



SAFETY NEWS

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Mike Beebe, Governor

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James L. Salkeld, Director



(l to r) Arkansas Department of Labor Deputy Director Ed House, MSHA Supervisor Susan Weaver, and (far right) Director of Labor James L. Salkeld presented the Twenty Accumulative Years Safety Award to Supervisor James Hagler (second from right) of the Malvern Mining Company.

ACME BRICK'S MALVERN MINING COMPANY EMPLOYEES RECEIVE TWENTY ACCUMULATIVE YEARS SAFETY AWARD

The employees of Malvern Mining, a division of Acme Brick Company, recently received a Twenty Accumulative Years Safety Award at the annual Arkansas Mine Safety and Health Conference in Hot Springs. The company's nine employees accumulated 20 years without a lost day away from work due to a work related injury or illness.

The Malvern location has been in operation since approximately 1921 and has an active safety committee which holds periodic meetings and daily inspections.

The Accumulative Years Service Award is designed for small employers that work years without a lost day away from work, but are unable to reach any of the Million Work Hour Awards. For information on how your company can qualify, contact Juanita Matlock at juanita.matlock@arkansas.gov or 501-682-9090.



OSHA PROPOSES REVISIONS TO RESPIRATOR FIT TESTING

By Tonia Cooper
Industrial Hygienist Supervisor

OSHA recently published a proposed rule to establish revised fit testing procedures for respirators. The notice of the proposed rulemaking appeared in the January 21, 2009 *Federal Register*.

The Respiratory Protection Standard (1910.134), which was revised in 1998, covers two categories of respirator fit testing. One type of fit test, qualitative fit testing, exposes respirator users to airborne agents to determine if they can detect them. Another type of fit test utilizes a machine to measure how much of the airborne agent leaks into the respirator, and this method is quantitative fit testing. The proposed revisions would allow certain machine based fit tests to be conducted more quickly and increase the required score for passing them. The *(Continued on page 4 – See Testing)*



NEW SAFETY AWARD ESTABLISHED RECOGNIZING AN ARKANSAS COMPANY

The Arkansas SHARP/VPP Association, which consists of Arkansas companies and SHARP/VPP-designated companies, has

established an Excellence in Safety award. This award was established in September 2008 in honor of Sharley Pettit, who was one of the pioneers of the Arkansas SHARP/VPP Association. The award will be presented to its first recipient at the Annual SHARP/VPP Conference September 17, 2009.

Members of the association may apply for the award by meeting the following criteria:

1. Submitting an award application form which may be obtained from Kim Fischer at (501) 682-4517 or Quinton Simison at (870) 733-5243.
2. Being a member of the SHARP/VPP Association and attending half of the yearly scheduled meetings. (See below for more information on becoming a member of the association.)
3. Turning in three years of statistics from the company's OSHA 300A Summary.
4. Having an injury/illness rate that is less than the national average for the company's NIACS Code.

This information must all be sent to Kim Fischer, Arkansas Department of Labor, 10421 West Markham, Little Rock, AR 72205, **by May 15, 2009.**

The Department of Labor will collect the data and develop a spreadsheet reflecting statistical data only. The SHARP/VPP committee will determine the winner according to the lowest injury/illness statistics and attendance at meetings.

The SHARP/VPP Association is made up of not only companies who have achieved SHARP/VPP status through OSHA, but other companies as well who would like to learn the techniques used by those who have been recognized for that milestone. Companies may become members of the association by merely attending meetings, forwarding contact information to ADOL and association members, and sharing safety and health lessons they've learned with other association members. There is no membership fee.

For more information on the Sharley Pettit Excellence in Safety award, the SHARP/VPP Association, or the SHARP/VPP Conference in September, contact Quinton Simison at (870) 733-5243 or Ben Thompson at (479) 521-2500.

MINING DEATHS AT ALL-TIME LOW

Preliminary data from the U.S. Department of Labor's Mine Safety and Health Administration (MSHA) show that mine fatalities in 2008 fell to an all-time low, recording a 31 percent drop from 2007.

Metal/nonmetal mines recorded the lowest level of fatalities in that sector of mining since statistics were first recorded in 1910, and the fatality level in coal mines was the lowest recorded number since 2005. Of the 51 fatalities reported, 28 victims were at surface operations, while 23 miners died in underground mining accidents. Fifteen died in accidents involving powered haulage, which was the leading cause of fatal mining accidents in the U.S. during 2008.



U.S. DOL OSHA FINES ARKANSAS COMPANY \$63,000 FOR ALLEGED VIOLATIONS

The U.S. Department of Labor's OSHA has cited an Arkansas construction company with two willful and three repeat violations of OSHA standards and has proposed \$63,000 in penalties.

The company was investigated as part of OSHA's National Emphasis Program and OSHA found alleged willful violations including the company's failure to provide training in avoiding hazards associated with working in trenches eight feet deep or more, and failure to provide a means of egress while employees are working at excavation worksites that are four feet deep or more. OSHA defines a willful violation as one committed with intentional disregard of, or plain indifference to, the requirements of the Occupational Safety and Health Act.

Repeat violations include failure to ensure employees working in trenches eight feet deep are adequately protected from cave-ins, and failure to provide the use of personal protective equipment. In this case, employees were not provided with hard hats. A repeat violation is defined as a violation that previously was cited where, upon re-inspection, a substantially similar violation is found.

The company may either comply, request an informal conference with OSHA's area director in Little Rock, or contest the citations and penalties before the independent Occupational Safety and Health Review Commission.

ADOL TRAINING CALENDAR IN THE WORKS

The Arkansas Department of Labor Safety Division has been hard at work planning their training schedules for 2009.

