

St. Louis Chapter Newsletter



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Important Links

- Chapter Website
- Chapter Documents
- Current Job Postings
- Like Us on Facebook
- Follow us on Twitter
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Monthly Meeting

February: Monthly Meeting

Please join us for our regularly scheduled monthly lunch meeting and topic presentation.



Topic: Fall Protection When: February 14th, 2022

Details: Jay Petry will discuss the current ANSI Fall Protection standard with Self Retracting Lifelines and how ANSI plans to change or update the standard toward the end of 2023.

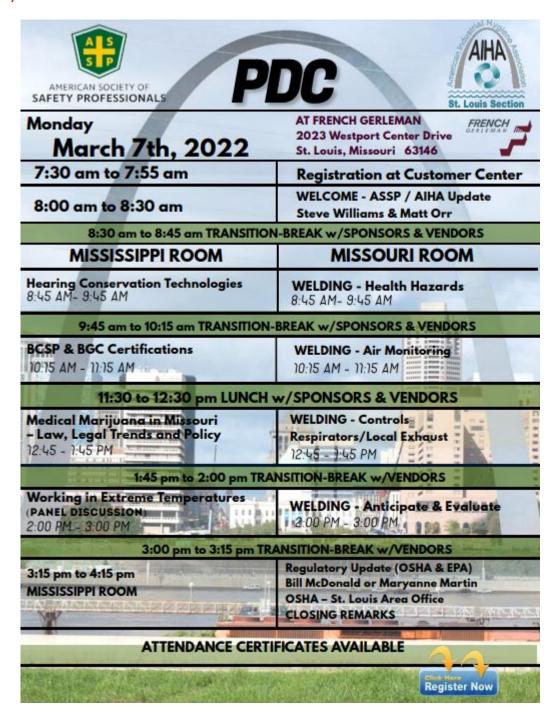
Registration for In-Personattendence to be sent with next month's newsletter.

Zoom Registration: https://us06web.zoom.us/meeting/register/tZYrc-quqDwoHNITfi81WbJVOrx35jzMz1kN

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

AIHA/ASSP St. Louis Chapter Professional Development Conference March 7, 2022



Register Now

An Encounter with an Unsafe Harness

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

Searching for safety equipment for one of the companies I work with led me to an interesting find. I'd looked on all the usual vendors' websites, and then decided to see what was available on Amazon.com, where many employers are buying safety equipment these days.

Among the legitimate harnesses, I found an item called "Outdoor Climbing Roofing Roofers Fall Arrest Work Harness" which claims to be a CE listed safety harness. This harness had no leg straps and appeared to be lightly constructed. In the event of an arrested fall, the wearer would easily slip out of the harness. It looked more like the reflective belt/shoulder strap harnesses you see worn by school crossing guards.

When I was a kid, rather than have responsible, mature adults supervise the busy crosswalks in front of Ann Weigel Elementary School like you'd expect, some lucky student would be chosen each week for that great honor. It was a glorious privilege to strap on the dayglo harness to wield the little ping-pong paddle stop sign.

Similar to the legendary sword Excalibur, or Thor's mighty hammer Mjolnir, or the coveted TSA Global Entry card, the hi-viz crossing guard harness would be bequeathed to only the best and brightest, the purest of heart, the most deserving of us. I never got within a country mile of wearing it, but I can still see its fluorescent orange glow in my dreams.

Amazon's "Outdoor Climbing Roofing Roofers Fall Arrest Work Harness" looked very much like a crossing guard harness, but the kind with two shoulder straps, not a single diagonal. Plus, the D-ring and buckles were made from lightweight materials clearly not up to a 5000 pound drop test. I've seen heavier D-rings and buckles on dog collars. The description claimed this harness is for "protecting you" and "working at height".

And don't let that "CE" logo distract you from the complete inadequacy of this harness. It doesn't mean the harness meets European Union safety requirements. In the process of investigating this harness I discovered there are fake CE logos out there, in use by unscrupulous manufacturers. Not believing what I was seeing, I had to re-google that discovery several times.

It took me a minute to accept that Amazon.com is selling a counterfeit, unsafe device in the guise of a safety harness. I'd rather not act the indignant "Karen" type, complaining to the Taco Bell manager because my skimpy, misshapen Chalupa Supreme fell far short of its aesthetically lovely and abundant photo on the menu board. I would have made myself get over it and move on, had my memories not taken me back to my OSHA days.

Back then, I was way at the top of our office's scorecard for impromptu inspections of roadside construction sites. If we OSHA people were on the road and saw something clearly hazardous, such as a couple of young people working twenty feet up on a billboard platform without fall protection, we were supposed to stop and do an inspection. I mainly stopped for deep, unprotected excavations and lack of fall protection at great heights. Sometimes I did so many of these in a road trip I never got around to the routine inspection assignments I'd been sent to do.

