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EDITORIAL

ISHM was founded on the principle of safety management. To this date our requirements and exam testing reflect this focus on the EHS management function.

Professional EHS managers need to continually promote the management function so that it becomes a part of the way of business for every enterprise.

We keep hearing how safety managers are struggling with upper level company management to totally support the EHS functions.

Upper level company managers often have financial or business degrees. We have researched a few of the top business colleges in the US and cannot find even ONE safety course in their entire 4 year curriculum. Couple that with the fact that many safety managers have come up through the ranks and have had limited management training. That does not mean they are bad managers but it does lead to the major problem.

COMMUNICATION.

EHS professionals are passionate about saving lives and protecting property and the environment. We speak about requirements and regulations; we talk about ‘it’s the right thing to do’.
Company executives, on the other hand, talk about time and money, value-added, bottom-line, profitability.

As EHS managers we MUST learn the language of upper managers. We need to be able to convert requirements and initiatives into dollars saved and the bottom line.

Until we get this right safety is just going to be that ‘necessary evil’ that is out the door at the first economic downturn.

2013 newly elected board members

Every odd numbered year current CSHMs vote for three new board members. This year a sitting board member opted to retire resulting in 4 new members for the Board of Directors.

The four new members are:

**Linda Coates-Ryan, CSHM,** Area Director of Safety, Education and Development at National Express Corporation. Linda has been with National Express since 2002. In her role as Area Director, she has made significant contributions in loss control and safety improvement. Linda is responsible for the safety, health and risk assessment/control of 32 locations in the eastern United States encompassing over 3,000 employees and 2,500 vehicles. Linda effectively develops and implements safety, training and risk avoidance programs, many of which are being used throughout the U.S. and Canadian operations of the company. She has 28 years’ experience in the transportation industry including 12 years as a Risk Manager. In that role, Linda was responsible for the oversight of a transportation captive insurance program with reserves totaling over 20 million dollars.

Linda has served as the Chairman of the Safety Council of Connecticut School Transportation Association and a member of the Safety Council of the National School Transportation Association. She is a past member of the Governor’s Committee on School Bus Safety, an Associate Instructor for the Transportation Safety Institute, Oklahoma City. Linda has also served as an instructor for the Pupil Transportation Association of Syracuse, NY where she co-authored and taught a course on School Bus Accident Investigation. Linda is an accomplished school bus accident investigator and has been called upon to testify in civil litigation as an expert witness.

In 2007, Mrs. Coates-Ryan was recognized by the National School Bus Transportation Association and given the high honor of the Golden Merit Award in recognition of her years of service and dedication to the principles of safety. Her most recent accomplishment was earning the CSHM in 2012.

**John A. Principe III, CSP, CSHM, CHCM**

John is the Director of Environmental Health and Safety at West Virginia University (WVU). Prior to WVU, Principe worked at Denison University as the Director of Environmental Health and Safety for 9 years and at Wheeling Pittsburgh Steel Corporation for 11 years as a fire/safety inspector, trainer and safety supervisor. He is a Certified Safety Professional.
Joseph DeMaria, Ph.D., CSHM, CHCM, MIIRSM. President & CEO, Americana Safety

Dr. DeMaria is a self-motivated business executive and author with multiple college degrees, national and international safety board certifications, and a respected 35 year career in the safety and human factors engineering profession. After being honorably discharged from active duty in 1996 as a U.S. Air Force Safety Superintendent, Dr. DeMaria founded Americana Safety, a nationwide Workplace Safety Consulting and Litigation Support firm and serves as its Principal Forensic Consultant. After more nearly two decades in business and hundreds of satisfied clients, Americana Safety has earned their reputation as “The Leader in Expert Solutions.”

In 2012, Dr. DeMaria was inducted into the Worldwide Who’s Who for Excellence in Occupational Safety and Health Engineering. Dr. DeMaria has also assisted the Director of ISHM in writing and reviewing the quality of test questions administered for the Certified Safety and Health Manager (CSHM) examination. His pledge to ISHM: “Provide guidance and leadership to the safety technicians of today for they will be our safety managers of tomorrow. We were all there once, and with lots of patience by our mentors, we are… where we are… because of them. Now, let’s pay it forward.”

