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# ASSE Newsletter for January 2007

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## Ron Gleghorn Hits 30-year Mark with the ASSE

By Renee Witherspoon

Ron Gleghorn is an accomplished professional engineer, certified safety professional and a consummate safety professional. He has also been a member of the ASSE for 30 years.

I had a chance to visit with Ron and ask him some questions about his background and about the ASSE so that we could learn a little more about him and find out some of the important things he's learned in the safety profession.

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**Renee: Tell me a little about your background and family?**

Ron: I graduated from New Mexico State University in 1974 with a BSIE degree and went to work for Texas Employers Insurance Association (TEIA). Worked for TEIA for 19 and 1/2 years. Substitute taught school for three months and then went to work for Texas Workers' Compensation Insurance Fund which

evolved to Texas Mutual in March 2004.

I have been married to my wife Kay for thirty-one years and we have two marvelous children. Clinton is 24 and teaches Math at Olton High School and Carrie is 22 and she and her husband, James Yaeger, are moving back to Texas from North Carolina.

**Renee: What do you enjoy about being a Safety Engineer?**

Ron: I get to visit with many different type people in many different type situations and always can provide them with some assistance to reduce exposures in their operations.

The varied industries require you to keep focused on what is important-protecting employees from exposures that can result in workplace injuries and assisting employers in setting up safety programs where they can accomplish this them-

selves without using outside assistance.

**Renee: What have you learned from being a member of the ASSE?**

Ron: What have I learned in ASSE – well for one thing patience.

We originally were a satellite of the Permian Basin Chapter and for several years could not get enough attendance to even function as a section. We have met at Furr's Cafeteria, traveled to Midland to attend meetings once a quarter, and finally got enough people interested to start the South Plains Chapter.

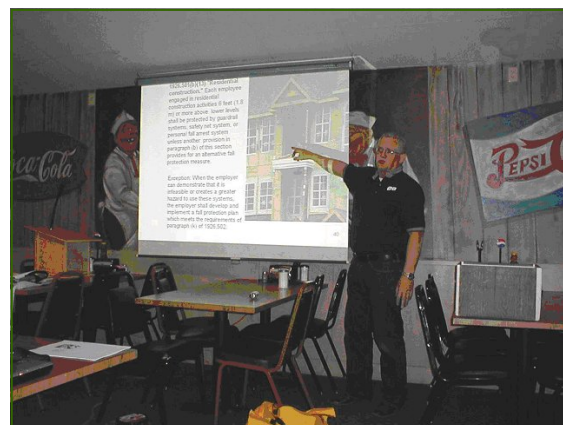
I enjoy the networking that occurs through ASSE and really enjoy attending the meetings when I am in town. I have served as Section Chairman, secretary/treasurer, Regional Representative, membership chairman, program chairman, and probably a couple of other positions

*(Continued on page 2)*

## OSHA's Top 10 in 2006

OSHA's most frequently cited standards for 2006 are:

1. Scaffolding
2. Hazard communication
3. Fall protection
4. Respiratory protection
5. Lockout/tagout
6. Powered industrial trucks
7. Electrical wiring
8. Machine guarding
9. Ladders
10. Electrical.



**Jack Haning, Safety & Industrial Hygiene Consultant with Compliance Services Group in Lubbock provides an excellent training presentation on fall protection at the November 2006 meeting.**

ASSE continually tries to stay on the cutting edge of technology which keeps me involved and learning what I can do to improve myself and my organization.

Ron Gleghorn



Our Next ASSE Meeting is on February 20, 2007 at River Smiths Chicken & Catfish on 5th and Ave. Q in Lubbock. Come for networking and dinner at 6:00 pm and 6:30 pm for our meeting.

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over the years, but have not been really active for the last several years due to travel schedule, I enjoy the Professional Safety Magazine and networking with Safety Professionals at the Professional Development Conferences every year. I get to see long-term friends and acquaintances and renew and update our friendships.

ASSE continually tries to stay on the cutting edge of technology which keeps me involved and learning what I can do to improve myself and my organization.

Knowing other Safety Professionals gives me a comfort level that I can call someone to ask about some type of specific problem if it is something that I have never encountered before. If they have knowledge I feel that I can pick their brain to find possible solutions, if not then we both can try and find someone or some source that will address the problem so it can be addressed to reduce an exposure.

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I appreciate Ron's insight on the profession and want to thank him for all his years of service in the ASSE.

### New OSHA Whistleblower-related Fact Sheet Available

OSHA posted on its Web site a new fact sheet entitled "Filing Whistleblower Complaints under the Sarbanes-Oxley Act," which explains how the Act provides civil and criminal protections for employees in publicly traded companies as well as their contractors, subcontractors, or agents.

The Act prohibits employers from firing, demoting, harassing, or taking other adverse action against employees for providing information to their supervisors or the government relating to securities fraud.

