



St. Louis Chapter Newsletter October 2018



Next Meeting

Monday, October 8th

Worker's Compensation

Speaker J. Bradley Young of Harris Dowell Fisher & Young L.C. will provide us with the latest information on what is happening in the legal circles that affect worker's compensation.

- Syberg's at 2430 Dorsett Road
- We open at 11:00am for networking, followed by lunch and chapter business at 11:30am and our presentation at noon.
- **Please register and pay at** <https://stl.assp.org/events/october-lunch-meeting-workers-compensation/>
- Pre-registering will ensure we have enough food and seating for everyone.

Coming Up

Monday, November 12th - Joint Meeting with the Gateway Society of Hazardous Material Managers (GSHMM). Effective Communication - Working through the Generations. Presenter Erin Mutert, former ASSE Chapter President

Monday, December 10th -

OSHA Update with Speaker Bill McDonald, OSHA's Area Director in St. Louis. Mr. McDonald provides his annual OSHA fiscal year update and quick review of new/old initiatives.

In This Issue

- Page: 2 **New!** Comments on MO Labor and Industrial Relations Commission appointment by J. Bradley Young, new periodic contributor.
- Page: 5 Basic Security for Manufacturing Plants, by Bill Kincaid, PE, CSP, CET
- Page: 10 Annual ASSP Meeting Calendar
- Page: 11 3M Regional Food Industry Safety and Health Advisory Council invite
- Page: 14 Job Opportunities, Board Member Contacts, Scholarship Info



Picture: From the 9/20/2018 Women In Safety and Health (WISH) gathering. Keep an eye on the newsletter for the next event!

MISSOURI GOV. PARSONS APPOINTS NEW CHAIRMAN TO THE LABOR AND INDUSTRIAL RELATIONS COMMISSION

By J. Bradley Young*

On August 22, 2018, Missouri Gov. Mike Parsons made a new appointment to the Labor and Industrial Relations Commission. **Robert Cornejo** was appointed as the public member, and chair, of the Labor and Industrial Relations Commission (LIRC). Commissioner Cornejo was appointed to a 6 year term.

A 2001 graduate of Hazelwood Central High School, Cornejo graduated from Washington University in St. Louis with a degree in Political Science with a second major in International Business. In 2008, Cornejo earned his J.D. from University of Missouri- School of Law. Prior to his appointment to the LIRC, Cornejo represented the 64th District (St. Charles and Lincoln Counties) as a state representative, from 2012-2018. He was previously a member of the Kespohl and Cornejo, LLC law firm and, in 2004, Cornejo interned for U.S. Senator Jim Talent. He is an active member in his church, Zion Lutheran Church in Harvester. Born in St Louis County, Cornejo currently lives in St. Peters with his wife, son, and two daughters.

The Labor and Industrial Relations Commission (LIRC) is established by Section 49, Article IV, of the Missouri Constitution. The LIRC's primary constitutional duty is to oversee the Department of Labor and Industrial Relations (Labor Department). The LIRC is composed of three members appointed by the governor, with the advice and consent of the Senate. One member is classified as a representative of employers, one member is classified as a representative of employees, and one member is classified as a representative of the public. Commissioner Cornejo is both the public member and the Chair of the LIRC.

Although the LIRC is an administrative body, not an appellate court, the LIRC is effectively the first level of appellate oversight over workers compensation decisions rendered by Administrative Law Judges throughout Missouri.

WHY IS THE LIRC SO IMPORTANT TO WORKERS COMPENSATION CLAIMS?

First, the Commission has what is called “de novo” authority over any appealed claim. This means that the LIRC has complete authority to review the decision of an administrative law judge in any workers compensation claim. Where appropriate, the Commission determines the credibility of witnesses and the weight of their testimony, resolves any conflicts in the evidence, and reaches its own conclusions on factual issues independent of the administrative law judge. Upon its own motion or upon the application of any party in interest, the Commission may end, diminish, or increase the compensation awarded by the administrative law judge in the Commission's final award.

