



## St. Louis Chapter Newsletter



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### Membership Appreciation

There is no monthly lunch meeting in May. Instead, please join use at the ASSP Member Appreciation night on Thursday, May 13th, from 5-7 at the Chesterfield Doubletree Conference Center. See image below for details and click to register on the ASSP website.

**ASSP MEMBER APPRECIATION**

Thursday, May 13th, 2021 ~ 5 to 7 pm

Doubletree by Hilton  
Conference Center Ballroom  
16625 Swingley Ridge Road  
Chesterfield, MO 63017

. Cocktails .  
. Great Appetizers .  
. People (in person!) .

FREE for ASSP Members - CLICK **HERE** TO REGISTER

City of Chesterfield/COVID Protocols Will be Followed

WISE - Women In Safety Excellence



**WISE together with NAWIC**  
present a Zoom meeting on:

**WOMEN'S HEALTH**

**"AN OWNER'S GUIDE"**

**OUR SPEAKER**  
Caitlyn Rumsey, PT, DPT, WCS  
SSM Health Physical Therapy

**Friday**  
**May 21st**  
**2021**

**NOON**  
to  
**1:00 pm**

**FREE**



CLICK HERE TO REGISTER



## Scholarship Golf Outing

[Join us on June 11th at The Prairies Golf Club](#)



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## Calendar of Events

Your chapter officers and committee members are working hard to provide meaningful meeting topics for you throughout the year. Check out what's scheduled so far! If you have ideas on what should be covered, or want to share something yourself, please reach out to the chapter board and committee members (contacts at the end of this newsletter).



# ASSP ST. LOUIS CHAPTER EVENTS 2021



J. Bradley Young, Attorney  
Harris Dowell Fisher & Young L.C.

## Monthly Meeting – July 12th, Noon to 1 pm

"Workers' Compensation Update"



Treasa Turnbeaugh, PhD  
Former CEO of BCSP

## Monthly Meeting – August 9th, Noon to 1 pm

"The benefits of acquiring a professional certification."



DIANE S. ROHLMAN, PhD  
Professor, Occupational and Environmental Health Director  
Healthier Workforce Center of the Midwest Endowed Chair  
in rural Safety & Health

## Monthly Meeting – September 13th, Noon to 1 pm

"TOTAL WORKER HEALTH: What it means for your bottom line."



NICOLE KREEGER  
Vice President of Marketing at Keeley Companies

## Monthly Meeting – October 11, Noon to 1 pm

"TOPIC HERE"



AIHA & ASSP PROFESSIONAL  
DEVELOPMENT CONFERENCE

## PDC– November 15th, 2021 7 am till 4 pm

Location & Registration – TBD



Bill McDonald – OSHA Area Director – St. Louis  
or Maryanne Martin – OSHA Compliance Assistance  
Specialist – St. Louis

## Monthly Meeting – December 13th, Noon to 1 pm

 OSHA Update – Discussed will be the OSHA fiscal  
year update and quick review of new/old initiatives. 



## You Can't Train People to Be Safe

~Bill Kincaid, P.E., CSP, CIT

Just to clarify that title, I'm not saying you can't train people on safety, or denying there are some safety topics which employees should be trained on. Certainly, when someone needs to know how to do something safely, and they don't already know, we should train them. That's obvious. The purpose of training is to fill a knowledge void, nothing more, so if someone doesn't know what they need to know, we can train them.

However, knowing how to do something safely and doing something safely are two separate things. In my practice as an engineer at OSHA I very, very rarely found that the people who were injured or killed in accidents were untrained. Therefore, I very rarely concluded a lack of adequate training was the root cause of their troubles.

Liberty Mutual did a study a couple decades ago which will back me up on this bit of safety heresy. They looked at about 4000 accidents across all industries and found a lack of training was the cause of only 2% of them. TWO PER CENT. That means there are so few accidents due to a lack of training, they are close to being statistically insignificant.

Liberty Mutual found that on 98% of accidents the employees involved were quite fully trained on the relevant topics. May we assume 98% is a high percentage? That if something happened 98% of the time, it would be a pretty sure thing? For example, if someone could pick the winning horse at the racetrack 98% of the time, they would be a very good person to take with you to the horse track, right? (By the way, Liberty found unsafe equipment accounted for only 6% of accidents, leaving a whopping 92% of accidents caused by how the job was done.) It was a large and well-researched study, so now we know in 98% of accidents, training was not the problem.