## Winter Driving the Topic for January

As this newsletter is being written, an arctic front has blown through the South Plains. So far TxDOT is reporting more than 200 weather related accidents in Lubbock alone. DPS also responded to 22 accidents in the area including 2 fatalities.

At this time OSHA is also reminding employers and employees to take necessary precautions to stay safe over the coming months, especially while driving in snow and ice.

Here are a few tips to help prevent motor vehicle injuries during winter storms.

- Maintain your car-check the battery, tire treads, and windshield wipers, keep your windows clear, put no-freeze fluid in the washer reservoir, and check your anti-freeze.
- Have on hand a flashlight, jumper cables, abrasive material (sand, kitty litter, even floor mats), shovel, snow brush and ice scraper,

warning devices (like flares) and blankets. For long trips, add food and water, medication and cell phone.

- Allow plenty of time (check the weather and leave early if necessary), be familiar with the maps/directions, and let others know your route and arrival time.
- Slow down and increase distances between cars.

More safety tips are featured in OSHA's Safe Winter Driving fact sheet, see <http://www.osha.gov/Publications/safeDriving.html>

Note: We needed to cancel our January meeting due to winter driving conditions. I just couldn't have explained it — well officer, I had an accident going to a safety meeting on winter driving safety. Just wouldn't have looked too good. The safety message is not to drive if you don't have too:-)

## America Unprepared for Pandemic, Report Says

The United States is woefully unprepared for an influenza pandemic or other mass-casualty public health emergency, according to a new report by Washington-based public health research group Trust for America's Health.

In its fourth annual report, "Ready or Not? Protecting the Public's Health from Disease, Disasters and Bioterrorism", the group rated states' readiness based on 10 indicators. Half of the states scored six or less on the 10 indicators.

Among the key findings: Eleven states and the District of Columbia lack sufficient capabilities to test for biological threats. Twenty-five states would run out of hospital beds within two weeks of a moderate pandemic flu outbreak. Forty states face a shortage of nurses.

## ASSE Legislative & Regulatory Commitments for 2007

For 2007, ASSE has made the following legislative and regulatory commitments --

**PELs** – Years of struggle have marked the issue of OSHA's use of exposure limits. The time is long overdue for Congressional action that encourages an open, cooperative approach to setting permissible exposure limits (PELs) for hazardous substances to which workers are exposed. Some exposure limits in use have not been updated since their adoption in 1968. Congress needs to pass legislation that either requires OSHA to establish a negotiated rulemaking process to set exposure limits or provides legal protections to standard development organizations (SDOs) to pursue exposure limits through the voluntary consensus standard process.

**OSHA Coverage for State and Municipal Employees** – In states that do not have their own state OSHA plans and, thus, are covered by federal OSHA, state and municipal workers are not guaranteed protection under the OSHA standards. An estimated 8.5 million state and municipal workers are not afforded the same workplace protections private sector workers are given. We support federal legislation to require that all state and municipal employees to enjoy the same workplace protections given private sector employees.

**Criminal Penalties** – Strengthening OSHA criminal penalties for workplace safety and health violations ending in fatalities is a key issue of concern over the last several years in Congress. ASSE hopes that a bipartisan approach can be reached on changes to the OSH Act that would target truly bad actors and encourage corporate responsibility for setting a culture of safety at the highest level of management and not simply focus on levels of penalties.

**NIOSH Effectiveness** – ASSE is concerned that NIOSH's singular role in occupational safety and health is not fully supported within the Center for Disease Control and Prevention (CDC), especially with regard to its leadership role in issues with national impact between occupational settings like nanotechnology and respiratory protection. Over the last several years, CDC reorganization efforts have taken various key resources from NIOSH's direct control. Despite these effective reductions in budget, NIOSH in recent years has energized its cooperative efforts with stakeholders, including ASSE's member SH&E professionals. ASSE remains concerned that NIOSH, as the only resource for federal occupational safety and health research and education support, be fully recognized and receive the resources it needs to fulfill its mission.

**Ergonomics** – ASSE believes Congress needs to work towards a consensus position on ergonomics to overcome the political polarization on this issue over the years. ASSE's believes consensus can be reached on its own proposal for a standard that is performance-based, encourages cooperation, and avoids one-size-fits-all solutions, similar to the current California ergonomics standard. ASSE's Ergonomics Task Force is working on tools to help do so. One tool, an excellent accumulation of the best web-based resources, is already available at [www.asse.org](http://www.asse.org) on the Government Affairs page.

**Global Harmonization** – ASSE is pleased that the Occupational Safety and Health Administration's (OSHA) long-awaited rulemaking on global harmonization of US hazard communications was begun in 2006. This is a positive opportunity for OSHA both to advance safety

and health and to help ensure competitiveness for American companies. Nevertheless, to help encourage all reasonable quickness in advancing the rulemaking, ASSE could support reintroduction of Senator Enzi's legislative effort to support a national commitment to global harmonization with the establishment of a national task force on the issue.

