

# TOGETHER WITH **TOSHA**

newsletter

## In This Issue

- A Message from TOSHA Leadership
- OSHA Emergency Temporary Standard
- Safe + Sound Week 2021
- Carbon Monoxide
- Handbook for Small Businesses
- Fatality Statistics
- TOSHA Outreach
- Volunteer Star
- SHARP Update
- Suicide Prevention Month
- Hurricane and Flood Cleanup & Recovery
- Bulletin Board

# A Message From TOSHA Leadership

I hope you've had a great summer, enjoying plenty of sunshine and vacation days. While fall has arrived, we can still experience very warm weather this time of year in Tennessee. Please remember to stay safe in the heat and be aware of the signs and symptoms of heat stress. [Click here for more information about heat illness, awareness, and prevention.](#)

Last month, Tennessee OSHA (TOSHA) created an Emergency Temporary Rule (ETR) for Healthcare. The ETR became effective in Tennessee on August 24, 2021. TOSHA's temporary rule is equivalent to OSHA's emergency standard but not more stringent than the federal standard.

The key points of the rule are summarized below:

- The scope is limited to healthcare and healthcare support services.
- The employer must develop a COVID-19 plan to assess the workplace for risk of exposure and the measures the employer will take to mitigate the risk to employees.
- With limited exceptions, the rule requires that employees wear masks in these healthcare settings. Respirators are required when employees are exposed to confirmed or suspected cases of COVID-19.
- With limited exceptions the rule requires physical distancing and physical barriers.
- The rule requires the screening of employees prior to each work shift and requires the employer to notify employees who have had a close contact with a COVID-19 positive person under specific circumstances.
- The rule requires the removal of some employees with confirmed or suspected COVID-19 from the work area. The duration is based on circumstances of exposure. The employer must continue to pay employees during this removal.
- Employer must provide reasonable time and paid leave for employees to obtain vaccination and recover from any side effects experienced.
- Employer must train employees on effects of COVID-19, potential exposures, protective equipment, etc.
- Employer must maintain records, such as log of information about employees who test positive for COVID-19, including date, employee work location, etc.

This emergency temporary rule will expire February 20, 2022. [Click here to view the rule filing.](#)

There is talk of another Emergency Temporary Standard (ETS) dealing with COVID-19. This standard is expected to require all places of employment with >100 employees to mandate vaccinations or weekly testing of those not vaccinated. Federal OSHA has yet to publish any information that lays the groundwork for what specifically is going to be required by this ETS. Once OSHA releases its emergency standard, TOSHA will review the standard and the agency will determine if it will become part of the TOSHA rule to which Tennessee employers must adhere. Should an emergency standard be adopted, or an equivalent emergency rule be issued, the rule would also apply to state and local government employees.

Because we are still amid the pandemic, TOSHA encourages everyone to get vaccinated. [Click here for more information on the vaccines.](#)

Cooler weather is just around the corner, so enjoy the remaining days of warm weather!

Stay safe and healthy!



**Wendy Fisher**

Assistant Commissioner,  
TOSHA



# OSHA Emergency Temporary Standard

On June 21, 2021, Federal OSHA promulgated an emergency temporary standard (ETS) for COVID-19 in the Healthcare industry. When this rule was issued, Federal OSHA required that state programs, such as Tennessee, adopt this ETS or promulgate their own rule.

Tennessee OSHA has completed the process of promulgating an emergency temporary rule with an effective date of 8/24/2021. [Click here to view the rule filing.](#)

The content of the rule is very similar to, but no more restrictive than, the rule published by Federal OSHA. Given the similarity of the rule to the ETS, OSHA resources such as the model plan, checklists, etc., would be suitable to comply with the emergency temporary rule. [Click here to view those resources.](#)

This rule is applicable to the healthcare industry and related support services only.

Important dates to note in the rule, employers must be following all requirements of the rule by September 7, 2021, except 0800-01-12-.09 (Physical Barriers), 0800-01-12-.11 (Ventilation), and 0800-01-12-.14 (Training).

Employers have until September 22, 2021, to comply with 0800-01-12-.09, 0800-01-12-.11, and 0800-01-12-.14.

Are you interested in receiving a COVID-19 vaccine at one of Tennessee's County Health Departments? [Click here for information regarding the vaccines.](#)

## Safe + Sound Week 2021





### Thank you for participating in 2021 Safe + Sound Week!

With more than 2,500 participants across the United States, Safe + Sound Week 2021 helped organizations of all sizes and industries recognize their safety successes.