Which raises the question: why is it that we think the first thing we should do when we find employees working unsafely, or perhaps when noticing a particular accident trend, is to train the employees? I understand the argument that we want to make sure they know how to do their jobs safely, sure. But when ALL we do is train employees and send them back to work, we are not going to change anything. Their motivations, inspirations, habits, practices, all that will not change. We may have trained them HOW to work safely, but we did not show them WHY they should. If we thought we could train them to be safe, we were wrong.

Training is not intended to change behaviors. If it did, people would have started wearing their seatbelts back in 1968 when the car companies started installing them in all cars. There were public service announcements, billboards, items on the news, etc., and the reasons for the existence of seatbelts were no secret. Everybody knew what they were for, and how to use them, and all the new cars had them. Yet, seatbelt use in the USA was very low for decades. Then the various states and municipalities enacted laws requiring them to be worn and issuing tickets when they weren't. Those laws didn't even work all that well, frankly, until seatbelts became a primary violation. All that well-intended training of the motoring public didn't accomplish much. It took motivation to make people wear their seatbelts.

*(To be honest, I didn't even commit to wear my seatbelt until 1982, moments after I had a head-on collision with a driver who veered into my lane. I learned my seatbelt lesson the hard way, face first into a windshield. I was still in engineering school back then, not safety, so I am requesting tolerance for my youthful ignorance.)*

My point is when employees aren't working safely, we need to look at the cause. Odds are very good that the cause is not a lack of training, so the fix is not going to be training. We need to look at how we motivate them, how we inspire them, what we emphasize and what we gloss over in our conversations, observations, and evaluations. People need leadership to show them what's important in their jobs. Safety needs to be a routine part of the message from leadership. If it's not, and the only messages they get about safety are from occasional safety training classes, they'll figure out pretty quickly that safety stuff is not a high priority.

I think this topic is worth discussing in our profession because there are many people, both outside the safety profession and within it, who don't understand what training is for and what it is not for. On multiple occasions, I've had people point to some accident an employee has suffered and immediately say "we need to train these people to work safer!" That's an interesting, possibly hasty conclusion. It makes me wonder: how do we know they need more training?

Isn't it possible they already have so much knowledge about safety they could teach the class themselves, but for one reason or another, don't do what they learned about in training? Can we all agree working safely can take

time and effort, and is often in direct contradiction to our managers' clear, consistent instructions to improve our productivity, to not waste time, to get the job done?

Maybe the managers need to emphasize safety as if it were something important. Maybe they need to coach and motivate employees to work safely routinely, and not just hope some safety person can saunter in one day a year and magically train people to do things their managers clearly don't care much about. Maybe managers need to show leadership in safety and not just toss it off to some safety person.

Employees are generally what we make of them, and if we aren't working routinely to lead them to them work safely, they are not going to work safely. You can't train people to be safe.

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## MISSOURI WORKERS COMPENSATION UPDATE

~ J. Bradley Young, Attorney, Harris Dowell Fisher & Young

Recently, the Missouri Supreme Court issued its long-awaited decision in Second Injury Fund (SIF) v. Parker, clarifying when and under what circumstances the Second Injury Fund has liability for permanent total disability after the recent statutory amendments. Unfortunately, the MO Supreme Court did not reach a decision on all of the issues we looking for them to address.

### COMBINATION PTD LIABILITY

In order for the SIF to liability for permanent total disability (PTD), the claimant must meet two requirements.

First, the preexisting disability must be medically documented, equal at least 50 weeks of permanent partial disability, and meet one of the following criteria:

- (i) A direct result of active military duty in any branch of the United States Armed Forces; or
- (ii) A direct result of a prior compensable work-related injury, or
- (iii) Not a compensable injury, but such preexisting disability directly and significantly aggravates or accelerates the subsequent work-related injury and shall not include unrelated preexisting injuries or conditions that do not aggravate or accelerate the subsequent work-related injury; or
- (iv) A preexisting permanent partial disability of an extremity, loss of eyesight in one eye, or loss of hearing in one ear, when there is a subsequent compensable work-related injury as set forth in subparagraph b of the opposite extremity, loss of eyesight in the other eye, or loss of hearing in the other ear.

Second, employee must show he “thereafter sustain(ed) a subsequent compensable work-related injury that, when combined with the preexisting disability ... results in a permanent total disability ....” § 287.220.3(2)(b).