**Safety Agency Commitments** – ASSE will help ensure that federal commitment to OSHA, the Mine Safety and Health Administration (MSHA), the National Institute for Occupational Safety and Health (NIOSH), the U.S. Chemical Safety and Hazard Investigation Board (CSB) and other agencies that impact workplace safety and health is not compromised in what continues to be a difficult budget environment.

**Emerging Technologies and Practices** – ASSE will continue to monitor and participate in the development of positions on emerging technologies and practices, including nanotechnology and control banding.

**Alliances and Partnership** – ASSE will seek to involve our members in OSHA and NIOSH through our alliances and partnership with these agencies. We are especially interested in finding cooperative opportunities to advance Hispanic and immigrant worker, transportation, and youth worker issues as well as recognition of North America Occupational Safety and Health (NAOSH) Week. ASSE will continue to bring the great knowledge and experience of its members to the appropriate agencies as they develop strategies and tools to address these and other issues.

**Support for Advanced Safety Degrees** – ASSE is committed to working with the academic community and government to help ensure that the supply of safety professionals with advanced degrees continues, especially through efforts to increase the number PhD programs in safety. The current supply of PhDs in safety is quickly approaching retirement age. We also are directly involved in efforts with NIOSH, OSHA and academic leaders to incorporate safety into business school curriculums through the development of case studies highlighting the value of safety in business decision-making.

**Standards** – ASSE supports OSHA's continuation of its standards improvement project. ASSE will work to encourage all federal agencies to fully comply with the Technology Transfer Act's mandate to consider national consensus standards where feasible when engaged in rulemaking. Use of such standards, like ANSI/ASSE Z117 (confined space standard) and ANSI/ASSE Z490.1 (safety training) will help to improve protections of workers and expedite rulemaking activities while reflecting the current technology and industry best practices.

**Wellness** – ASSE is committed to helping build on the success of NIOSH's Steps wellness conference in 2004 aimed at addressing the urgent need for integrating workplace safety and health with personal health and well being. Employers' struggle to meet rapidly rising health care costs is driving such integration. SH&E professional leadership is key to success of such efforts.

## Unions sue OSHA to Implement Safety Rule

The AFL-CIO and food workers union sued the federal agency in charge of workers' health and safety, saying it has failed to implement a rule that would require employers to buy protective equipment for their employees.

Such a rule would apply to as many as 20 million people who work in a number of places, including restaurants, hospitals, factories and construction sites, the U.S. Occupational Safety and Health Administration said in 1999. That was the year the agency proposed that employers pick up the costs of their workers' protective equipment, saying 48,000 injuries and at least seven deaths could be avoided annually as a result of such action. The equipment would include goggles, face shields, gloves, helmets, ear plugs and respirators.

The labor federation and the United Food and Commercial Workers asked a federal appeals court in Washington, D.C. to require the agency to promptly complete its work on the rule. In their lawsuit, the two groups who filed the suit described the delay as lasting an "unreasonable amount of time. "What is so frustrating is that this is a straightforward issue. It is not controversial," said Peg Seminario, the AFL-CIO's head of health and safety issues. "About 90 percent of the nation's employers are already doing this. The others need to do it too," said Jackie Nowell, health and safety director for the UFCW.

## EPA Looking to Regulate Nano

The full article excerpted below can be found on *Nanowork News* at <http://www.nanowork.com/news/newsid=1203.php>

In a major reversal, the U.S. EPA has determined that clothes washing machines that use silver ions as a disinfectant will have to be registered as a pesticide. Until now, the agency has not regulated nanomaterials, including silver ions, made of a bioaccumulating, persistent, and toxic metal.

Yet EPA's decision may be meaningless, critics point out, because if the company deletes from its advertising the assertion that silver can kill bacteria, it won't have to register the washer.

The fact that a product can slip past the agency without being registered if the company doesn't claim that it can kill bacteria is a "quirk" of the FIFRA <http://www.epa.gov/region5/defs/html/fifra.htm>, and "it'll be intriguing to see where we go on this," says Andrew Maynard, science adviser to the Project on Emerging Nanotechnologies at the Woodrow Wilson International Center for Scholars.

**Boiler Safety Rules is the topic of the February 13th, West Texas Boiler Safety Association meeting. The meeting starts at 6:00 pm with a meal served at 5:30 pm. Location: Texas Tech Campus, CHACPI Training Room (Main & Hartford). ASSE members are invited.**

The union's contracts with the nation's meatpacking plants already provide this benefit, she said. "This administration doesn't want to do any regulations. We've tried all other routes to getting this thing unstuck," Nowell said.

ASSE has also described the agency's action as "long overdue. "But the group, which represents safety experts, said it was encouraged by OSHA officials' vows to act on such matters. OSHA officials in Washington would only say that they are reviewing the lawsuit and "will have more to say in the future.

The AFL-CIO press release on the suit can be found at <http://www.aflcio.org/mediacenter/prsptm/pr01032007.cfm>.

