

# The Safety & Health Advisor

## Spring 2015



### ***NIOSH Homecare Worker Training***

Recently, the National Institute of Occupational Safety & Health (NIOSH) developed a free publication (DHHS/NIOSH 2015-102) with an available free online training program for homecare workers through the website page "Caring for Yourself While Caring for Others" at <http://www.cdc.gov/niosh/docs/2015-102/default.html>.

There is a free downloadable 82-page Homecare Workers' Handbook (Publication 2015-103) as well as 7 online training modules addressing general homecare health and safety, strain/sprain/fall prevention, reduction of environmental, blood borne or infectious exposures, working with dementia clients, handling threatening behaviors and reducing stress.

The information can be used standalone or could be a valuable addition to your current staff training and/or orientation programs.

### ***Safe Resident/Patient Handling & Legislation***

Rates of musculoskeletal injuries from overexertion in healthcare occupations are among the highest of all U.S. industries. Data from the Bureau of Labor Statistics (BLS) show that in 2011, the rate of overexertion injuries averaged across all industries was (38 per 10,000) full-time workers. By comparison, the overexertion injury rate for hospital workers was twice the average (76 per 10,000), the rate for nursing home workers was over three times the average (132 per 10,000), and the rate for ambulance workers was over six times the average (238 per 10,000).

### ***Highlights in this Issue***

NIOSH Homecare Worker Training  
Safe Resident/Patient Handling & Legislation  
New HazCom/GHS Labels & SDSs Appearing Soon  
OSHA's Temporary Worker Initiative (TWI)  
Recent OSHA fine at a Concrete Manufacturer in NH

The single greatest risk factor for overexertion injuries in healthcare workers is the manual lifting, moving and repositioning of patients, residents or clients.

Evidence-based research has shown that safe patient handling interventions can significantly reduce overexertion injuries by replacing manual patient handling with safer methods. Reducing injuries not only helps workers, but also will improve patient care and the bottom line.

There are several web sites that contain links to multiple resources for further information on patient handling. Please see the following:

- [www.osha.gov/sltc/healthcarefacilities/safe-pateinhandling.html](http://www.osha.gov/sltc/healthcarefacilities/safe-pateinhandling.html)
- [www.cdc.gov/niosh/docs/2006-117/](http://www.cdc.gov/niosh/docs/2006-117/)
- [www.nursingworld.org/safe-patient-handling-and-mobility](http://www.nursingworld.org/safe-patient-handling-and-mobility)

OSHA's General Duty Clause, Section 5(a)(1), may be cited in cases where a particular hazard is not addressed by any standard. The General Duty Clause says: Each employer shall furnish to each of his employees employment and a place of employment which are free of recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.

To date, no federal safe patient handling law has been enacted. However, there is a federal bill known as the Nurse and Health Care Worker Protection Act of 2013 (H.R. 2480). See the following link for more information:

<http://thomas.loc.gov/cgi-bin/query/z?c113:H.R.2480.IH/>

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The following states have passed or signed into law such legislation:

California Labor Code Section 6403.5 - 2011  
Illinois Public Act 97-0122 - 2011  
New Jersey S-1758/A-3028 signed into law January 2008  
Minnesota HB 712.2 - 2007  
Maryland SB 879 - 2007  
Rhode Island House 7386 and Senate 2760 - 2006  
Hawaii House Concurrent Resolution # 16 - 2006  
Washington House Bill 1672 - 2006  
Ohio House Bill 67, Section 4121.48 - 2006  
New York companion bills A11484, A07836, S05116, and S08358 - 2005  
Texas Senate Bill 1525 - 2005

Senate Majority Leader Harriette L. Chandler is the lead sponsor for a recent (SD15622/HD112) bill in Massachusetts - An Act Providing For Safe Patient Handling. The bill would:

- Require health care facilities to establish a safe patient handling committee
- Require health care facilities to adopt and implement a safe patient handling program
- Require health care facilities to acquire any equipment deemed necessary by the safe patient handling committee
- Implement safe patient handling practices

Please see the following link for more information.  
[www.malegislature.gov/Bills/188/Senate/S991](http://www.malegislature.gov/Bills/188/Senate/S991)

Additional legislation will likely be enacted in other states as well as professional organizations, industry, and academia recognize that safe patient handling in health care settings is vital in minimizing musculoskeletal injuries to care givers.

### ***Safe Resident/Patient Handling & Mobility (SR/PHM) Seminar***

Atlantic Charter will be hosting a free "Safe Resident/Patient Handling & Mobility (SR/PHM) seminar on Thursday, May 14, 2015 at the Marriott Hotel in Newton, MA from 9am to 2pm. The target audience for this seminar is decision makers, managers, supervisors and staff

responsible for SR/PHM programs, education, and training in your organization representing either the acute or long-term care setting. The featured speaker will be Kathleen Nelson, PT a nationally recognized speaker and expert on the subject. There will also be a select number of SR/PHM equipment and device vendors on-site as well as a complimentary lunch.

