In this edition

- From the director
- Getting at the roots of the matter
- Ask the Lawyer
- The Importance of Certifications and Your Resume
- managers charged in worker's death

From the Director

We are focused on sharing information about how involving the safety department in all organizational decisions makes good business sense.

We have been honored to speak at several gatherings of EHS professionals. Hopefully we were able to provide sound information on how to better involve the EHS department in company decision processes.

What we have learned is that many professionals feel they are not getting sufficient upper level management support to make their programs as effective as they should be.
Would you please share with me your personal situation? Are you getting total company support? If so why? Please tell us your success stories and with your permission we will share them in a future newsletter. We can all learn from your experience.

If you are not receiving support please also share that. We need to understand how many are operating on the EHS island with limited support and resources. We will keep your responses in total confidence and will never share information that would be harmful to your position. We want to learn more about this so we can help our profession improve. Perhaps we can call this a totally unofficial survey.

If you have written articles on EHS topics that you would like to share please send to us. If approved we can insert those in future newsletters.

Thanks for all you do.

Larry

Getting at the roots of the matter

At long last, spring came to the northeast U.S., and neighborhoods were full of pent up demand to get out, see what damage the winter had wrought, and get to filling in tire ruts in the front lawn (we have no sidewalks or curbs in my neighborhood, picking up branches and debris of all shapes and sizes, and do some trimming, pruning, planting and weeding.

I had my eyes set on rescuing a Forsythia plant in our backyard that had been slowly strangled by a weedy network of relentless vines over the years. The Forsythia was
beginning to sprout its golden yellow buds, a sign it was still alive, and the time was ripe to get at the root cause of its years-long battle with this insidious tangle of weeds. The backyard soil, you see, was as soft as walking on cushions after thawing out from the deep winter freeze.

So I put on a pair of garden gloves and commenced to pulling up those strangling weeds. You could call this my backyard root cause analysis. How deep did these roots run? Where did they all come from? I had put it off for years, but this spring I would get to the bottom of the Forsythia's fight for life and remove the cause of the problem for good.

A few things I learned about this sort of root cause analysis, which is why maybe I had put it off for years. First, it's labor-intensive. Some weeds were rooted so deeply I need a shovel to unearth them, bring 'em to the light of day, and excavate the buggers. Some were so thick I need to hack away at 'em with a saw.

Second, you need patience. There was of course not one single root strangling the Forsythia that once discovered I could yank out and that'd be the end of it. No, the problem was a tangled web of weedy roots. I was amazed at the number of roots, how many were hidden, and I had to slow down and comb the ground carefully to spot them all - or at least most of them. I'm not sure you ever get to where every single root cause is discovered and eliminated.

I found that being curious helped in rooting out the problem. I'd grab ahold of a weed and begin pulling, and with the ground being so mushy the weed's roots would rip through the earth for several feet in some cases, going off in directions - and for lengths -- I never would have imagined. Not being a naturalist or botanist, I was surprised by this invisible, underground complex expanse of roots.

Writing for a workplace safety magazine for as long as I have, I'm inclined to often think, OK, now how does this particular situation, whatever it might be, tie into a safety theme? It didn't take long for me digging about in the backyard to put two and two together and come up with, you know what, this is a sort of root cause analysis. I've written about RCA, read about it, talked to safety pros about it over the years. This much I've come to know: getting at the true roots of a safety problem, incident, accident, is no simple task. Sure, time-pressed safety pros might like to find a quick and easy cause. And if non-professionals are investigating an incident, there is a tendency to not look too hard, not to dig hard, not to be patient or put the work into it. Instead, the RCA is narrow, insufficient, and superficial.

By superficial I mean: "Oh, there wasn't enough training. Gotta train the guys again." Or... "gotta instill some discipline here... the guys are taking shortcuts, playing fast and loose with the rules." Oftentimes the analysis doesn't trace the root causes back to origins investigators don't want to go, such as decisions made by management, or lack of investments by management. No, curiosity doesn't extend that far. It's "safer" and more expedient to play the short-sighted and biased blame game.
And so some of the root causes are never unearthed. They're still down there, buried; they live for another day. Until they spring up and cause another incident. This much I learned trying to save the Forsythia: it takes time and effort to truly root out the causes of a problem.

Dave Johnson, Editor, Industrial Safety & Hygiene News magazine www.ishn.com

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**Ask the Lawyer**

**Question:** What is the relationship between OSHA standards and OSHA interpretations?

**Response:** The Occupational Safety and Health Administration (OSHA) has promulgated a series of regulations since its inception. These regulations are known as OSHA standards. The primary regulations that govern health and safety in the workplace are known as the General Industry Standards (29 CFR Part 1910) and Construction Standards (29 CFR Part 1926). OSHA has also published numerous other regulations related to procedure, variance applications, special industry standards, recordkeeping requirements, among many others. Under section 5(a)(2) of the Occupational Safety and Health Act (OSH Act), these standards have the force and effect of the law. Therefore, OSHA has the legal authority to issue citations to employers that do not operate in compliance with these standards.