### New Member Focus: Rebeca Wallace

One of the benefits of ASSE is networking with safety folks in our area. Rebeca is one of our newest members and would like to provide you a little background information on her and her family so that we can get to know her. Welcome Rebeca!

Rebeca Wallace is married with a 15 year old daughter. She lives in the country between Lubbock and Tahoka. She has four horses, a donkey, and is starting a Boer goat farm. She also has dogs, cats, turtles and a rabbit.

She has worked for the Lubbock Regional MHMR Center for the past 22 years. Hobbies include reading and gardening.

## DHS Proposes Chemical Facility Anti-Terrorism

The Department of Homeland Security issued proposed rulemakings on chemical plant security that Democrats are being quoted as not going far enough in the press.

A Bloomberg article sums it up pretty well at <http://www.bloomberg.com/apps/news?pid=20601103&sid=aPRx1F59HMMs&refer=us>

According to DHS, the Homeland Security Appropriations Act of 2007 (Section 550) gave the Department authority to promulgate "interim final regulations" for the security of certain chemical facilities in the US. This notice seeks comment both on proposed text for such interim final regulations and on several practical and policy issues integral to the development of a chemical facility security program.

Comments are due February 7, 2007. <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/06-9903.htm>

# NIOSH Seeks Comments on Occupational Exposure Sampling Strategies Manual

The National Institute for Occupational Safety and Health (NIOSH) is considering updating the Occupational Exposure Sampling Strategies Manual (OESSM) [NIOSH Document Number: DHHS (NIOSH) Publication Number 77-173] and asks for user feedback to maximize the relevancy of any revisions to the document.

NIOSH would like specific input on the following:

1. The relevance, currency, and appropriateness of the OESSM; identification of the most useful components of the OESSM; information on the disciplines and jobs of current users; and other useful resources related to sampling strategies.
2. The need for an updated/revised OESSM; the types of information needed but not currently included in the OESSM; the revisions needed to make the OESSM more useful; the gaps, unmet needs for guidance, or needs for new information; and the topics that do not need to be updated or addressed in the OESSM to avoid duplicating already existing materials.
3. Information needs relative to exposure assessment and sampling strategies (e.g., qualitative vs. quantitative, control banding approaches, etc.)

## PHMSA Final Rule on HazMat Int'l Harmonization

DoT's Pipeline and Hazardous Materials Safety Administration (PHMSA) has issued a final rule revising its Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements.

These revisions will harmonize the Hazardous Materials Regulations with certain recent changes to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods.

The effective date is January 1, 2007. <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/06-9849.htm>

## EPA Sides with NCBA on Important Clean Air Act Issue

By Drovers News Source



The EPA sent the National Cattlemen's Beef Association (NCBA) a letter last November in response to their correspondence on December 10, 2003.

NCBA submitted a White Paper and Addendum to then-EPA Administrator Mike Leavitt which outlined their legal

analysis and assessment that Clean Air Act Title V permitting requirements and CERCLA/EPCRA emergency release reporting requirements **do not apply to open-air cattle operations.**

NCBA requested that EPA issue its opinion on the assessment, and also

4. The Action Level approach (decision statistics, utility of the decision logic chart in the current OESSM [p. 11]).
5. Statistical issues, including the need for new sampling strategy statistics, the existing sampling strategy applications, and the need for specific sampling strategies that are currently not addressed.
6. The most appropriate (needed or preferred) dissemination medium for an updated/revised OESSM (hard copy, CD, Web-based, etc.), including the preferred organizational format (e.g., one large document, one overview document with several monographs on specific topics, etc).

NIOSH expects to hold a public meeting for additional input on future occupational exposure sampling strategies guidance. A copy of the current Occupational Exposure Sampling Strategies Manual and additional information related to this announcement can be found at: <http://www.cdc.gov/niosh/review/public/77-173>. <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/E6-22120.htm>

### New Member Focus: Allen Dorsett

Our next new member highlight is Lubbock native, Allen Dorsett. Allen is the safety and environmental coordinator for Gandy's Dairies. He has worked at Gandy's for 15 years with the last 6 being in safety.

Allen and his wife have been married for 20 years, they have two boys ages 3 and 11. His hobbies include spending time with family, working with his older son in Cub Scouts, reading, woodworking, being active in church, martial arts, volunteering in the community and working his internet business.

He got involved with safety when the position opened and he applied. With his new ASSE membership, Allen hopes to gain added knowledge in safety and meet other safety professionals. Welcome to Allen!

invited EPA staff to tour typical feedlots in Kansas, Texas and Idaho so that informed decisions could be made about these issues.

Under the Clean Air Act, operations are required to apply for a major source Title V permit if they have "non-fugitive" emissions (i.e. emissions that can be trapped in a stack in a barn situation) of 100 tons per year.

