



St. Louis Chapter Newsletter



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Important Links

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Monthly Meeting

Back in Person! Please join us either in person or over zoom at our next monthly meeting on July 12th!

Register for In-Person: <https://stl.assp.org/events/july-monthly-lunch-meeting/>

Register for

Zoom: [https://us06web.zoom.us/meeting/register/tJAscuippzwpGND93zUbsfxUFJdg53pOJtOq](https://us06web.zoom.us/join/https://us06web.zoom.us/meeting/register/tJAscuippzwpGND93zUbsfxUFJdg53pOJtOq)

Registration and Networking begin at 11:15

Lunch begins at 11:30am

Zoom meeting and presentation begin at 12:00

In person location: Sybergs on Dorsett
2430 Old Dorsett Road, Maryland Heights, MO 63043

ASSP Monthly Meeting **IN PERSON**

JULY 12TH, 2021

11:30 am till 1:00 pm



J. BRADLEY YOUNG
ATTORNEY AT LAW

WORKERS' COMP UPDATE



HARRIS DOWELL FISHER & YOUNG, L.C.
Management Labor-Employment Law/Workers Compensation Defense

CLICK TO REGISTER

SYBERGS
2430 OLD DORSETT ROAD
MARYLAND HEIGHTS, MO 63043



AMERICAN SOCIETY OF
SAFETY PROFESSIONALS

Calendar of Events



ASSP ST. LOUIS CHAPTER EVENTS 2021





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

Monthly Meeting – July 12th, 11:30 am–1 pm

"Workers' Compensation Update"

Sybergs on Dorsett – IN PERSON



Nicole Kreeger
Vice President of Marketing at Keeley Companies

Monthly Meeting – August 9th, 11:30 am–1 pm

"The benefits of utilizing social media to brand a safety culture"

Sybergs on Dorsett – IN PERSON



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, 11:30 to 1 pm

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

Sybergs on Dorsett – IN PERSON

TBD

Monthly Meeting – October 11, 11:30 to 1 pm

Sybergs on Dorsett – IN PERSON



AIHA & ASSP PROFESSIONAL
DEVELOPMENT CONFERENCE (PDC)

November 15th, 2021

7 am till 4 pm – more info to come

Location French Gerleman, Westport



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

Monthly Meeting – December 13th, 11:30 to 1 pm

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

Sybergs on Dorsett – IN PERSON



What we learned from the pandemic

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

If you're going to endure a lengthy pandemic, at great cost in lives and dollars, hopefully it will at least be a learning experience. We may not be medical professionals, but even if we avoid strictly medical matters, there is a lot to be learned from the pandemic we're currently riding out. It's been a wake-up call to the safety profession, in several ways.

A pandemic which quickly spreads around the planet is possible.

That doesn't sound so insightful after we all just watched it happen last year. However, despite previous pandemics from history, such as the devastating influenza pandemic in 1918, did any of us really expect a pandemic could and would sweep around the world in the 21st Century? I mean, we have modern medicine and sanitation and all that. Aren't we better at fighting diseases than they were in 1918, when the telegraph was the best available communications technology, a steamship was the fastest way to get across the Atlantic, and the trains still ran on coal?

Since 1918 we've had some little scares with "bird flu", Ebola, "swine flu" and so on, but they seemed to happen somewhere else, to other people. Even when there have been little outbreaks of bubonic plague in remote rural areas, a terrifying disease from the past, the bacterium didn't seem to cause much trouble in the developed nations. This may have led us to think a pandemic was a hypothetical situation, not a true possibility. Not that we didn't sit through seminars and talks about preparing for avian flu or Ebola, that sort of thing. I know I did, several, at the ASSP Safety conferences. But did we walk out of those thinking a pandemic was on its way, or was it more a "better to know this stuff than not" kind of thing?