OSHA frequently publishes interpretations and guidance documents related to its standards. These interpretations and guidance documents are known as advisory documents. The purpose of these advisory documents is to advise employers and employees on a variety of issues related to health and safety in the workplace. For example, OSHA publishes Letters of Interpretation in which OSHA explains its own interpretation of its standards. These advisory documents do not have the force and effect of the law. Therefore, OSHA cannot issue citations to employers based on violations of advisory documents.

In addition to its authority to issue citations to employers that violate the specific OSHA standards, OSHA can also issue citations based on the General Duty Clause. Specifically, under section 5(a)(1) of the OSH Act, OSHA can issue citations to
employers that do not "furnish to his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." However, any citation that OSHA issues under the General Duty Clause must be based on a recognized industry hazard, such as hazards identified by ANSI or NFPA. Notably, however, OSHA cannot issue a citation under its General Duty Clause based on violations of OSHA's own advisory bulletins.

In conclusion, OSHA can issue citations based on violations of standards, but cannot issue citations based on non-compliance with an advisory bulletin. That said, it is important to be aware of OSHA's advisory bulletins to get a better understanding of how OSHA interprets and enforces its own standards.

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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**The Importance of Certifications and Your Resume**

By Heather Kimbrel

Your resume is the first impression a potential employer will have of you. It is important to objectively indicate your level of knowledge or aptitude in the skills sets you choose to highlight. The addition of certifications on a resume is an important step when updating your job search correspondence. Including certifications will not only help you when negotiating a salary, but also put you one step ahead of other applicants. Here are some suggestions on how to do it effectively in order to get an interview.

Certifications cover a broad range of activities so it is better to list them separately from your education section. You can use your most noteworthy certification as a headline if it's in high demand. A headline appears after your contact info just before your summary of qualifications. The closer to the top you place your certifications, the less likely they will be overlooked. Most often times, certifications are listed toward the bottom of a resume. Depending on the amount of previous work experience, especially recent graduates with little to no relevant experience, adding this information at the top is a better strategy. If you are applying for a job that requires certain certifications, they need to be listed in a prominent place so they will not be missed.
Create a Certifications/Professional Development/Relevant Training section to list certifications you have earned over the span of your career. List them in reverse chronological order starting with the most recent first. Include the type of certification, the certifying organization, and where and when it was obtained. When listing the dates of your training, it is common to list both the month and the year of completion. This allows you to highlight your most recent achievements, which are assumed to be more relevant to your job target. If you like to abbreviate, it's also important to include the full name of the certification in case the initial reader of your resume is not familiar the technical terminology of the industry. The full names of certificates can also be keywords that employers are looking for and can easily be picked up by commonly used applicant tracking software. If you have certifications that expire, be sure to list the expiration date as well. It is okay to list certifications that have already expired because it shows you are capable of passing again if needed.

If your certifications carry more weight than your degree, don't be afraid to list them before your education section. If you have obtained certifications that do not relate to your career objectives, you can always leave them off; you only want to include those that are directly related to the career you are pursuing. It is best to create a master list of all education, certifications, training, and licensures to facilitate the process of tailoring your resume to each position.

If you are currently in the process of obtaining a certification, you can list it as well, but instead of listing a completion date, include an anticipated completion date. This shows your passion for the industry and your willingness to learn what it takes to be successful.

Note that certificates of training differ from certifications and should be listed as such. Certificates of training are the result of an educational process that allow you to demonstrate your knowledge of the course content at the end of the designated courses. Certifications result from an assessment process. They indicate competency measured by a set of standards after satisfying a required score on an examination. They usually result in some type of designation or credential (e.g. CSP) and have ongoing requirements to maintain them.

Taking the time to include your most relevant training and certifications on your resume is one of the best ways to set yourself apart from the applicant pool. In today's competitive job market, it's the little things that make a difference. Something as simple as adding your certifications may be just enough to give you that competitive edge. Not only do they show that you have the drive to stay current with industry trends, but that you are passionate enough to improve in your career now and in the future.

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Bumble Bee Foods, managers, charged in worker's death

Bumble Bee Foods and two of the company's managers were charged with felony safety violations this week over the death of a worker who was burned alive in an industrial pressure cooker.

How it happened

The charges stem from an accident on Oct. 11, 2012 in which 62-year-old Jose Melena entered a 35-foot oven at the company's Santa Fe Springs plant to effect repairs. Unaware that Melena was inside the oven, other workers loaded approximately 12,000 pounds of tuna into it, shut the door and activated the oven, which reached 270 degrees. News sources said Melena's charred remains were found by another worker.

The charges

In addition to the company, Los Angeles County prosecutors have charged Operations Director Angel Rodriguez and former safety manager Saul Florez each with three counts of violating OSHA rules. Rodriguez and Florez could face up to three years in prison and fines up to $250,000 if convicted of all charges, prosecutors said. The company, which had about $1 billion in sales in 2014, could face $1.5 million in fines.

The charges specify that the company and the two men willfully violated rules that require implementing a safety plan, rules for workers entering confined spaces, and a procedure to keep machinery or equipment turned off if someone's working on it.

Previously cited

Bumble Bee Foods was previously cited by Cal-OSHA for failing to properly assess the danger to employees working in large ovens. The company appealed the $74,000 penalty. "We remain devastated by the loss of our colleague Jose Melena in the tragic accident," the company said in a statement. "We disagree with and are disappointed by the charges filed by the Los Angeles district attorney's office."
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