Second, the Court of Appeals has only limited power to review decisions from the Industrial Commission. *“We may only modify, reverse, remand for rehearing, or set aside the award of the Commission if we determine: 1) the Commission acted without or in excess of its powers; 2) the award was procured by fraud; 3) the facts found by the Commission do not support the award; or 4) there was insufficient competent evidence to warrant making the award.”* Gleason v. Custodian of the SIF, 455 S.W.3d 494, 497 (Mo. App. W.D. 2015).

Third, the most vital authority of the Industrial Commission is to determine the facts of a claim and the credibility of the witnesses. *"We (the Court of Appeals) must defer to the findings of fact, the credibility of the witnesses, and the weight given to conflicting evidence as determined by the Commission."* Gleason, 455 S.W.3d at 497.

"In the absence of fraud, the commission's findings of fact shall be conclusive and binding."

Section 287.495.1.

In fact, all appellate courts in Missouri, including the Missouri Supreme Court, must *"defer to the commission's findings on issues of fact, the credibility of the witnesses, and the weight given to conflicting evidence."* Greer v. Sysco Food Service, 475 S.W.3d at 664 (Mo SupCt 2015).

So, taking everything into consideration, this is an extremely important appointment by Gov. Parsons and the decisions from the LIRC over the next 6 years will have a tremendous impact on employers and health care providers throughout Missouri.

*J. Bradley Young is a workers compensation defense attorney with the law firm of Harris Dowell Fisher and Young, and has been defending workers compensation claims in both Missouri and Illinois for almost 30 years. Mr. Young can be reached at byoung@harrisdowell.com.

Basic Security for Manufacturing Plants

by William Kincaid, P.E., CSP, CET

Lockton Companies of St. Louis

Basic security protects the employees and property of a manufacturing facility. However, it is common to find manufacturing buildings with very little or no effort put into securing the building.

For example, access control is an important part of deterring theft and certain types of workplace violence incidents. Many plants have valuables in them worth stealing, such as tools and materials which may tempt an employee or outsider. Yet we see buildings with multiple open doors all around, and free access allowed to anyone who wanders in. Ease of entry and exit creates a tempting opportunity which wouldn't exist in a more secure facility. Also, unsecured buildings are more vulnerable to workplace violence incidents related to disgruntled former employees or non-employees who intend to harm current employees for some reason – such as a non-employee husband who believes an employee who works with his wife is interfering in his marriage. The knowledge that getting into the building will be a challenge can deter less-motivated perpetrators.

It dawned on me at some point in my life there are three ways to learn important lessons: the easy way, the hard way, and not at all. Some companies haven't had any security-related problems but, knowing what's happened to other companies, chose to hire security consultants or bring in local police to learn the easy way what they need to do to protect their employees and property. Others have suffered through significant incidents and learned the hard way they should have invested in better security. Some companies have had minor incidents of theft or violence which should have raised red flags but failed to respond by improving security – they haven't learned anything at all. At least not yet.

Here are my suggestions for deterring theft and some types of workplace violence:

1. Install keycard access control for all entries to the plant and from the plant to the office. Maintain control over keycards and immediately deactivate any keycard held by a terminated employee. Make it clear employees are not to share keycards or to allow "tailgating", even if the tailgater is someone they know, or someone well-dressed who says he wants to meet with a particular employee. Anyone attempting to enter without a keycard should be referred to the front entrance, and hopefully preceded by a warning call to the front desk. Audit access swipes occasionally to ensure everyone who has clocked in also registered a swipe in on this days.
2. Install a single employee entrance with a one-way turnstile. Plant employees should have keycard access to this entrance only, and not the front door of the office building. Access should be shut down for each employee when not their assigned shift and at any time the plant is closed. The turnstile should also have the single designated regular employee exit next to it as this is where the employees will clock out when they leave. Swiping out is suggested as a requirement to prevent employees from leaving through other doors. Since there are times when an employee will need to visit someone in the offices, such as HR or Payroll, employees can be allowed to enter the offices from the plant during regular office hours. This access should be shut down while the offices are closed.
3. The front entry of the building should be in the form of a portcullis with an open front door and a locked inner door requiring keycard entry. This will allow the individuals stationed at the front door to allow known visitors in conveniently, while keeping out anyone who requires further examination, such as a former employee, or a stranger looking for a current employee. Or in some cases there may not be anyone watching the lobby, because in many plants the lobby area is unsupervised. A lobby phone is provided so visitors can call in to whomever they are trying to meet with. Either way, entry is regulated.