During this seminar, we will be discussing:

- Business Case for SR/PHM
- Standards and Legislative Update
- Building a Safe Resident/Patient Handling & Mobility Program
- How SRH/SPH Algorithms are necessary to standardize work practices
- Establishing a SRH/SPH Culture

This "free" seminar is open on a "first-come, first-serve" basis for representatives from your organization. Invitations were sent out on April 1st.

### ***New HazCom/GHS Labels & SDSs - Appearing Soon***

Beginning June 1, 2015, chemical manufacturers, importers and employers must ensure all chemicals are shipped out with new Safety Data Sheets (SDS) that comply with the provisions in OSHA's updated Hazard Communication Standard. Some manufacturers may have already begun sending out products with compliant labels and SDSs; experts warn that many more will start coming in as the June 1st compliance date draws near.

With newly formatted SDS and chemical labels beginning to arrive at worksites, it is recommended that employers take the following steps:

- Train employees – the deadline to ensure all workers are familiar with the updated label and SDS format was December 1, 2013.
- Get the new SDSs –take steps, including contacting your manufacturer, to ensure you have updated SDSs for all chemicals onsite by June 1, 2015.
- Review the SDSs – when the new SDSs come in, closely examine them and consider whether you have appropriate controls in place for all hazards.

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- Update HazCom program – if new hazards are listed on the SDS, update your Hazard Communication Program to mitigate the risks posed by those hazards.
- Review training – make sure your employees understand the new labels and SDSs. Refresher training may be necessary

### ***OSHA's Temporary Worker Initiative (TWI)***

On April 29, 2013, OSHA launched an initiative to protect temporary workers from workplace hazards. OSHA sent a memo to the agency's regional administrators directing field inspectors to assess whether employers who use temporary workers are complying with their responsibilities – see <http://s.dol.gov/ZM>. Subsequent to this launch, OSHA created a webpage, "Protecting Temporary Workers", that defines responsibilities of the host employer and staffing agencies and contains news releases and resources.

In the nearly two-year period since the introduction of the TWI, OSHA has conducted several inspections. Some of the more recent News Releases about these inspections are as follows:

- 02/03/2015 - Auto parts manufacturer and temp agency expose workers to electrocution, serious falls and other hazards
- 01/26/2015 - OSHA finds welders unaware of toxic, explosive fumes when blast kills temporary worker, critically injures another
- 01/06/2015 - Temporary worker suffers permanent disability after packaging machine crushes him
- 12/31/2014 - New Hampshire company faces \$230,400 in OSHA fines for exposing employees to fall, crushing, noise and other hazards
- 12/16/2014 - OSHA cites Budweiser distribution center for serious safety violations

A News Release about a Massachusetts company was also recently released on June 09, 2014 regarding a seafood processor for serious safety violations following a worker's death.

On the aforementioned webpage, under the Highlights section, there is a link to OSHA/NIOSH Recommended Practices: Protecting Temporary Workers and Temporary Worker Initiative (TWI) Bulletin No. 1 - Injury and Illness Recordkeeping Requirements. It is highly recommended that you read and understand the implications of these documents if you use temporary workers.

### ***OSHA issues \$230,400 in fines against a concrete manufacturer in Southern NH along with a temporary staffing agency***

Acting on a worker complaint in June 2014, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) investigated and found employees of Concrete Systems Inc. in danger of falling, being crushed and deafened due to a lack of required safeguards. The inspection at the company's Hudson, N.H. facility resulted in two willful, 18 serious and six other violations. A manufacturer of large concrete formwork, CSI faces \$230,400 in proposed fines. An agency that supplies CSI with temporary workers, Marathon Staffing Services Inc., of Tyngsboro, Mass. was also fined \$7,000.

OSHA found instances where employees atop concrete formwork and precast concrete structures lacked fall protection. OSHA also determined that employees who are exposed to excess noise levels while operating casting machinery did not receive baseline audiograms to guard against sustained hearing loss. OSHA cited CSI for two willful violations that carry \$126,000 in proposed fines. A willful violation is one committed with intentional, knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

"Concrete Systems chose not to provide required safeguards and exposed workers to potentially fatal or disabling falls and possibly hearing damage," said Rosemarie Ohar, OSHA's New Hampshire area director. "The company must act swiftly and effectively to eliminate these hazards and prevent their recurrence to protect the health and safety of its employees."

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In addition to these hazards, OSHA found CSI employees risked being crushed or injured by a custom-made lifting device and by the use of damaged slings to move a 24,000-pound load. Inspectors also cited the company for having an uninspected crane and for failing to employ a qualified crane operator. They also found improperly operated and unattended forklifts, unsafe arrangement of loads on forklifts, unguarded saw blades and hazardous electrical equipment. These conditions resulted in citations for 24 violations, carrying \$104,400 in fines.

Marathon Staffing Services received one serious violation for not providing audiograms to employees who are exposed to excessive noise levels at CSI. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

*If you need assistance in evaluating your ergonomics or safety and health program, please contact Neal Freedman, John Cotnam, Margarita Strzepka, or Mark Hickox from Atlantic Charter's Safety and Health Department at (617) 488-6500.*