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EDITORIAL
We continue on our journey to elevate EHS in a company so it is equal to other divisions such as production. Recently we were the chair for the LatAM oil and gas conference in Rio de Janerio. There were some great speakers at the event. Two presentations were by Vice Presidents of EHS in their respective companies.

It was rewarding to hear what initiatives they are taking to protecting life, property and the environment. They represented large oil companies.

It was great to hear them but I kept thinking what are the smaller companies doing? Perhaps they cannot afford a VP of EHS but is the EHS manager (director, representative, engineer, technician) at a level where they report directly to the top manager?

During the recent economic downturn we saw EHS staffs decimated and in some cases eliminated altogether. My guess is that a company would not let go of professionals who they saw as beneficial to the bottom line.

Our profession has work to do to educate top company managers on the positive impact EHS has on a company’s profitability. We need to develop skills and terminology that the top levels of management understand so that we can educate them on the advantages of a strong EHS department.

Keep the pressure on and stay safe!!!!!!!!!!!!!!
Ask the Lawyer:

**Question:** OSHA recently proposed a major revision to its electronic reporting requirements. This proposal has received a great deal of press, both favorable and unfavorable. What do you think, is OSHA’s proposal positive or problematic?


In my opinion, this NPRM has significant flaws and, therefore, OSHA’s proposal is problematic. The good news is that this is only a proposal and not a final rule, so OSHA can still correct the flaws.

Under the rule that is currently in effect, OSHA issues an Annual Survey Form to certain employers with ten or more employees. Each employer that receives the survey must respond, including providing the number of workers who are employed and the number of hours they worked.

Under the NPRM, OSHA proposes to significantly expand the reporting requirements. First, all non-exempt employers that operate workplaces with at least 250 employees, including full-time, part-time, temporary and seasonal workers, will be required to submit quarterly reports to OSHA containing all information on the employer’s 300 Logs and 301 Incident Reports, and will be required to submit annual reports to OSHA containing all information on the employer’s 300-A Summary. This report must be made to OSHA electronically on a secure website. Employers that operate in states with state-run programs are also subject to this requirement.

Second, all employers that have at least 20 employees and fall within a designated industry identified in a new Appendix “A” will be required to submit annual reports to OSHA containing all information on the employer’s 300-A Summary. Of note, the employers who fall into this second category will not be required to submit quarterly data. Third, all employers that receive notification from OSHA must submit the requested information under Part 1904.

In support of its proposal, OSHA touts transparency and emphasizes that employers will not have to report any information that they are not already required to record. While these points are valid, OSHA underestimates the burden on each large employer to submit quarterly reports. OSHA also fails to justify the basis to treat large employers differently than smaller employers. It remains unclear how OSHA will use all of this data, but once OSHA reviews the data from the large employers, those employers will more likely be subject to an inspection because OSHA will review trends in the data (i.e., ergonomic-related injuries at certain locations). This type of
information is more discernible in 300 Logs and 301 Incident Reports than in 300-A Summaries. OSHA also states that it will make certain of this data publicly available on its website.

The submission of quarterly reports creates other concerns. For example, many employers often take a conservative approach and record questionable injuries, but these employers will continue to investigate whether these injuries are in fact OSHA recordable. If the employer later determines that an injury was not recordable, the employer will amend the 300 Log. Oftentimes, this investigation extends from one quarter into the next, so the quarterly data submitted to OSHA may not be correct. Furthermore, all of the recordkeeping data (e.g., injuries and illnesses that have occurred in the workplace) are lagging indicators, which can be easily misinterpreted by OSHA and the general public. Given that this information will be made publicly available on OSHA’s website, it should reflect a more complete picture of the employer’s safety record and lagging indicators represent only a small slice of that record.

In summation, OSHA’s proposal seeks to impose an unreasonable reporting burden on large employers and creates an unfair and unjustifiable difference in reporting requirements between large and small employers. I suspect that OSHA will tweak its proposal before issuing a final rule. One thing OSHA may do, which I believe makes a great deal of sense, is to require all non-exempt employers to submit their annual 300-A Summaries to OSHA. That way, all employers will be treated the same and no employer will be burdened with submitting quarterly updates that may be misconstrued. The electronic submission of 300-A Summaries will not create an unreasonable burden on employers and will provide OSHA with the necessary data to assess workplace injuries and illnesses.