On the other hand, operations that have "fugitive" emissions (i.e. emissions that cannot be captured in a stack, but are released into the environment) are not required to apply for a permit, unless non-fugitive emissions of the operation meet the 100 ton per year threshold.

Because cattle operations are fugitive emission sources, and non-

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**SH&E in Trade Policy** – ASSE also encourages OSHA to take a role in ensuring that safety and health is part of this nation's trade policy so that American corporate investments in SH&E are not undermined by international competitors who unfairly compete without investing in these global responsibilities.

**Homeland Security Activities** - ASSE will help ensure that the role of SH&E professionals is appropriately recognized by the Department of Homeland Security (DHS) and related legislative, regulatory and research initiatives involving chemical and site security, incident management, and protection of those involved in first response, recovery and investigative activities. ASSE will also work cooperatively with government partners to facilitate the coordination of DHS activities with those of OSHA/MSHA.

**Third Party Consultation Services Program** – ASSE fully supports provisions introduced by Senate Health, Education, Labor and Pensions (HELP) Committee Chairman Michael B. Enzi that would allow third party safety audits of companies under strict requirements to ensure professionalism and maximize effect, thereby extending OSHA's purpose of ensuring safe and healthy workplaces beyond the limits of its current enforcement and cooperative programs. Establishment of such a program has long been a key ASSE legislative goal.

**Transportation** – ASSE will engage federal agencies in cooperative efforts to raise the level of awareness of transportation safety as an occupational safety and health issue to address more effectively the leading cause of occupational fatalities.

**Reactive Chemicals** - ASSE is committed to the promotion of a more proactive approach towards controlling reactive chemicals. ASSE is committed to an ongoing dialogue with OSHA, CSB and other interested organizations to pursue sensible and effective regulations/guidance materials.

## State Issues

**Advancing the SH&E profession** – ASSE will support agreed-upon member efforts in the states to achieve legislative recognition of accredited voluntary certifications in SH&E.

**Mold** – ASSE is intent on ensuring that no member appropriately trained and experienced to address possible risks posed by mold is kept from doing such work because of unreasonable legislation or regulation.

**Academic Program Credibility** – ASSE will support state efforts to promote and protect the quality of SH&E academic programs.

**OSHA Coverage for State and Municipal Employees** – In states that do not have their own state OSHA plans, workers are not guaranteed protection under the OSHA standards. An estimated 8.5 million state and municipal workers are not afforded the same workplace protections private sector workers are given. ASSE supports state activities to provide such coverage.

fugitive sources do not exceed the threshold for major sources, cattle operations should not be required to apply for a permit.

In the letter dated November 2, 2006, EPA concurred with NCBA's analysis: "Based on on-site visits and the observations of its personnel, EPA generally presumes that air emissions from cattle loading and unloading, cattle feed lots, retention basins, roadways, and feed loading operations are fugitive emissions that do not count when determining major source status for construction and operating permitting."

This is a big victory for cattlemen since the Title V program is modeled after the National Pollutant Discharge Elimination System (NPDES) permit program under the Clean Water Act, a costly, endless bureaucratic paper chase that carries large penalties for non compliance. NCBA is still awaiting EPA's decision regarding the applicability of emergency release reporting requirements under CERCLA and EPCRA.

## EPA Issues Final Rule on Aquatic Pesticide Applications

The EPA has issued a final rule clarifying two specific circumstances in which a Clean Water Act permit is not required before pesticides are applied. The two situations are when:

- pesticides are applied directly to water to control pests, including mosquito larvae, aquatic weeds and other pests in the water
- pesticides are applied to control pests that are present over or near water where a portion of the pesticide will unavoidably be deposited to the water in order to target the pests effectively

After considering two rounds of public comments, EPA concluded that **the Clean Water Act does not require permits in these two situations.** "This clean water rule strengthens and streamlines efforts of public health officials and communities to control pests and invasive species while maintaining important environmental safeguards," said EPA Assistant Administrator for Water Benjamin H. Grumbles.

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requires that pesticides be registered by EPA before they can be sold or distributed. Before they are registered, they must undergo extensive study and review to help ensure that, when properly used, they do not cause unreasonable adverse effects on human health and the environment. Pesticide labels contain application instructions. Applications of pesticides that violate the FIFRA labels are subject to enforcement.

Final rule: <http://www.epa.gov/npdes/agriculture> FIFRA and the pesticide program: <http://www.epa.gov/pesticides/>



Everyone had a great time at the Christmas party and thanked the ASSE for picking out the dinner tab.



Leonard finally found the perfect decoration for his boiler room. Mike's just happy it's out of his house.



Steve found out why choosing the biggest gift is not the right strategy for the Dirty Santa Game.

### Update of Study of Asbestos Disease in Libby Miners Published

An updated NIOSH study of asbestos-related diseases among vermiculite miners, millers, and processors in Libby, Montana, was published on-line by *Environmental Health Perspectives*, a peer-reviewed research journal of the National Institute of Environmental Health Sciences, on January 3.