Twelve Worker's Safety Seminars are tentatively slated across the state for hourly employees, supervisors, and people on safety committees. These seminars have additional sponsorship from local safety associations who are familiar with the training needs of their area. Topics include injury cost analysis, safety and health hazard recognition, self responsibility and more. Current programs include:

<i>Little Rock</i>	<i>March 12</i>
<i>Pine Bluff</i>	<i>March 26</i>
<i>Russellville</i>	<i>May 7</i>
<i>West Memphis</i>	<i>June 11</i>
<i>Fort Smith</i>	<i>June 25</i>
<i>El Dorado</i>	<i>July 30</i>
<i>Bentonville</i>	<i>August 13</i>
<i>Ashdown</i>	<i>August 20</i>
<i>Jonesboro</i>	<i>September 3</i>
<i>Batesville</i>	<i>October 8</i>
<i>McGehee</i>	<i>October 15</i>
<i>Hope</i>	<i>October 22</i>

For more information on these seminars or to be put on the mailing list for one in your area, contact Judy Harwell at 501-682-9092 or email harwell.judy@dol.gov

Half-day classes are also being scheduled for state, county and municipal employees across the state, with the following classes presently slated:

<i>Hot Springs</i>	<i>March 26</i>
<i>Dermott</i>	<i>April 9</i>
<i>West Memphis</i>	<i>April 23</i>
<i>Bentonville</i>	<i>May 14</i>
<i>Jonesboro</i>	<i>May 19</i>
<i>Mena</i>	<i>June 18</i>
<i>Bella Vista</i>	<i>August 6</i>
<i>Hope</i>	<i>September 3</i>
<i>Fort Smith</i>	<i>September 23</i>
<i>North Little Rock</i>	<i>October 21</i>

For more information on these classes, contact Richard Steward at 501-682-4521 or email richard.steward@arkansas.gov.



TYSON AGREES TO PAY OSHA FINE FOR FATALITY

Tyson Foods Inc., pleaded guilty in January in U.S. District Court in Arkansas and agreed to pay the maximum fine for willfully violating worker safety regulations that led to a worker's death in its River Valley Animal Foods (RVAF) plant in Texarkana, Arkansas, the Justice Department announced.

According to the information filed along with a plea agreement, Tyson operated several RVAF plants that recycled poultry products into protein and fats for the animal food industry. As part of the rendering process in four of the plants, the company used high-pressure steam processors called hydrolyzers to convert the poultry feather into feather meal.

Decomposition of biological material such as poultry feathers produces hydrogen sulfide gas, an acute-acting toxic substance. Employees at the Tyson facilities often were exposed to the toxic gas when working on or near the hydrolyzers, which required frequent adjustment and replacement.

As of October 2003, corporate safety and regional management were aware that hydrogen sulfide gas was present in the RVAF facilities and three of the four facilities with hydrolyzers had taken measures to protect employees from hydrogen sulfide gas near the hydrolyzers. However, Tyson Foods did not take sufficient steps to implement controls or protective equipment to reduce exposure within prescribed limits or provide effective training to employees on hydrogen sulfide gas at the Texarkana facility despite an identical exposure, resulting in hydrogen sulfide poisoning of an RVAF Texarkana employee in March 2002.

As a result, at approximately 1 a.m. on October 10, 2003, RVAF maintenance employee Jason Kelley was overcome with hydrogen sulfide gas while repairing a leak from a hydrolyzer and later died. Another employee and two emergency responders were hospitalized due to exposure during the rescue attempt. Two employees also were treated at the scene.

The Occupational Safety and Health Act (OSHA) requires that employers furnish places of employment free from recognized hazards that are likely to cause death or serious physical harm to employees. This includes taking steps to ensure that employee exposure to dangerous substances such as hydrogen sulfide gas remains within prescribed limits. Tyson Foods pleaded guilty to a "willful violation of an OSHA standard resulting in the death of an employee," the most serious offense available to OSHA.

(continued on next page – See Tyson)

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PREVENTING FATAL FALLS IN CONSTRUCTION

Construction is a potentially high hazard industry, with falls at the top of the hazards list. In fact, falls are the most frequent cause of fatalities at

construction sites and annually account for one of every three construction-related deaths. Although there are commonly available methods for preventing falls, the number of construction workers who fall to their deaths has increased in recent years.

According to preliminary 2007 fatality data from the Bureau of Labor Statistics (BLS), there were at least 442 construction worker fatalities during 2007 as a result of falls from all causes. Of this total, falls from roofs are one specific concern at construction sites and the most frequent cause for fatal falls in construction in 2007. In fact, BLS reports from 2003 to 2007, construction worker falls from roofs resulted in 686 fatalities across the U.S., **and nine here in Arkansas.**

OSHA has a list of resources to help those who work in the construction industry identify actions they should take to prevent construction-related falls. Downloadable quick cards include Fall Protection Tips; Aerial Lifts Safety Tips; Portable Ladder Safety Tips; Supported Scaffold Inspection Tips, and Supported Scaffold Safety Tips. To access these as well as other fall protection resources, visit OSHA's website at www.osha.gov/doc/falls/preventingfalls.html

TYSON — *(continued from page 3)*

According to the plea agreement, Tyson Food agreed to pay \$500,000, the maximum criminal fine. The company also will serve one year probation.

The investigation was conducted by the U.S. Department of Labor and prosecuted by the Justice Department's Environmental Crimes Section and the U.S. Attorney's Office for the Western District of Arkansas under the Environmental Crimes Section's worker endangerment initiative.

TESTING — *(continued from page 1)*

proposed rule would apply to general industry, shipyard employment and the construction industry.

OSHA is currently receiving public comment on this proposed rule, and those comments should be received by March 23, 2009. Further information is available on OSHA's website: www.osha.gov