This issue of the newsletter contains several thought provoking articles.

ISHM Supports EHS management at all levels in all departments

Is this December already?
The year has gone by so quickly, I am totally amazed that we are in the Holiday Season. ISHM continues to
make changes to become more green (planet friendly). All files are now maintained electronically and **Beginning in January 2016 ISHM will forward renewal letters and cards electronically. If you need a hard copy we will gladly forward one to you for a cost of $10.00 which will cover the cost and postage of the document.**

**ACTIVE SHOOTER**

For a long time EHS managers have been concerned about active shooters in the workplace. Many companies put into place policies and procedures to deal with the event. Many companies conduct frequent drills in order to assure correct response from all workers. Recent events indicate that this issue may even be present at social events. As you plan division, shift or company parties this season have you thought about this possibility? Are you making plans to deal with it? SO sad that we must include this in our planning. This article appeared in ISHN [Run, Hide, Fight](http://example.com) hopefully it will help you in your planning.

I received an email with some great links for the home. These do not apply to all but there are probably some that will apply to your situation. I am guilty as I think many are of neglecting safety in the home. I am busy rethinking and making plans that will deal with the emergency at hand.

[Natural Disasters](http://example.com)

[Drought and your home](http://example.com)

[Hurricane Safety](http://example.com)

[Tornado Safety](http://example.com)
Please go forth with an awesome Holiday Period and a spectacular New Year

Visit the ISHM Website

ASK THE LAWYER - December 2015

Question: Please explain all the talk about an increase in OSHA penalties?

Response: On November 2, 2015, the President signed the Bipartisan Budget Act of 2015 ("Budget Act") into law, which contained a hidden section authorizing OSHA to increase its civil penalties. OSHA's last penalty increase was 25 years ago.

Under the Budget Act, Congress removed an exemption in the Federal Civil Penalties Inflation Adjustment Act of 1990. As a result, OSHA will be permitted to implement a one-time catch up increase in civil penalties based on the difference in the inflation rate from 1990 to 2015. This amounts to an astounding 82% increase in penalties. In following years, OSHA will be permitted to increase penalties annually in an amount based on the Consumer Price Index.

For Willful and Repeat citations, OSHA will be allowed to increase penalties from the current maximum of $70,000 per citation up to $127,400 per citation. For Serious and Other than Serious citations, OSHA will be allowed to increase penalties from the current maximum of $7,000 per citation up to
to increase penalties from the current maximum of $7,000 per citation up to $12,740 per citation. At this time, OSHA has not stated how much it will increase penalties, but OSHA will likely publish a proposed rule in early 2016 stating the amount of the penalty increase. Under the Budget Act, the penalties may go into effect on August 1, 2016. The increased penalties will be a strong enforcement tool for OSHA.

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.

Lessons on Leadership from the Past.

Gayle Fratto, CSMP, ISHM Board Member

As Safety Professionals, we are bombarded with messages on what it takes to be a successful leader. Through conferences, webinars and trade journals that we frequent, we seem to be filled with experts that all want to see us on new the newest concepts that will allow us to become great leaders in the EH&S world. I am by no means one of those experts. However, I will share with you my thoughts on leadership. If you have ever seen the mini-series "Band of Brothers", you know that Captain Richard Winters was an officer of Easy Company during World War II. Captain Winters gave the following quote on leadership: "If you can, find that peace within yourself, that peace and quiet and confidence that you can pass on to others, so that they know that you are honest and you are fair and will help them, no matter what, when the chips are down."

What does mean for us in the EH&S profession? First, it means people aren't going to follow you because you have a Master's Degree in Safety
Management. It means people aren't necessarily going to listen to your suggestions because you have twenty years' experience. It means before you can build a successful EHS program, you must build trust, faith and respect of the employees and managers that you want to lead. When those citations and fines arrive because no one listened to your ideas, that is not an "I told you so" moment. What are you going to do in order to be there for the Plant Manager and company to help them recover? If an employee is breaking a safety rule, do you call him out in front of everyone? Maybe haul them before management to be disciplined? Or do you take the time to explain to them what they're doing wrong? Better yet, listen to them in order to see why they were doing it wrong, and determine if there is a better system. In the end - to lead a safety program - those people in your organization, at all levels, must believe that you will be there for them "when the chips are down". Only then will you have the buy in you need to build a successful EH&S program.

ISO 45001 Status Update - December 2015

By Tom Slavin, CSHM, CIH, CSP

The ISO PC283 standards committee is continuing to move forward toward an ISO 45001 occupational safety and health management system standard. A management system is the framework of policies, processes and procedures used to ensure that an organization can fulfill all tasks required to achieve its objectives. It is a way to make sure everyone in an organization is on the same page. It can be a useful tool for continuous improvement, or it can be a paper tiger (long on procedures and documentation but short on action).
Since 2013 when work began, there have been five international meetings representing 59 countries and several international organizations. The US technical advisory group (TAG) has met several times to develop US positions
which are taken up by the delegation from ANSI, our official representative. ISO has a three year time line and is working toward a final standard sometime next year. Two committee drafts have been developed and discussed and the standards commit has decided to proceed with the next step, a draft international standard scheduled for release for translation in December, 2015 and release for public comment in February, 2016. The ISO process is very different from other standards processes I have been familiar with (e.g. ANSI, ASTM, NFPA). The most remarkable thing to me is the standard can move forward to the next level without resolving issues. With so many countries, regulatory systems and cultures involved there are quite a number of issues and definitions that remain unresolved. Some of the more significant ones include the following:

- What role should non-employees have in setting policy
- Should the standard address only hazards or also improvement opportunities
- Should near-misses be considered non-conformities
- How much documentation is needed
- Difference between participation and consultation
- How occupational disease and ill-health are factored in

Much discussion has been around terms like "legal requirement," "representative," "worker," and "non-managerial worker" which have different meanings in different countries. The US position tends to align with the ANSI Z-10 standard and focuses more on real improvement than on unnecessary documentation. Approximately 60% of our comments on the last draft were accepted fully or in part. This is in line with if not better than most other countries/liaison groups despite having only one vote on the committee of 59 participating countries. While we have made strides in improving the content in 45001, we obviously will not get everything we want. No one, or rather, no country will.
Each of the Countries (and Liaison groups), including our own, comes with their own needs, expectations and bias on what is necessary in an OHS management system standard. While some outcomes may not be the best for us, it is part of the ISO process that we have to work with given the global diversity of cultures and opinions. As we approach the Draft International Standard (DIS) stage, it becomes even more important for us to focus on those things that are really significant, things that we can't live with, in addition to things we believe are central to an acceptable "global" OHSMS.

Special thanks must go to the US delegates (Vic Toy, Kathy Seabrook, Thea Dunmire, Todd Hohn and Jim Howe), who dedicate a lot of their own personal time and in some cases, resources, to participate in the ISO meetings working with other Countries and Liaisons that many times require a 10-12 hour day. Thanks also to Tim Fisher and the ASSE for coordinating and supporting the US TAG to review drafts and develop the US position and reasoning.