It may not keep out everyone who really wants in, but it at least allows more security and scrutiny over visitors than a wide open, unlockable door. That would have certainly come in handy in my former OSHA office when the jealous husband of one of our employees came to the office to angrily confront his wife and was held at bay at the door only by the force of several OSHA officers shoving back on the other side. Not a good situation. We installed a door lock soon afterwards.

4. Some plants have installed time-card functions on computers close to employee workstations. This seems like a good idea, but it encourages employees to use the door nearest their workstation, which leads to door-propping, employees letting other employees in when they hear knocking on doors, etc. Take the time-clock function off all computers throughout the plant and install it on a single computer next to the entrance.
5. Close all exterior plant doors and keep them closed at all times. It is acceptable to seal or lock them as long as the locks require only a single motion to open and don't impede exiting in an emergency. Employees should be required to use a designated smoking area rather than propping a door near their workstations. I suggest having no exterior door handles, as these doors are emergency exits, not entrances. If summer ventilation is a concern, install a few wall grates with flaps to seal them in cold weather. Emergency exits should never be a part of the ventilation plan for an industrial building.
6. Close overhead dock doors when docks are not in use to prevent people from entering or leaving through them. A chain-link inner door can be installed if there is an interest in using the dock doors for extra ventilation.
7. Install cameras throughout the plant and exterior of the building. There should be cameras on the internal approaches to all emergency exits, on the employee entrance and time clock computer, on the exteriors of doors, on docks, on the front entrance, parking lots, and on any areas where valuable tools, materials, or other high-risk theft items are stored. It is also acceptable to put cameras on work areas and break areas. Areas where there is an

expectation of privacy, such as locker rooms or restrooms, are off-limits to cameras.

Cameras should be connected to a server which allows continual recording of all cameras going back 60 or more days. Systems such as these are now capable of off-site monitoring using a smartphone, which allows key personnel to look inside the plant if there is an alarm, report of an open door when the plant is closed, etc. Given the current low cost of this technology it is not unusual to see a plant equipped with 40 or more cameras. The records generated can be very useful in resolving GL claims from truck drivers, in resolving questions about WC claims, etc.

8. Ensure there is adequate lighting around the exterior of the building. Darkness encourages crime against employees and property theft. Although many plants are in lower crime areas, such as near small rural towns, no place is immune from crime. New factors such as use of methamphetamine and the opioid crisis have arrived in rural areas. We have seen an increase in claims due to theft of HVAC components made from recyclable metals, copper wiring, piping etc. because of these drug epidemics, and they happen everywhere.
9. Metal scraps of higher value, such as copper, aluminum, bronze or brass, should be collected in a disciplined manner for sale to a metal recycler. Although this is a little more complicated under a flat management structure which doesn't allow constant supervision of all areas, when valuable metals are being worked in a particular area we know there will be some scrap which can be accounted for as the work progresses. Some plants designate team leaders who are responsible for collecting and weighing scrap metal to prevent it from being grabbed up by an employee for personal gain.
10. If employees use small, valuable tools, implement a tool trade-out so when an employee needs a replacement that employee must surrender the previous tool, whether worn, broken or otherwise. Hand tools and power tools which disappear and later end up on eBay or in a pawn shop do so because there was not a clear, accountable link between the tool and the

employee who had last custody of it. Cutting tools usually contain valuable recyclable metals such as tungsten carbide (currently in the \$10 a pound range) which rightfully should be the plant's recovery and not the employee's. When an employee walks out with worn tooling in his pocket, that is a form of theft. Further, once an employee is accustomed to this theft, that employee can be tempted to swap out good usable tooling prematurely to increase his income. Given the number of machine tools in use in some plants, the annual value of recyclable tooling metal can be substantial.