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

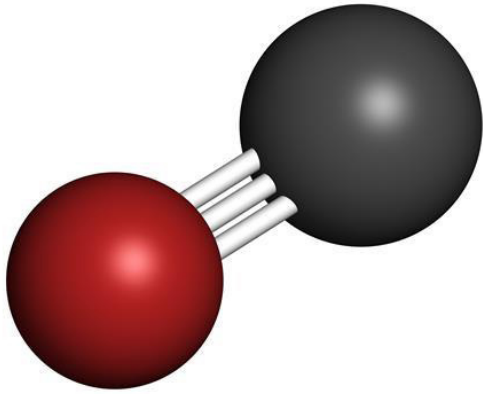
Worker participation engages workers at all levels in establishing, implementing, evaluating, and improving safety and health in the workplace.

#### Successful programs:

-  Listen & ask for feedback
-  Empower workers with safety and health information
-  Recognize workers for contributions to worker safety
-  Partner for safety and health planning



# Carbon Monoxide



With cold weather arriving soon, the Tennessee Occupational Safety and Health Administration is reminding employers to take necessary precautions to protect workers from the serious, and sometimes fatal, effects of carbon monoxide exposure.

Every year, workers die from carbon monoxide poisoning, usually while using fuel-burning equipment and tools in buildings or semi-enclosed spaces without adequate ventilation. This can be especially true during the winter months when employees use this type of equipment in indoor spaces that have been sealed tightly to block out cold temperatures and wind. Symptoms of carbon monoxide exposure can include everything from headaches, dizziness, and drowsiness to nausea, vomiting, or tightness across the chest. Severe

carbon monoxide poisoning can cause neurological damage, coma, and death. Sources of carbon monoxide can include anything that uses combustion to operate, such as gas generators, power tools, compressors, pumps, welding equipment, space heaters, and furnaces.

To reduce the risk of carbon monoxide poisoning in the workplace, employers should install an effective ventilation system, avoid the use of fuel-burning equipment in enclosed or partially-enclosed spaces, use carbon monoxide detectors in areas where the hazard is a concern, and take other precautions outlined in [OSHA's Carbon Monoxide Fact Sheet](#).

For additional information on carbon monoxide poisoning and preventing exposure in the workplace, see OSHA's Carbon Monoxide Poisoning Quick Cards (in [English](#) and [Spanish](#)).

## Handbook for Small Businesses



The U.S. Department of Labor's [Occupational Safety and Health Administration](#) collaborated with the [National Institute for Occupational Safety and Health \(NIOSH\)](#) to revise a handbook on workplace safety and health information for small business employers.

[The Small Business Safety and Health Handbook](#) highlights the benefits of implementing an effective safety and health program, provides self-inspection checklists for employers to identify workplace hazards, and reviews important workplace safety and health resources for small businesses.

The handbook includes self-inspection checklists for various work processes in general industry workplaces, such as fire protection, hazard communication, permit-required confined spaces, respiratory protection, and walking-working surfaces. The checklists are not intended for construction or maritime industries.

A section of the handbook lists OSHA and NIOSH resources available to help employers recognize and correct safety and health hazards in their workplace, including the OSHA On-Site Consultation Program. The handbook also gives employers information on whistleblower protection laws, training through OSHA's education centers, and professional occupational safety and health associations with local chapters that small businesses can join.

