Guarding, Lockout/Tag-out, Hazard Communication, Personal Protective Equipment, and Respiratory Protection.

- 01/27-28 - Virtual - TCCI
- 02/17-18 - Virtual - TCCI
- 05/12 - Knoxville - TCCI

Walking, Working Surfaces - This half day class will review the changes to subparts D & I of 29 CFR 1910.

- 02/10 - Virtual - TCCI
- 03/12 - Virtual - TCCI
- 03/23 - Virtual - TCCI

Powered Industrial Trucks (Forklifts) - This half day class will cover hazards associated with forklifts in the workplace. The standard 29 CFR 1910.178 will be reviewed.

- 03/03 - Virtual - TCCI
- 03/25 - Murfreesboro (Hybrid) - TCCI

OSHA 30-Hour for General Industry - This four-day course emphasizes the identification, avoidance, control & prevention of safety & health hazards present in general industry. The training helps to ensure that workers are more knowledgeable about workplace hazards and their rights. An OSHA 30 Hour card is achieved after completion of the course.

- 05/17-20 - Murfreesboro - TCCI

Basic Safety for Utilities - This full day class will review confined spaces, trenching & excavation, personal protective equipment (PPE), walking working surfaces, lockout / tag-out (LOTO), electrical, & the most cited standards in utilities

- 07/13 - Lenoir City - TAUD

For general information and registration, please contact the co-sponsor listed below:

TCCI - <http://tnchamber.chambermaster.com/events/calendar/> (615) 256-5141

TAUD - <http://www.taud.org/Training/StartPage.aspx?diy=ListAll> (615) 900-1000

**SAVE
THE DATE**

**AUGUST
9 - 15
2021**

**SAFE +
SOUND**
Week August 9-15, 2021



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](#)

The Tennessee Department of Labor and Workforce Development is committed to principles of equal opportunity, equal access, and affirmative action. Auxiliary aids and services are available upon request to individuals with disabilities.



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