The study followed the Libby workers through 2001 and found that they had significantly higher than expected incidences of fatal asbestosis, lung cancer, and cancer of the pleura. The findings were consistent with previous mortality studies of workers from this cohort, which were published by NIOSH researchers in the 1980s.

The article is available online at <http://www.ehponline.org/members/2007/9481/9481.pdf>.

### NIOSH-Funded Study Links Long Hours with Patient Risk

First-year doctors-in-training reported that working five extra-long shifts, of 24 hours or more at a time without rest, per month led to a 300 percent increase in their chances of making a fatigue-related preventable adverse event that contributed to the death of a patient, according to a new study funded by NIOSH and the Agency for Healthcare Research and Quality. Preventable adverse events are defined as medical errors that cause harm to a patient.

"In conjunction with earlier research showing that medical interns also have an increased risk for car crashes after leaving work at the end of an extra-long shift, this new study adds further evidence that issues of occupational safety, health, and quality of patient care in the health-care setting are closely linked," said NIOSH Director John Howard M.D.

The study was published December 12, 2006, in the on-line, peer-reviewed journal *PLoS Medicine* <http://medicine.plosjournals.org/>

### Changes to NFPA Standard Call for NIOSH Certification

Revisions made for the 2007 edition of the National Fire Protection Association's (NFPA) Standard 1981 require that self-contained breathing apparatus presented for NFPA approval under the standard for use in chemical, biological, radiological, and nuclear (CBRN) incidents must also have certification by NIOSH for such use.

### New Member Focus: Eddie Greer

Our next new member focus is Eddie Greer. Eddie has been married to his wife Kaye for 18 years. They have a son (Erick) in Brackettville, TX and a daughter (Ashlee) in Birmingham, AL. They also have four granddaughters, Whitney, Shadeen, Claire, and Chloe.

Eddie is originally from Lubbock, but has lived in Plainview, Lockney, Amarillo, and Dallas. He is a graduate of Texas Tech with a BBA. Eddie also volunteers at the Lubbock County Sheriff's Office as a reserve deputy, and has been the Commander of the Reserve Division for the past six years.

He's been working for Atmos Energy for 35 Years and has always been interested in safety. With his new ASSE membership, Eddie hopes to gain networking and training opportunities.

Welcome Eddie!

## FMCSA Proposes New Entrant Safety Assurance Process

DoT's Federal Motor Carrier Safety Administration (FMCSA) has issued a Notice of Proposed Rulemaking (NPRM) to amend the New Entrant Safety Assurance Process by raising the standard of compliance for passing the new entrant safety audit.

The agency has identified 11 regulations that it believes are essential elements of basic safety management controls necessary to operate in interstate commerce and proposes that failure to comply with any one of the 11 regulations would result in automatic failure of the audit. According to FMCSA, carriers would also be subject to current safety audit evaluation criteria. If a roadside inspection discloses certain violations, the new entrant would be subject to expedited actions to correct deficiencies.

### New Member Focus: Terry L. Adams

Terry is married with three grown children. He has a bachelor's degree in general studies. Work experience includes twenty years in medical sales and nearly ten years in environmental work. He started his EHS career with Grimes and Associates, Consulting Engineers, LP nearly ten years ago. He became trained and/or licensed in asbestos, lead-based paint, environmental site assessments, Respirable silica monitoring, and most recently DOT hazardous materials training.

Safety became an important part of his job description approximately six years ago when the owner appointed me the Safety Director and assigned all responsibilities coupled to this work. I oversee the safety program for the company, monitor and record all safety training and illness and injury stats required on OSHA 300 log.

Terry hopes that the ASSE membership will broaden my knowledge base and provide additional experience related to safety and environmental health. For hobbies he enjoys outdoor activities and working on old cars or trucks.

Welcome Terry!

It also proposes to eliminate Form MCS-150A--Safety Certification for Application for USDOT Number and intends to check compliance with ADA and certain household goods-related requirements in the new entrant safety audit. However, failure to comply with these requirements would not impact the safety audit outcome. These changes would not impose additional operational requirements on any new entrant carrier.

All new entrants would continue to receive educational information on how to comply with the safety regulations and be given an opportunity to correct any deficiencies found. FMCSA states that it recognizes many new entrants are small businesses that are unaware of these requirements and continue to need the agency's assistance.

Finally, FMCSA would make clarifying changes to some existing new entrant regulations and establish a separate new entrant application

## EPA Emission Standards for Synthetic Organic Chemical Industry

According to EPA, in 1994 it promulgated national emission standards for hazardous air pollutants (NESHAP) for the synthetic organic chemical manufacturing industry.

The Clean Air Act directs EPA to assess the risk remaining (residual risk) after the application of the maximum achievable control technology standards and to promulgate additional standards if required to provide an ample margin of safety to protect public health or prevent an adverse environmental effect.

The Clean Air Act also requires EPA to review and revise maximum achievable control technology standards, as necessary, every 8 years, taking into account developments in practices, processes, and control technologies that have occurred during that time.