### DECISION OF THE SUPREME COURT

The SIF argued that the primary work injury must combine with ONLY 1 of the pre-existing injuries to create PTD before the SIF would have liability. The MO Supreme Court rejected this argument. The claimant, Mr. Parker, argued that ANY OR ALL of the pre-existing injuries could combine with the primary work injury to created PTD and SIF liability. The MO Supreme Court rejected this argument as well.

The Court held that the SIF is only liability for PTD when any or all of the *QUALIFYING* pre-existing injuries listed above combine with the primary work injury to created PTD. In other words, only these pre-existing injuries can combine to created SIF liability for PTD:

- (i) Injuries from prior military service; or
- (ii) Injuries from prior work-related injuries; or
- (iii) Any pre-existing injuries, regardless of whether they are or are not work-related, as long as the preexisting disability directly and significantly aggravates or accelerates the subsequent work-related injury and shall not include unrelated preexisting injuries or conditions that do not aggravate or accelerate the subsequent work-related injury; or
- (iv) A preexisting permanent partial disability of an extremity, loss of eyesight in one eye, or loss of hearing in one ear, when there is a subsequent compensable work-related injury of the opposite extremity, loss of eyesight in the other eye, or loss of hearing in the other ear.

### QUESTIONS THAT THE MO SUPREME COURT DID NOT ANSWER

The major question now is this...if a claimant is PTD from a combination of pre-existing disabilities and a work-injury, but the claimant does NOT qualify for SIF benefits, can the Employer be held liable for PTD even if the

work-injury, in of itself, would not have rendered the employee unemployable in the open labor market?

In Illinois, the answer is “YES”. Even if the work injury is relatively minor, if it combines with pre-existing injuries and disabilities to render the employee un-employable, the Employer is liable for PTD benefits. We were looking to see if *Missouri* would follow the Illinois lead to reach this same conclusion - - but they did not even address this question one way or the other.

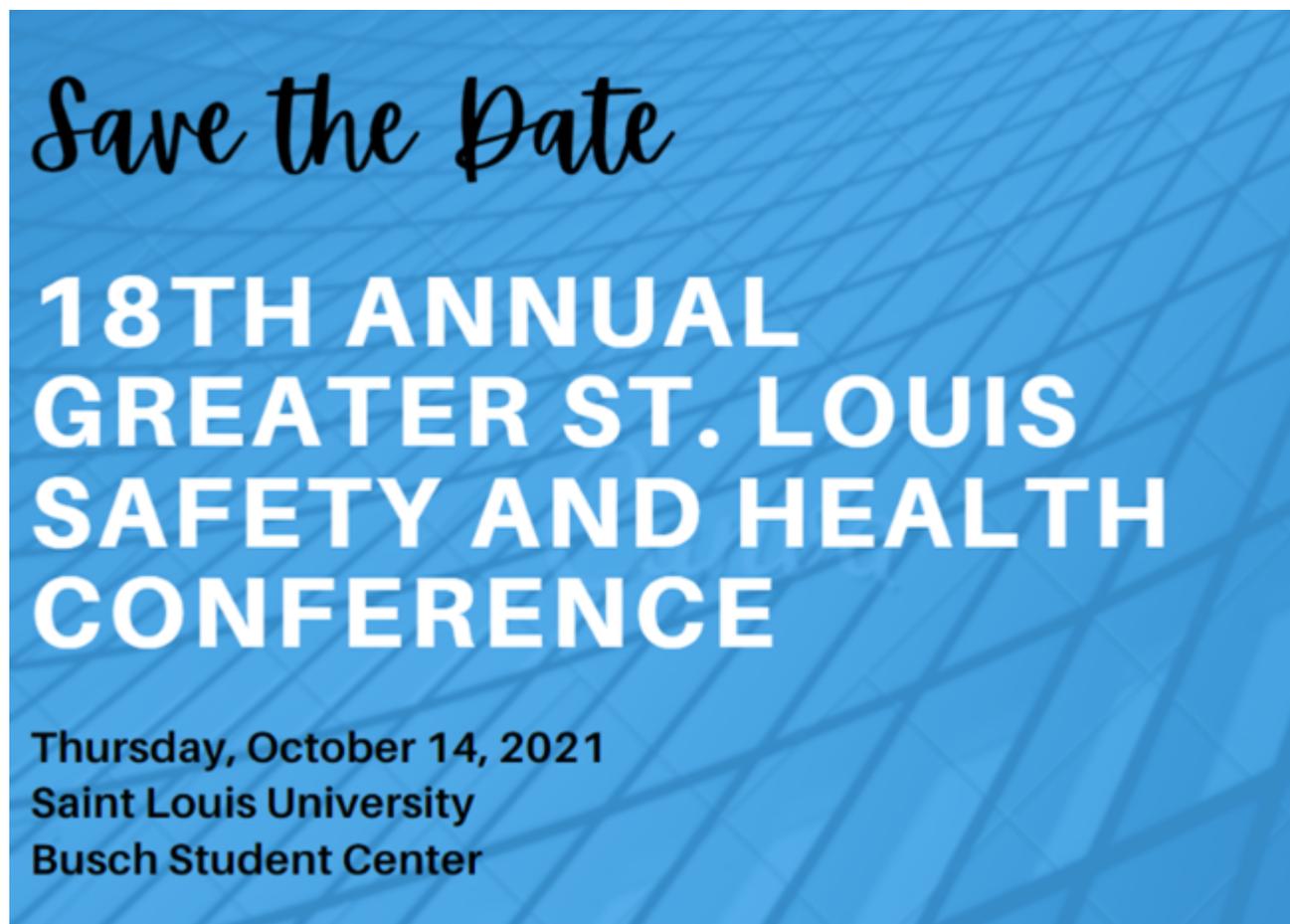
There are other cases before the MO Supreme Court that may give the Court the opportunity to answer this very important question, and I will update you further once the Court renders those opinions. If you have any questions or wish to discuss how this decision might impact any of your current claims, please let me know.