# 2021 TOSHA Fatality Statistics

## 47 Fatalities from January 1, 2021 through September 30, 2021

### Industry: # of Inspections (47)

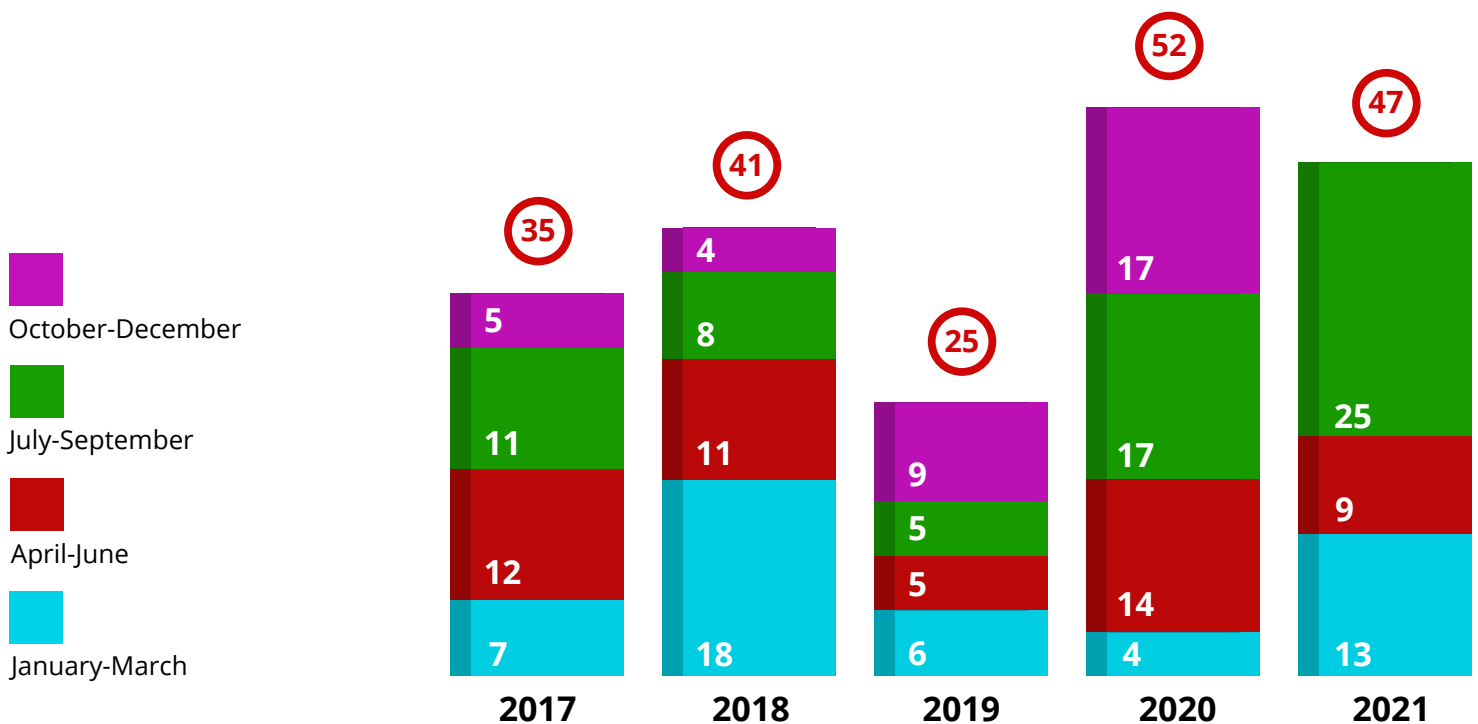
Construction (23) - 6  
 Manufacturing (31,32,33) - 12  
 Public Sector - 7  
 Transportation - 3  
 Service - 5  
 Arbor/Logging - 2  
 Healthcare - 12

### Fatality Type: # of Victims (47)

Struck by - 6  
 Crushed by/Caught in - 4  
 Falls - 10  
 Electrocution - 1  
 Thrown from/Overturned vehicle - 1  
 COVID-19 - 25

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

## Fatality Totals per Quarter





# Fatal Review Summary #1302266

A 38-year old male employee was fatally injured when he became exposed to an oxygen deficient atmosphere. The victim, a Stage Technician, was an employee of a live show theater company and was responsible for venting cold liquid carbon dioxide (fog) onto the stage. The CO2 would give a large cloud to mask the actor being lowered through the stage, on a device called a toaster/actor stage lift, to the basement below. As it became time for the fog effect on stage, the Stage Manager missed the cue, and the victim was not responding on the radio when the Stage Manager called for him. At this point, another employee was instructed by the Stage Manager to go down into the basement to get the victim. When the employee went into the basement, he found the victim convulsing down on the ground near the back of the basement next to the toaster/actor stage lift. Three employees were taken to the hospital; two employees were released early the next morning, and the victim was admitted and died four days later.



The investigation concluded that the employer installed a MVE Carbo-Max 750 high flow bulk CO2 tank in the basement. The basement was below grade and did not have alarms or monitoring equipment to warn the employees of high CO2 levels or low oxygen levels. The employer had a purge valve installed on the fog effect CO2 system that was in the basement, and had the CO2 purged into basement. The victim had purged the CO2 into the unventilated basement for approximately 14 minutes filling the basement area with CO2, creating an oxygen deficient atmosphere. Also, based on information gathered, it appears he had purged half of the liquid CO2 into the basement, which was approximately 300 pounds. Several other employees exposed themselves knowingly to the oxygen deficient atmosphere to rescue the downed victim, becoming victims themselves, because they were not properly trained in the hazards of CO2 and proper emergency response.