On June 14, 2006, EPA proposed two options regarding whether to amend these current emission standards. This action finalizes one of those options and reflects EPA's decision not to impose further controls and not to revise the existing standards based on the residual risk and technology review.

This final rule became effective December 21, 2006. <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/E6-21869.htm>

## PHMSA on Rail Shipment HazMat Safety and Security

DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) has issued a Notice of Proposed Rulemaking (NPRM) – in consultation with the Federal Railroad Administration (FRA) and the Transportation Security Administration (TSA) – that proposes revisions to the current requirements in the Hazardous Materials Regulations concerning the safe and secure transportation of hazardous materials transported in commerce by rail.

The proposal would require rail carriers to compile annual data on specified shipments of hazardous materials, use the data to analyze safety and security risks along rail transportation routes, assess alternative routing options, and make routing

decisions based on those assessments.

Also proposed are clarifications of the current security plan requirements to address en route storage, delays in transit, delivery notification, and additional security inspection requirements for hazardous materials shipments.

Comments are due February 20, 2007.

<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/E6-21518.htm>

## FMCSA on Electronic On-Board Recorders for Hours-of-Service Compliance

(Continued from page 7)

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The Federal Motor Carrier Safety Administration (FMCSA) is proposing to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to incorporate new performance standards for electronic on-board recorders (EOBRs) installed in commercial motor vehicles (CMVs) manufactured 2 years following the effective date of a final rule.

Under the proposal, motor carriers that have demonstrated a history of serious noncompliance with the hours-of-service (HOS) rules would be subject to mandatory installation of EOBRs meeting the new performance standards.

FMCSA also proposes changes to the safety fitness standard that would require this group of carriers to install, use, and maintain EOBRs in order to meet the new standard.

Finally, FMCSA would encourage industry-wide use of EOBRs by providing incentives for motor carriers to voluntarily use EOBRs.

Comments are due April 18, 2007.

<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/>

## Investigation team: Deadly blast 'a preventable accident'

By JIM HAUG

DAYTONA BEACH -- The January blast at a wastewater treatment plant that killed two city workers and severely injured a third was easily avoidable, federal investigators said at a public hearing Thursday.

"It was a real tragedy," said lead investigator Robert Hall of the U.S. Chemical Safety Board. "This was a preventable accident."

A safety device was too corroded to be effective. Simple safety procedures were not followed, such as draining a tank of flammable gas before lighting up a cutting torch at the Bethune Point Wastewater Treatment Plant on Shady Place and South Beach Street, near the Halifax River.

Investigators found that the city had no program to supervise "hot work," or use of welding devices. The city also did not require potentially dangerous tasks to be planned or reviewed by a supervisor. Workers also had no training in dealing with the hazards of methanol.

The city of Daytona Beach declined to comment on Thursday's findings because of pending lawsuits filed by family members of the deceased workers, said Susan Cerbone, a city spokeswoman. Speakers at the hearing overwhelmingly blamed the lack of a safety culture at municipal workplaces in Florida, which are not subject to the regulations of the U.S. Occupational Safety and Health Administration.

It could be argued that state prisoners are better protected than city workers, since state departments like Corrections have adopted OSHA safety guidelines, said Ed Granberry, vice president for the southeastern region of the American Society of Safety Engineers.

At the local government workplace, safety standards and training are optional. There are no safety inspections, enforcement, guarantees of non-retaliation for workers who speak out about unsafe conditions or guaranteed access to records about hazards or chemicals used.



## Baker Report on BP Released

The independent safety review panel looking into the March 2005 BP Texas City explosion has been released.

The panel was lead by James A. Baker III, who also has been in the news for his leadership of the Iraq Study Group. The full report can be downloaded via the BBC at

[http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/16\\_01\\_07\\_bp\\_baker\\_report.pdf](http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/16_01_07_bp_baker_report.pdf)

For more information, see the December 8, 2006, letter to all manufacturers at <http://www.cdc.gov/niosh/nppt/resources/pressrel/letters/ltr-120806.html> or contact Heinz Ahlers at [hahlers@cdc.gov](mailto:hahlers@cdc.gov).

## FRA Issues Advisory on Safety in Yards

DOT's Federal Railroad Administration (FRA) has issued Safety Advisory 2007-01 addressing the safety of shoving or pushing movements in yards, including those involving remote control locomotives, and the behavior of employees on or about tracks.

FRA states that a recent fatal accident involving a carman struck by a remote control yard movement while he was backing a pickup truck onto an in-yard private railroad grade crossing (yard crossing) highlights the need to review current railroad procedures and practices. <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-594.htm>

## Changes to NFPA Standard Call for NIOSH Certification

Revisions made for the 2007 edition of the National Fire Protection Association's (NFPA) Standard 1981 require that self-contained breathing apparatus presented for NFPA approval under the standard for use in chemical, biological, radiological, and nuclear (CBRN) incidents must also have certification by NIOSH for such use.