Look at the facts. We're better and more efficient at spreading diseases today than we ever were. We have a global economy which has people frequently traveling for work. We are dependent on foreign materials, finished products and food, some of which come from very poor areas with unsanitary health conditions. We have enough wealth and easy air travel for tourism. The traffic between countries means the diseases can hitch a ride and spread from the sources to new territory, such as Covid-19 did. Plus, in the very short time we have been using antibiotics to treat diseases, we have helped create durable new resistant strains of old diseases. The resistant strains are much harder to stop.

I think a lot of us didn't anticipate a pandemic could happen like this one did. Now we know. Some of us are looking at how vulnerable we are and wondering when the next pandemic will start. Those studies and plans will be good areas for safety professionals to have a role.

Vaccines are not all that effective as a response to a pandemic.

Vaccination looks like a great way to reduce the impact of the pandemic but not so great as a first line of defense. Even if our amazing scientists can develop and test a vaccine for a pandemic very quickly as they did, there is so much more to a vaccination program. We have to make the vaccine in large quantities, figure out how to distribute them to the areas which need them, set up vaccination centers, develop a means to sign up the people who want them, and get the vaccine message out. Then we must convince people to come to be vaccinated.

That part didn't go so well and is still struggling along. After about seven months into the vaccination program, only about half of Americans were fully vaccinated with both shots. Quite a few of those people simply don't intend to get vaccinated. It seems surprising considering the many frightening accounts we've heard from people who have suffered through a COVID-19 infection, not to overlook the roughly 600,000 Americans known to have died from it. But it's not a surprise to historians. A little over a hundred years ago the American population resisted being vaccinated for smallpox, a resistance which seems familiar today. Eventually, though, the anti-vaccination crowd grew smaller and smaller so smallpox could be eradicated in the USA.

The conclusion is safety professionals are not going to be made redundant by vaccines. If anything, it shows how important we are in preventing spread of a new disease.

Civic duty is still what it used to be.

Back during WWII people collected scrap metal, lived with food and fuel rationing, and bought US savings bonds to fund the effort to build massive numbers of planes, tanks, and ships. They grew victory gardens and when their kids got drafted, sent them off to war. There were some families, such as all my wife's grandparents, who sent all their boys and they all ended up in combat – a statistical inevitability that one or more wouldn't be coming back. So now we can't wear a mask to protect others from our spit and occasional coughs?

The truth is almost everybody has been willingly cooperating with the mask and distancing requirements. Sure, go to any public place and you will see a straggler or two. It makes for an exciting little news item when someone flips out on a plane and shoves a flight attendant in a futile, unlawful attempt to not wear a mask, but it's rare. That's why it's news.

Don't let the media's quest for sensational stories fool you. We are doing a great job as a nation with this civic duty despite some who don't seem to feel the same concern for their fellow Americans. One guy refuses to wear his mask on a plane, and punches a flight attendant, and that's the news story. What about the 170 other people on the plane who diligently wore their masks for the whole flight?

It wasn't much different during the Flu Pandemic of 1918. Some people didn't want to wear masks, despite the publicity campaign. The link between infection rates and mask use were well-documented, but it took laws and some stiff fines to get some people to do their civic duty to protect others. Just the same, most people understood and did what needed to be done back in 1918, and eventually the flu pandemic subsided.

The thing is, you can comb through all the old newspapers you want but you won't find too many headlines about how people were doing the right thing. Back then, "everything's fine" was not news, so the spotlight was on the fights and the mask resisters. Just like today. Our role as safety professionals can be to encourage and educate everyone to help get the safety measures up to 100% participation.

The legendary American ingenuity is alive and well.

Manufacturers figured out how to protect their people, how to adapt to temporarily making products much different from their usual lines, and other pandemic adaptations. Many employers have invested in keeping their people on the payroll, even if they couldn't keep them all working. As an example, my dentist, Dr. Anderson, installed plastic "sneeze guard" barriers, instituted some amazing sanitation processes, and fitted his clinic with a purified air handling system. This allowed his patients to continue to be treated and with minimal risk of spreading the virus among his employees and other patients.