## TOSHA Outreach

### Did you know?

Tennessee OSHA provides outreach training to employers and employees on a variety of safety and health topics in a variety of industries. Seminars cover OSHA and Tennessee OSHA safety and health standards and rules, including machine guarding, lockout/tagout, hazard communication, bloodborne pathogens, recordkeeping, and many others. TN OSHA also offers 10-hour and 30-hour courses in both General Industry and Construction. For more information on our offerings, [follow this link for a complete listing](#).

# Volunteer STAR



A successful Volunteer STAR recertification was recently conducted at **Total Safety In-Plant Service Center, Valero Memphis Refinery** in Memphis.

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) 51% below their industry average and three-year Days Away, Restricted or Transferred Case Rates (DART) 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.

For more information on Volunteer STAR, contact the VPP Manager at (800) 325-9901.

## SHARP Update

### TOSHA SHARP participant 2020 injury and illness review:

TOSHA Consultation works primarily with smaller employers by assisting them in improving workplace safety and health. The Safety and Health Achievement Recognition Program (SHARP) is Consultation's award program which recognizes sites, working in partnership with TOSHA Consultation, who reduce their injuries to below the national averages for their industry and have effective workplace safety and health programs. Having lower rates and effective programs benefits the site through the reduction of direct and indirect costs for workplace injuries and illnesses.

For 2020, TOSHA's 17 SHARP participants' injury and illness rates were reviewed. We looked at all recordable incidents (TRCR) and cases with days away or restriction (DART) rates to see how the sites compared to the national average injury rates for their specific industries by NAICS. The following conclusions can be made from the analysis for both 2020 and three years of 2018-2020 for these sites:

- 1,865 workers at these sites – average of 110 workers per site. The smallest site has 7 employees and the largest (grandfathered under previous policies) has 445 employees.
- 2020 TRCR rates were 36.6% below the national averages - three-year rates (2020-2018) were 41.1% below national averages.
- 2020 DART rates were 55.2% below the national averages – three-year rates (2020-2018) were 58.2% below national averages.
- Of the 17 sites, eight experienced zero recordable injuries in 2020 and eleven experienced zero DART cases.



# SHARP Update (continued)

While these numbers are impressive, the real impact is the number of injuries these sites prevented. If we were to assume the 17 sites all had workplace injuries and illnesses equaling their industries' national average rates, these sites, in theory, prevented the following number of workplace incidents:

- Injury avoidance – 2020: 42 TRCR worker injuries avoided, 18 DART worker injuries avoided.
- Injury avoidance - 2018-2020 for three years: 110 TRCR worker injuries avoided, 65 DART worker injuries avoided.

The consultative services unit does not issue fines, penalties, or citations, but it does require an employer correct any hazards identified. The service is offered at no direct cost to employers and information is kept confidential from TOSHA's compliance unit.

## Helm Fertilizer Terminal is recognized as TOSHA's newest SHARP site

On July 2, 2021, Tennessee Occupation Safety and Health Administration (TOSHA) Assistant Commissioner Wendy Fisher recognized Helm Fertilizer Terminal, Memphis for its initial certification as a TOSHA Safety and Health Achievement Program (SHARP) site, a designation the location earned March of this year. They are TOSHA's newest SHARP site.



Helm's Memphis site was established in 1968. The site is a distribution and mixing and blending site for fertilizer. There are approximately 18 employees at the Memphis, Tennessee, facility. The site's total recordable injury rate for the last three years has remained at zero.

For TOSHA to consider Helm for this designation, the company partnered with the agency's Consultative Services program. The unit works primarily with smaller employers, assisting them in improving workplace safety and health. The consultative services unit does not issue fines, penalties, or citations, but it does require an employer correct any hazards identified. The service is offered at no direct cost to employers and information is kept confidential from TOSHA's compliance unit.

For more information on the SHARP designation or TOSHA's Consultative Services program, contact the agency's Nashville office at (800) 325-9901.