- Brad

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### [Greater St. Louis Safety and Health Conference - Oct 14, 2021](#)

~ shared by Mary Beth Proost



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### **St. Louis Chapter Executive Board Contacts**

**President** - Steve Williams - [swilliams@frenchgerleman.com](mailto:swilliams@frenchgerleman.com)

**Vice President** - Dennis Pivin - [DPivin@aegion.com](mailto:DPivin@aegion.com)

**Secretary** - Nate Richardson - [nate.richardson.safety@gmail.com](mailto:nate.richardson.safety@gmail.com)

**Treasurer** - Mae Patrick - [stlassptreas20@att.net](mailto:stlassptreas20@att.net)

**Past President** - Rick Reams - ricky\_reams@hotmail.com

## Mid-Missouri Section Officers

**President** - Mark Woodward - mwoodwar@mem-ins.com

**Vice President** - Paul Krewson - paul@peakergo.com

**Secretary/Treasurer** - David Attebery - david.attebery@labor.mo.gov

## Chapter Committee Chairs

**Website** – Dave Callies – dcallies@kelpe.com

Maintains website with updated news, chapter events, and job postings

**PDC Chair** – Dennis Pivin – DPivin@aegion.com

Coordinates logistics of professional development activities

**Membership** – Dianne Gibbs – dianne@ideasftp.com

Ensures new members are recognized & introduced at membership meetings

**Public Relations** – Steve Williams – swilliams@bellelectrical.com

Promotes chapter activities to the general public. Coordinates poster contest

**Newsletter** – Dan Bembower – dan.bembower@usi.com

Publishes and distributes the chapter newsletter to all chapter members

**Awards & Honors** – Bill Kincaid – billkincaid@yahoo.com

Recognizes member achievement through chapter awards

**Scholarship** – Rob Miller – robertmiller91@yahoo.com

Promotes student scholarships & continuing education scholarships for members

**Golf Scholarship**

Sydney White – sydney.white@wwt.com

Nick Zahner – nzahner@murphynet.com

Organizes and runs the annual golf tournament supporting local safety focused students

**Programs** – Tim Michel – tmichel@keeleycompanies.com

Plans the program time and needs for presentations & coordinates schedule

**Social Media** – JaNola Rigsby – jrigsby@qualsafesolutions.com

Maintains Face book & Twitter accounts promoting discussion with local membership

**Women In Safety Excellence (WISE) Coordinators**

JaNola Rigsby – jrigsby@qualsafesolutions.com

Patte Ackermann, PT – ackermap@ssm-select.com

Organizes the WISH events to promote the community of women in Safety & Health

Please contact a board member or committee chair with comments or if you would like to participate in any of the chapter activities.

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to unsubscribe from ASSP St. Louis Chapter messages.