For more information, see the December 8, 2006, letter to all manufacturers at

<http://www.cdc.gov/niosh/nppt/resources/pressrel/letters/ltr-120806.html> or contact Heinz Ahlers at [hahlers@cdc.gov](mailto:hahlers@cdc.gov).

## Pelosi makes Democratic appointments to House Panel

House Speaker Nancy Pelosi has appointed several incoming Democratic members of Congress to seats on the House Education and the Workforce Committee, which provides oversight to OSHA, the Mine Safety and Health Administration and NIOSH.

The new members joining the panel are Reps.-elect Jason Altmire, D-PA; Phil Hare, D-IL; Dave Loebsack, D-IA; John Sarbanes, D-MA; Carol Shea-Porter, D-NA; and John Yarmuth, D-KY. Pelosi also appointed current Rep. Linda Sanchez of California to the panel.

The full makeup of the committee for the 110th Congress convened Jan. 4. Rep. George Miller, D-CA, will serve as the committee's incoming chairman and Howard P. "Buck" McKeon, R-CA, will be ranking member.

## States sue EPA over particle emission standards

A coalition of 13 states and the District of Columbia is suing EPA, saying federal limits on fine particles emitted by smokestacks and exhaust pipes are not strict enough to adequately protect people's health.

The states cited new research recommending EPA reduce allowable particle limits from 15 to

14 or 13 micrograms per cubic meter of air, which the lawsuit contends could save anywhere from 1,000 to 11,000 lives.

EPA said it considered the research but found no need for further reductions, and will consider newer studies in the next five-year review. States participating in the lawsuit include Cali-

fornia, Connecticut, and Delaware, Illinois, Maine, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont.

## EPA Draft Staff Paper Outlines Lead Air Quality Standards Review

The EPA has released its first Draft Staff Paper for the Lead National Ambient Air Quality Standards (NAAQS). The document is part of the agency's review of the lead NAAQS to ensure that federal air quality standards reflect the latest air pollution and health effects research. The Clean Air Act requires EPA to set, and periodically review, NAAQS for six major pollutants.

This initial draft document does not include any conclusions or recommendations with regard to keeping or changing the current lead air quality standard. The draft includes assessments and preliminary analyses related to: air quality characterization; integration and evaluation of health information; human exposure analysis and health risk assessment; evaluation and analysis of information on vegetation damage and other welfare effects. The draft is based upon the agency's Air Quality Criteria Document for Lead, which was issued in October 2006.

As a result of removing lead from gasoline and other EPA regulations, airborne lead concentrations have decreased dramatically in the United

States. From 1980 to 2005, national lead air quality levels have dropped more than 90 percent.

EPA will release its draft Lead Human Exposure and Health Risk Assessments and Ecological Risk Assessment for Selected Areas (Pilot Phase). This technical support document will present initial results from the exposure and risk assessments that are summarized and discussed in the First Draft Lead Staff Paper.

EPA will accept public comment on the lead documents until Feb. 5, 2007.

To date, the lead NAAQS review has followed our historic approach to reviewing NAAQS, including issuance of a criteria document and a first draft staff paper. The agency is now moving forward to implement a new, more efficient process for conducting NAAQS reviews. EPA intends to transition to the new process during the course of the lead NAAQS review.

Copies of the draft staff paper and a related fact sheet:

[http://www.epa.gov/ttn/naaqs/standards/pb/s\\_pb\\_cr\\_sp.html](http://www.epa.gov/ttn/naaqs/standards/pb/s_pb_cr_sp.html)

More about the National Ambient Air Quality Standards (NAAQS) for lead:

[http://www.epa.gov/ttn/naaqs/standards/pb/s\\_pb\\_index.html](http://www.epa.gov/ttn/naaqs/standards/pb/s_pb_index.html)

### **ASSE Kid's Safety on the Job Poster Contest is February 14**

ASSE's 5th annual 'Safety-on-the-Job' Kids Poster Contest for members' children, grandchildren, nieces and nephews and chapter-supported schools deadline is Valentines' Day, February 14.

Go to [www.asse.org/naosh07](http://www.asse.org/naosh07) for rules and entry form to post on back of 11 x 14 poster.

Children aged 5 - 14 can enter. First place prizes in each age group are \$1,000 savings bonds. In addition, every entrant receives a prize.

The winning posters make up the North American Occupational Safety and Health Week (NAOSH-May 6 -12, 2007) 07 poster distributed worldwide reaching more than 50 million people and 150,000 businesses with occupational safety, health and environmental messages from your children.

PS: I've received a copy of a draft SOP from Paul that covers all work performed on energized electrical systems above 50 milliamps and 50 volts line to line AC and 100 volts to ground DC. If you'd like me to email you a copy, just let me know [rwitherspoon@mylubbock.us](mailto:rwitherspoon@mylubbock.us)