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Opportunity to Share Your Knowledge:
The American Society of Safety Engineers—Manufacturing Practice Specialty is developing a White Paper on “Best Practices in Manufacturing Safety”. We encourage you to share your successful strategies/techniques with us. Please send your contributions to michael.coleman@tyson.com

Board of Director Thoughts: David Wynn
Let’s talk character – “attentiveness”, “diligence”, and “responsibility” are some character qualities that promote the goals of the business and the safety manager. “Dedication”, “thoroughness”, and “being organized” are instrumental in developing business and safety management competency, and help us to continually improve. “Discerning the bigger picture”, “applying persuasiveness” and “knowing when to be decisive” are essential for successful business and safety leaders. Those who are “dependable”, “loyal”, and “endure in difficult times” provide the consistency needed in each of these endeavors. So, let’s make character a cultural value. Let’s recognize and discuss such character qualities, and the success stories that go with them. Let’s start by promoting character in each other by communicating our recognition of it when there is anything excellent or worthy of recognition. I also suggest we partner with organizations such as Strata Leadership (www.strataleadership.com) that can further help develop organizational culture in this way, so we can obtain everyone’s enthusiastic support of our sincere efforts to establish and improve effective safety management systems and related tools.

ISO TAG update (Tom Slavin)

The ISO effort to create an occupational safety and health management system standard is underway. The new standard will be called ISO 45001.

Representatives from 27 countries, including a three member US delegation, met in London in October to review the activity. The project committee (ISO PC 283) reviewed and discussed two documents. One was a design specification that outlines the purpose and form of the new standard. Second was a proof of concept document that will be turned into a working draft.

Prior to the London meeting the US technical advisory group (TAG) had several conference calls to discuss the US position on the preliminary documents. The US TAG is under the secretariat of ASSE. Several members are also on the ANSI Z10 standard committee and that standard forms the basis for many of the US positions. Most of the US comments were accepted at the meeting in London.

The timeline for the project is as follows:
• December 2013 – Working draft 1 (WD1) to be circulated to working group.
• January 2014 – comments due on WD1. US TAG will have a face-to-face meeting to prepare comments.
• March 2014 – PC meeting to develop committee draft 1 (CD1) the first public draft for circulation
• November 2014 – PC meeting to develop a draft international standard (DIS)
• November 2015 – PC meeting to develop final draft international standard (FDIS)
• October 2016 – publish ISO 45001

The ISO project has 5 task groups to work on sections of the standard and the US TAG is establishing mirror groups to deal with those same sections.

First of a Kind Safety Seminar held by a CSHM

As part of its commitment to safety in the maritime industry, SafeMARINER™, LLC, owned by Rick Dunn, CSHM and The Center for Maritime Education-Houston,
collaborated together to host an industry first safety management seminar. This groundbreaking event entitled “Zero Incidents through Training, Competency & Continual Improvement,” was a one-day industry conference for various key players in American maritime transportation industry. Over 80 people attended the event at The Center for Maritime Education in Houston, TX on November 12 to discuss issues critical to protecting lives and the marine environment.

The forum brought together constituents from many sectors of the maritime industry—including regulators, the NTSB, industry and subject matter experts—to discuss issues surrounding the safe operation of commercial inland and coastwise towing vessels on the water. Participants reviewed practices and policies and shared practical experiences. Presenters urged participants to think outside the box regarding their approaches to safety and human error.

Speakers and presenters at the event included Richard T. du Moulin, Chairman of the Seamen’s Church Institute and President of Intrepid Shipping LLC; US Coast Guard Houston/Galveston Sector Commander, Captain Brian Penoyer; Rick Dunn of SafeMARINER™, LLC; Jim Guidry of Kirby Inland Marine; Captain Pat Riley of Canal Barge; Andrew Turner from the Federal Aviation Administration; Tracy Murrell, Director of Marine Safety from the National Transportation Safety Board; and Jack J. Buono, President of SeaRiver Maritime, Inc.-ExxonMobil’s U.S. Marine Affiliate.

Rick Dunn, CSHM served as the event moderator. Rick is a subject matter expert on commercial marine safety management and provides safety management consulting to the marine industry (see www.safemariner.com).

In the spirit of zero incidents, The Center for Maritime Education, run by the Seamen’s Church Institute, debuted its new full mission bridge training simulator that enables apprentice mariners to accrue sea-time credit for licensure while providing advance training to veteran pilots on the newest safety techniques.

Other topics and panel discussions included techniques for reducing human errors; seamanship and leadership; incident investigation, root cause analysis; safety management systems; TMSA; behavior based safety; competency assessments; the use of checklists; threat and error management; and systems thinking. Participants and attendees exchanged ideas and useful information to assist with implementation of new procedures and the Towing Vessel Safety Management Systems (TSMS) to prepare for emerging regulations.

Anticipating this to be an annual event with changing topics, CME brings together diverse groups as a neutral convener to assist with solving problems and addressing challenges within the maritime industry. For more information about this similar and future industry forums, contact Rick Dunn at www.safemariner.com