We saw positive changes like this sweep across all sorts of public places. Safety professionals were a big part of finding the measures that protect people and help keep businesses in operation. Now we're getting back to something more like the pre-pandemic society, but maybe some of the changes will stick around a while. I'm pretty sure I'm going to keep wearing a mask in some situations even though it fogs my glasses.

We could be a little better prepared for temporary supply interruptions.

Storming the retail stores in panic and fighting your fellow citizens over the last roll of Charmin is one way to get supplies, I guess. We do a milder version of that every winter when we think there's a big snowstorm on the way. But is all that tussling necessary? Toilet paper doesn't have an expiration date as far as I can tell. Neither do paper towels. Why not have a little stockpile?

This is where the "doomsday preppers", those people with the strange desire to be prepared to live in a post-apocalyptic world nobody would want to live in, have a leg up on the rest of us. Though I think very, very few of us would survive more than a couple months, as prepared as we might be, because we all depend on commercial, medical and government services more than we realize. We will return to a time when a toothache was a potentially fatal illness. Plus, some of what the survivalists might be counting on, such as hunting, would end very quickly.

That's because of the lack of sustainability of animal populations already easily kept in check by only a small number of people hunting a few highly regulated weeks out of the year. In Missouri, current data shows 90% of the people do not hunt. Only 10% of Missourians are registered hunters, and they are

restricted to hunting during short hunting seasons. Imagine what will happen to the deer, turkeys, geese, and rabbits when hunting is suddenly an unregulated year-round “shoot all you want” activity and the number of active hunters increases 1000%. All those hunters with nothing to hunt. It wouldn’t be long before a barbecued squirrel would seem like a feast.

Some of the “prepping” might not prove to be all that useful in the harsh light of reality. But there’s no harm in keeping a case of toilet paper in the basement. We could do a little better. As safety professionals, we can have a major part in contingency plans and preventing unduly long business interruptions, as well as helping employees get through emergencies with their families.

Technology was ready to support our need for distancing and isolation and will greatly change the way we work going forward.

This pandemic has broken the ice for videoconferencing at a time when almost everyone has the technology ready to go. The technology worked for those of us who could find ways to do our work without leaving our homes. If you installed flooring for a living, there wasn’t much potential to “work from home”, but at least we might reduce the time you spend in the office for a training class or a group meeting.

If the pandemic had happened twenty years ago when videoconferencing required some very expensive wired-in equipment, I don’t think we would have had so many people able to work from home. It was tremendously lucky that the pandemic happened at a time when almost every American adult already owned a smartphone or a computer with the capability of running Zoom, WebEx, Skype, Microsoft Teams and all the other applications we have become very good at using. Instead of the pre-pandemic question of “wouldn’t it be better to go see your client/customer/boss/business associate in person?” we were asking “can’t we just do this using WebEx?”

Happily, for me, I’d been using phones for a couple years to cut down on travel for activities which could be accomplished just as well over video, such as office ergonomics evaluations. In 2019 I had a request to do an office ergonomics evaluation for someone with a sore neck, something which a little adjusting can usually fix, but it was in Miami. I suggested we try doing it live over Facetime to get it done faster and without me needing to fly a 2000 mile round trip. It was a success. Some of the clients thought it was a little odd to do ergonomics reviews over a phone, but it works very well for these simple jobs. I can’t see why we shouldn’t at least try it first before booking travel.

Remote communications and work technology are ready for the next phase of the workplace. It’s going to reduce the need for business travel and with it the costs in time and money. Since a lot of us are planning and hoping to continue to work more from home, we won’t need as much office space. Maybe not the best news for investors who lease out a lot of office space, but a savings for many businesses. As safety professionals we will probably save a lot of time and effort by finding ways to take best advantage of technological resources without giving up too much of our field work.

The preceding is probably just the tip of the iceberg as far as the lessons we in the safety profession can take from the struggle we have been sharing as a nation and as a world. I’m sure we will be talking about this for a long time to come.

~Bill

Missouri Workers Compensation Update

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

In a recent decision, the Missouri Labor and Industrial Relations Commission issued an opinion that, if affirmed on appeal, will strengthen the “No Greater Risk” defense to workers compensation claims in Missouri.