# Suicide Prevention Month & Stand-Down



September is [Suicide Prevention Month](#), during which many organizations around the world, including those in the health and safety community, place special emphasis on mental health and suicide prevention. Work-related stress can have a severe impact on mental health and, without proper support, lead to suicide. Suicide is an increasingly serious public health concern with many different causes, and it has been compounded by risk factors rising from the COVID-19 pandemic.

[OSHA has developed a webpage](#) with resources and tools (including a new public service announcement in [English](#) and [Spanish](#)) that can be shared throughout the month to help raise awareness about suicide, its causes, and prevention.

## Hurricane and Flood Cleanup & Recovery

We want 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.

The recent extreme flooding devastated much of a five-county area across western Middle Tennessee. The city of Waverly was severely damaged by floodwater, with many homes and businesses destroyed or swept away. Numerous people became trapped, leading to widespread water rescues and several deaths. Workers who respond to flooded area face great hazards during and after the floods. TN OSHA visited the area and provided recovery outreach. Safety & Health Compliance officers provided information about the hazards in which the workers were exposed, and handed-out personal protection equipment, such as gloves, safety glasses, hearing protection, etc.







# Tennessee Safety & Health Conference

## 2022 Dates Coming Soon!

Visit these COVID-19  
Resources:

[TOSHA's COVID-19  
Website](#)

[OSHA's COVID-19  
Website](#)

## 2021 August - December TOSHA Seminar Schedule



**Basic Safety and Health** – This full day class will review Exit Routes, Emergency Action and Fire Prevention Plans; Machine Guarding, Lockout/Tag-out, Hazard Communication, Personal Protective Equipment, and Respiratory Protection.  
09/09 – Kingsport - TCCI  
09/28 – Bartlett - TCCI  
10/20 – 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  
09/08 – Jackson - TAUD  
09/28 - Murfreesboro - TAUD

**Forklift and Warehouse Safety** – This full day class will cover the hazards and injuries likely to occur in warehousing and storage operations, including encounters with powered industrial trucks, material handling, lifting, hazard communication, walking and working surfaces, and life safety including fire protection and evacuation. This course is intended for warehouse workers, supervisors, and employers responsible for developing safe work practices and procedures in a warehouse setting.  
09/15 - Knoxville - TCCI  
09/29 - Jackson - TCCI

**Health Hazards in Industry** – The full day course covers common health hazards that are encountered in the workplace including chemical, biological, physical hazards. Topics include bloodborne pathogen, hazard communication, personal protective equipment, respiratory protection, noise, & TOSHA's most cited standards.  
09/29 - Murfreesboro - TAUD

**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.  
08/03 – Jackson - TCCI  
08/11 – Murfreesboro - TCCI  
10/22 – Chattanooga - TCCI

**OSHA 10-Hour for Construction** – This two-day course emphasizes the identification, avoidance, control, & prevention of safety & health hazards present in construction. An OSHA 10 Hour card is achieved after successfully completing the course.  
12/8-9 - Murfreesboro - 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.  
10/25-28 – Greeneville - WSOC  
11/15-18 – Murfreesboro - TCCI

**Recordkeeping** - This half day class will review recordkeeping requirements, maintenance of the OSHA 300 log, reporting & electronic scanning requirements.  
08/04 - Murfreesboro - TCCI  
09/10 - Knoxville - TCCI  
09/30 - Jackson - TCCI

**Walking, Working Surfaces** – This half day class will review the changes to subparts D & I of 29 CFR 1910.  
12/1 - Jackson - TCCI  
12/2 - Morristown - TCCI

Click to  
download!

**March 2, 2022 is the deadline  
for electronically reporting  
your OSHA Form 300A data for  
calendar year 2021**

**Click here for  
more information**

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



## 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.



Tennessee Department of Labor and Workforce Development; Authorization No. 337483, February 2019; This public document was promulgated for electronic use.



# GET IN TOUCH WITH US

**SUBSCRIBE**

Tennessee Department of Labor & Workforce Development  
**Commissioner Jeff McCord**

TN Occupational Safety & Health Administration  
**Assistant Commissioner, Wendy Fisher**  
Wendy.Fisher@tn.gov

TN Occupational Safety & Health Administration  
**Assistant Administrator, Larry Hunt**  
Larry.Hunt@tn.gov

TOSHA Newsletter Editor  
**Calvin Wyatt**  
Calvin.Wyatt@tn.gov

Layout & Design  
**Scott Walls**  
Scott.Walls@tn.gov