David A. Wynn, CSHM, CSP, CIH, CHMM, CET, ARM

has over 20 years’ experience in health and safety management. Nearly all of this experience has been in federal and state government. But, he also has 20 years of military aviation safety experience as a Marine Corps aviator. His federal and state government experience includes positions such as George Mason University’s Director of Environmental Safety, U.S. Department of Commerce Safety and Occupational Health Specialist, and the U.S. Environmental Protection Agency Headquarters Industrial Hygienist. These positions included a variety of leadership roles including President of the Biosafety Review Board for a major research university, coordinator for development of a safety and health management system for federal employees, and participation in the Federal Advisory Council on Occupational Safety and Health (FACOSH). Within FACOSH he participated in a work group which made recommendations for the qualifications of the Safety and Occupational Health Management job series. Outside of government, he has served as a corresponding member...
of the American Industrial Hygiene Association’s Management Committee, and assisted in the latest revision of the American National Standard for Occupational Health and Safety Management Systems (ANSI-Z10). He has been recognized as an outstanding volunteer by the American Industrial Hygiene Association, as Employee of the Month at George Mason University, and with a Bronze Medal for commendable service in federal government.

**ISHM Safety Management Professional of the year 2013**

The results of the highly successful ‘ISHM Safety Management Professional of the Year ’ are in.

After deliberation and in-depth review the selection committee unanimously agreed on **Anita Falconetti**. The committee was impressed with her career growth and the results of her EHS management initiatives.

Anita Falconetti joined Bally Technologies, Inc. After three years following extensive OSHA training, Falconetti was promoted to Global Safety Coordinator for Bally Technologies and is responsible for information, training, coordination, and facilitation related to safety for the Company worldwide. In this role, Falconetti provides guidance on best safety practices and procedures, and has developed and manages programs to ensure the safety of employees and compliance with OSHA and other local, state, and federal regulations.

Falconetti is originally from Chicago and moved to Las Vegas in 2004. Falconetti is associated with the American Society of Safety Engineers, a Certified Safety Management Practitioner through ISHM and a Certified Safety & Health Practitioner with the State of Nevada.

**Congratulations Anita!!!!!!!!!!!!!!!!!!!!!!!**

Anita will receive the award in her home town of Chicago in conjunction with the NSC Expo on September 30, 2013. The ceremony will take place at Soldier Field and is hosted by Westex, a world leader in flame resistant fabrics.

Westex and ISHM share a commitment to safety management and co-sponsor this annual award.

**Ask the Lawyer**

**Question:** My plant received a $1,200 citation for a serious violation of a machine guarding standard. I do not believe the citation is warranted because the standard cited refers to a different type of machine. OSHA is offering an expedited settlement with a reduced penalty, and local management is inclined to accept the deal because contesting the citation would cost much more than the fine. Is there any reason not to take the deal?

**Answer** Yes, the employer should be willing to spend a reasonable amount of time, resources and money to challenge an OSHA citation if it has a legitimate defense, even if the penalty is relatively modest. Unfortunately, it is common for an employer to accept an unwarranted OSHA citation simply because the fine is small. However, there are legal and economic reasons not to accept the deal.

One concern with accepting an unwarranted OSHA citation is that the employer may receive a Repeat citation in the future. OSHA has the right to issue a Repeat citation if the employer commits the same or substantially
the same violation of an OSHA standard within five years. This applies at any of the employer’s facilities, even one located in a different state. And the penalty for a Repeat citation is ten times the penalty of a Serious citation, with a maximum penalty of $70,000 per violation.

Another concern relates to abatement of the violation. The cost to implement abatement measures often exceeds the amount of the penalty. If the citation is not justified, the abatement may be unnecessary.

Another concern is the importance of maintaining a strong safety record. Simply put, OSHA citations often affect customer contracts and impact employee relations. A number of companies will not enter into contracts with other companies which have poor safety records. Therefore, it often makes business sense to challenge an unwarranted OSHA citation, even if the fine is low, because there may be a greater economic impact in the future.

The process to negotiate with OSHA is easy and straightforward, as any company that receives an OSHA citation has the right to request an “Informal Conference,” which is a settlement conference at the local OSHA Area Office. The company must request and participate in the Informal Conference within 15 working days (excluding holidays and weekends) of receipt of the citation. The company is usually represented by local management, the safety director and sometimes an attorney; OSHA is usually represented by the Area Director or Assistant Area Director and sometimes the Compliance Officer; and the Union or an employee representative also has the right to participate. Settlements are often negotiated during the Informal Conference, including a possible reduction in the classification of the violation from Serious to Other, a reduction in the penalty, a modification of the abatement requirements, and an extension of the abatement deadline. OSHA may also include a non-admission clause as part of the settlement agreement, particularly if an employee sustained an injury related to the citation. If the parties are unable to reach a settlement at the Informal Conference, the company has the right to file a Notice of Contest within the 15-working-day period.

Darren Hunter is a partner and an experienced OSHA practitioner in the Chicago law firm of Rooney Rippie & Ratnaswamy LLP. This column does not constitute legal advice or the formation or proposal of an attorney-client relationship to or with any person or entity. In addition, this column should not be understood to represent the views of ISHM, the law firm, the individual attorneys at the firm, or of any of the firm’s clients or former clients.

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