The Commission issued the decision in Jaime Overstreet v. Tamko on June 8, 2021, and I anticipate this will be appealed to the Court of Appeals. Here, claimant was walking at work, pivoted, and injured his knee as a result of the pivot/turn. Specifically, he planted his foot to turn to his right and reverse direction, heard an audible “pop” in his left knee, and felt a tearing sensation in his left knee.

The Administrative Law Judge found the claim non-compensable, and the Commission upheld this denial and adopted the opinion of the ALJ.

NO GREATER RISK DEFENSE

Under Section 287.020.3(1), an injury that occurs during work is NOT compensable under the Missouri Workers Compensation Act if the injury comes from:

“a hazard or risk unrelated to the employment to which workers would have been equally exposed outside of and unrelated to the employment in normal nonemployment life.”

Traditionally, this has been applied to situations where an employee is walking in a straight line and suddenly his/her knee gives out. The Missouri Supreme Court found this type of injury non-compensable in Miller v. MHTC, 287 S.W.3d 671 (Mo. 2009).

However, until now, this legal reasoning has not been applied to situations where an employee was walking and then turned or pivoted. The reasoning has always been that the act of turning or pivoting at work was specifically done for a work-related purpose, thereby creating a work-related risk or hazard that is different from merely walking and feeling pain in the knee.

The Commission's decision explains that under the reasoning of the Missouri Supreme Court in Miller, is not enough that an employee's injury occurs while doing something related to or incidental to the employee's work; rather, the employee's injury is only compensable if it is shown to have resulted from a hazard or risk to which he would not be equally exposed in normal nonemployment life. The Commission then reached this conclusion:

“Thus the relevant inquiry is whether the claimant proved that the risk of walking and changing directions was a risk related to his employment and not one to which he was equally exposed in his nonemployment life. The employee did not meet this burden of proof and so his claim must fail as not compensable under Chapter 287.”

WHY THIS DECISION IS IMPORTANT

If this award is upheld on appeal, this will significantly broaden the ability of Employers/Insurers to assert the No Greater Risk defense. Since the Miller decision in 2009 and a similar decision in Johme v. St. John's Mercy Healthcare in 2012, the appellate courts have repeatedly scaled back the application of the No Greater Risk Defense. **This appears to be an attempt to reverse that trend.**

If the Court of Appeals and/or the Missouri Supreme Court ultimately uphold this decision, Employers will have far more options to challenge the compensability of cases such as:

- Falls on stairs
- Injuries occurring while getting in and out of vehicles
- Injuries occurring while carrying routine items or items that do not have significant weight

I will keep you updated as this case moves through the appellate process. If you have any questions about this decision, or if you have any claims where the No Greater Risk defense may apply, please feel free to call or email.

~Brad

Greater St. Louis Safety and Health Conference - Oct 14, 2021

~ shared by Mary Beth Proost

Save the Date

**18TH ANNUAL
GREATER ST. LOUIS
SAFETY AND HEALTH
CONFERENCE**

Thursday, October 14, 2021
Saint Louis University
Busch Student Center

[ASSP St. Louis Chapter Professional Development Conference - Nov 15, 2021](#)



AMERICAN SOCIETY OF
SAFETY PROFESSIONALS

SAVE THE DATE

TOGETHER PRESENT.....

PROFESSIONAL DEVELOPMENT CONFERENCE

November 15th, 2021

Held at French Gerleman *

2023 Westport Center Drive

St. Louis, Missouri 63146

7 am to 4 pm

***Virtual Options Available**

*Details
to come!*

St. Louis Chapter Executive Board Contacts

President - Steve Williams - swilliams@frenchgerleman.com

Vice President - Dennis Pivin - DPivin@aegion.com

Secretary - Nate Richardson - nate.richardson.safety@gmail.com

Treasurer - Mae Patrick - 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.

If you do not wish to receive these emails, please [click here](#)
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