11. Don't allow employees to park anywhere but designated parking spaces. Parking vehicles near exit doors allows easy concealment, which has been a factor in some thefts from plants.

Note there's more to securing a facility than just the preceding list. I encourage consultation with your local police force, as they likely have someone with expertise in this area who can help with plant security. There are also security consultants who can provide thorough analyses of strengths and vulnerabilities.

A little basic security goes a long way, and these days we know there is much at stake which can be protected with a sensible security plan and some increasingly affordable equipment. Check into your plant's security and look for ways to improve it. It'll be worth the investment.



American Society of Safety Engineers - St. Louis Chapter

Protecting people, property, and the environment since 1911

2018-19 Rolling Calendar of Meetings and Events

<u>Date</u>	<u>Meeting Topic & Presenter</u>	<u>Notes</u>
May 14 Monday Lunch	Fall Protection, Ladder Safety & Dropped Objects from heights Speaker Dave Barklage of Midwestern Safety Equipment	Beef Buffet
June 15 Friday	ASSE Scholarship Golf Tournament Fundraiser The Praires Golf Club in Cahokia, Illinois	Registration Required
July 9 Monday Lunch	"Head Injury in the Workplace: Evaluation and Management." Dr. Brandon Larkin will discuss multiple constellations of complaints in head injuries—the concussion, cervical injury, vestibular dysfunction, visual disturbances, etc. and the importance of quality therapy.	BBQ
August 13 Monday Lunch	Joint Meeting with the American Industrial Hygiene Association (AIHA) Silica Panel, Eric Olson-Western Construction Group; Daniel Stark- Asstnt Dir Mo Dept of Labor Consultation Service and Matt Orr-AmerenMO	Ball Park Buffet
September 10 Monday Lunch	How a Solid Safety Culture Drives Performance ASSE Member & Presenter Dennis Pivin will share his story of developing a strong Safety Culture at his company, Aegion Corp.	Dad's Meatloaf Special
October 8 Monday Lunch	Worker's Compensation Speaker J Bradley Young of Harris Dowell Fisher & Young L.C. will provide us with the latest information on what is happening in the legal circles that affect worker's compensation.	Mexican Buffet
November 12 Monday Lunch	Joint Meeting with the Gateway Society of Hazardous Material Managers (GSHMM) Effective Communication - Working through the Generations – Presenter Erin Mutert, former ASSE Chapter President	Taste of Italy
December 10 Monday Lunch	OSHA Update Speaker Bill McDonald, OSHA's Area Director in St Louis provides his annual OSHA fiscal year update and quick review of new/old initiatives.	Chicken Delight
January 10, 2019 Thursday, 5 pm	Membership Appreciation Night No luncheon meeting this month. Enjoy dinner at Bristol Seafood Grill on Olive and relax with others in your field at this event just for St Louis Chapter Members.	Heavy Appetizers
February 11 Monday Lunch	OSHA Defense Speaker Julie O'keefe of Armstrong Teasdale Law Firm Update on strategies to defend against OSHA citations	Deli Delight
March Monday All Day	Professional Development Conference Joint conference with the American Industrial Hygiene Association (AIHA) to bring you high quality training at the best price. CEU's awarded.	Registration required Ameren Hdqtrs
April 8 Monday Lunch	Defensive Communication Speaker Mary Sue Love Ph.D Associate Professor SIU-Edwardsville	Roasted Pork Buffet

Lunch will include house salad, bread and cookies in addition to the listed entree.



Science.
Applied to Life.™



Regional Food Industry Safety and Health Advisory Council October 9th, 2018

Location:

**The Biergarten at Anheuser-Busch
1127 Pestalozzi Street
St Louis, MO 63118**

**8:30-3:00 Sessions
3:00-4:30 Brewery Tour
& Networking Session**

What is it?

3M PPE Safety and Health symposiums share best practices, offer training and education, networking opportunities, identify areas of need, and discuss new and emerging technologies to help companies protect workers today and in the future. Event may be eligible for CEU or CM points.

Save the Date!!

**RSVP: jfbrachmann1@mmm.com
by October 2, 2018**

Food Industry Safety and Health Advisory Council

What is it?

A forum to:

- exchange information related to occupational health & safety best practices and the use of personal protective equipment,
- offer training and education,
- network with industry peers and 3M specialists,
- identify areas of need, and
- discuss new and emerging technologies to help companies protect workers today and in the future.



2017 Food Industry Safety and Health Advisory Council
Minnesota, USA

Who Attends:
Safety and Health
Leaders in Food &
Beverage Processing

Opportunity:
Networking with EHS peers, best
practice sharing, potential for
continuing education credits.

Industry Needs:

Ask questions at
3M PPE innovative
solution displays.

Format:

Safety and health focus not
product sales pitch.
Informal and interactive to
allow questions, comments,
and sharing EHS examples
during topics.

What EHS Topics Would You Like to Discuss in 2018?

Potential EHS Topics- please let us know your level of interest

(High, Medium, Low)

- Confined Space Entry and Rescue Planning
 - Working at Height
 - Gas Detection
 - Hearing Conservation and Fit Testing
 - Respiratory Protection- PAA, Flavoring, grain dusts, voluntary use
 - Reducing Powered Truck and Pedestrian Interactions
 - Innovations in PPE for sanitation
 - Regional OSHA update
-
- Other topics?

Prior Attendees Include

- Breweries
- Agri-business Companies
- Beverage and Snack Companies
- Poultry Processing Companies
- Processed and Packaged Food Companies
- Spice and Ingredient Manufacturers
- Sugar Manufacturers

Welcome to the 2018 St. Louis Food & Beverage Industry Safety and Health Advisory Council

Below are details you will need for the event.

October 9, 2018:

Safety & Health Advisory Council: 8:30 AM – 3:00 PM
Dress: Business Casual

Networking Brewery Tour and Cocktail Hour 3:00-4:30 PM
Dress: Business Casual

Address:

The Biergarten at Anheuser-Busch
1127 Pestalozzi Street
St Louis, MO 63118

Hotel Recommendation:

TBA

Please RSVP by Oct 5th and provide any dietary restrictions.

Jim Brachmann 815 341 3253
Paul Maturen 651 592 9347
Shari Franklin Smith 612 385 7784

This event offers 4.25 hours of continuing education contact hours or CM hours.

Discussion Leaders:

Ms. Marisa Botta, Director, Anheuser-Busch Environmental & Safety, North America Zone – St. Louis, MO
Mr. Jim Brachmann, 3M Personal Safety Business Development Specialist – Chicago, IL
Mr. Brent Kleven, 3M Gas & Flame Detection Specialist - Coeur d'Alene, ID
Mr. Scott Shinn, CIH, 3M Global Technical Service Specialist – St. Paul, MN
Ms. Shari Smith, CSP, 3M Global Technical Service Specialist – St. Paul, MN
Mr. Steve Kosch, 3M Confined Space and Fall Protection Specialist – St. Paul, MN
Mr. Bill McDonald, OSHA, Area Director at USDOL/OSHA – St. Louis, MO
Mr. Paul Maturen, 3M Global Segment Business Manager – St. Paul, MN

2018 St. Louis Food & Beverage Industry Safety and Health Advisory Council

October 9, 2018

Time	Topic	Leader	Description
8:00-8:30	Registration	Jim Brachmann, 3M	An opportunity to network with peers and visit innovation stations
8:30-9:00	Welcome & Introduction	Paul Maturen, 3M	Introductions, Agenda, Housekeeping, Confidentiality Statement, Safety Announcements
9:00-9:45	OSHA Overview	Bill McDonald, Area Director	Overview of OSHA's Proposed Local Emphasis Program on Beverage Industry
9:45-10:00	Break		
10:00-10:45	Respiratory Protection	Scott Shin, CIH 3M	Respiratory hazard overview of CO ₂ , ammonia, grain exposures, cleaning chemicals, and related PPE
10:45-11:15	Advanced Hearing Conservation and 3M EAR-fit™ Validation	Shari Smith, CSP 3M	Hearing Conservation & Fit Testing Implementation
11:15-12:15	Lunch Group Photo PPE Displays & Demonstrations & Q&A	Jim Brachman, 3M	Fall Pro, EARfit, Comms, Eyewear, PAPR in sanitation
12:15-1:15	Working at Height Confined Spaces	Steve Kosch, 3M	Essentials of fall protection and confined space entry for breweries. What's your rescue plan?
1:15-1:30	Walking Working Surfaces Rule Update	Steve Kosch, 3M	Summary of key changes
1:30-1:45	Break		
1:45-2:15	Gas Detection Basics for Breweries	Brent Kleven, 3M	Latest technologies available for measuring essential gasses, CO ₂ , ammonia and more!
2:15-2:45	Anheuser-Busch Safety Update	Marisa Botta, A-B N. American Zone Director, S&H	Sources for additional information
2:45-3:00	Wrap Up and Survey	Jim Brachmann, 3M	
3:00-4:30	Brewery Tour & Networking Session		

American Society of Safety Professionals

St. Louis Chapter Committees

Website – Dave Callies – dcallies@kelpe.com

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

Newsletter – Dan Bemhower – dan.bemhower@usi.com

Publishes and distributes the chapter newsletter to all chapter members

PDC Chair – Paul Edler – paul_edler@yahoo.com

Coordinates logistics of professional development activities

Government Affairs – Tom Lawrence – twlawr@swbell.net

Provides input on federal laws and regulations on which ASSE is proposing to comment

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

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

Recognizes member achievement through awards like Safety Professional of the Year

Scholarship – Rob Miller – robertmiller91@yahoo.com

Promotes student scholarships & continuing education scholarships for members

Programs – Jim Latta – jlatta@nbwest.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

Please contact the committee chair with comments or if you would like to participate.

Mid Missouri Officers

Bret Derrick, Chairman

bderrick@broadwayergonomics.com

Mark Woodward, Vice Chair

mwoodwar@mem-ins.com

Bethany Watson, Membership Chair

bethany@365safetyervices.com

Job Opportunities

Job opportunities are posted frequently on the website:

<https://stl.assp.org/current-openings/>

The St. Louis Chapter would like to offer unemployed ASSE members with a free lunch at our monthly meeting! Just be ready to show your membership card for validation.

Scholarships and Professional Development Awards

Our chapter is proud to be able to provide student scholarships and professional development awards. If you know of a Safety/Health student or life-long learner that could benefit, please let them know and help them apply!

Student Scholarship Info: <https://stl.assp.org/encounters-news/assp-scholarships-its-time-to-apply/>

Scholarship and Professional Development Guidelines: <https://stl.assp.org/download/332/>

Professional Development Award application: <https://stl.assp.org/download/330/>

All Chapter Documents: <https://stl.assp.org/files/>

St. Louis Chapter Board Members

Rick Reams – President, 618-670-6589 (rick@haydenwrecking.com)

Steve Williams – Vice President, 314-213-5859 (swilliams@frenchgerleman.com)

Rudy May – Secretary, 636-677-3421x362 (rudym@h-j.com)

Erica Heinssen – Treasurer, 314-941-4545 (heinssen.e.1@pg.com)

Mark Krieger – Past President, 314-435-3630 (mark.krieger2007@gmail.com)

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