They were always small companies and often very naïve about the safety rules they'd ignored at the peril of their employees. I felt like if I didn't wake them up to the world of jobsite safety, they might only learn through a fatality or serious accident. Safety shouldn't have to wait for some innocent, likely underpaid worker to die. So I stopped the car, over and over again.

Looking at the cheap, fake harness made me think of those companies sending an office employee who knew nothing about safety on a mission to buy lanyards and harnesses. In my mind I could hear them asking, "which harnesses should I buy?" and being answered, "I don't know, but we're already paying OSHA a big fine for a small job, so just get the ones with the lowest prices!"

That likely scenario could result in an employee being supplied with an unsafe counterfeit harness. The realization made me want to break my "No Being a Karen Policy" and complain to Amazon. However, looking all over Amazon's options, I couldn't find a way to report a deceptive product claim. It looked like

Amazon prefers to avoid policing their sellers. Eventually I found a place on the site to send Amazon an email but got back nothing.

My next idea was to raise the issue with OSHA's National Office. (I know plenty of great, dedicated people in OSHA Area Offices who might be willing to take a run at Amazon, but it's a global company, and therefore communications with the company should be handled by OSHA's National Office). Maybe OSHA could contact Amazon, I reasoned. OSHA has done plenty of inspections in Amazon facilities, and huge companies often deal directly with the National Office for corporate settlement agreements and the like. Amazon's1,000,000+ employees have at times raised safety concerns which made it into the national media. By this point, someone at the National Office probably knew someone in the higher echelons of Amazon's management.

I sent OSHA an email describing the situation. It was a detailed plea to OSHA in which I made a strong case to contact Amazon and request the dangerous counterfeit to be pulled from the site. I added "Please note I am a former OSHA safety engineer. I know what a proper safety harness looks like, and this is definitely not a proper safety harness. Please call to discuss if OSHA has some way to act on this hazardous, deceptive item which could easily end up on the backs of roofers and other workers. Thanks." I hit send thinking, "that'll get their attention!"

Weeks later, I received my response from OSHA:

"Thank you for your question to OSHA.

You can find the information you requested in the OSHA resource(s) listed below:

The following previously issued OSHA Letter of Interpretation (LOI) contains information that may be applicable to the question which you have asked: https://www.osha.gov/laws-regs/standardinterpretations/1998-03-06

Specifically, it mentions the term "body harness" as defined by OSHA. The term "body harnesses," as defined in subpart M: Fall Protection 1926.500(b), means "straps which may be secured about the employee in a manner that will distribute the fall arrest forces over at least the thighs, pelvis, waist, chest and shoulders with means for attaching it to other components of a personal fall arrest system."

The harness which you mention in your question does not appear to distribute fall arrest forces over the thighs and pelvis; as you mention it does not have leg straps. It does not appear to be a body harness (also commonly called a full body harness) as defined by OSHA. It cannot be determined from the referenced advertisement if it would meet other OSHA requirements of a personal fall arrest system.

Note that the item's advertisement does not refer to it as a body harness, does not mention OSHA, and does not claim to meet OSHA requirements. Thank you for your interest in safety and health."

That last sentence was OSHA's "Get out of Jail Free" card. The title of the Amazon listing called it a "roofer's harness for fall arrest" and used the term "safety" as well, but since it didn't say "body harness" or "OSHA", it's somehow okay if you squint really hard while looking at a definition in an old letter of interpretation? Even when my original complaint obviously wasn't a question about whether this is a harness, but a pitch for OSHA to ask Amazon to take down a phony, dangerous product?

Essentially, this response was the way whoever was in charge of answering safety complaints at the National Office decided to make this complaint go away in the quickest way possible. And so they did. Even though the response ignored my request, regardless of how important the underlying issue may have been, it was done. The respondent could then get back to their sports pages and coffee mug. OSHA's National Office wasn't going to get involved, even after being clearly and fully informed of a danger to the working public.

My determination to pursue the issue fizzled very quickly.

I revisited the harness listing for months afterward. Eventually, it disappeared. My guess is the harnesses were made in a large batch and eventually were all sold. At least they're gone now. Not quite the speedy resolution I'd hoped to achieve with all my fussing, but at least that specific harness is no more. The lesson is that "caveat emptor" still stands as a fundamental rule. The buyer needs to be wary, as always, and learn as much as they can about what they're buying before they buy it. Even in the highly regulated world of worker safety, we're largely on our own.

In a way, this instance of dangerously false advertising reminds us our profession has great value. We in the safety profession are the only protection the business world has from makers and sellers of counterfeit safety products. Even the Federal government agency we have entrusted to protect workers from hazards can't or won't always do that for us. We in our organization have been selected to be the crossing guards of safety, and we should wield that responsibility well.

~Bill

SafetyCon Expo

Join the 2022 #SafeConExpo at The Lodge of the Four Seasons in Lake Ozarks, MO, 65049. May 17-19, 2022

Register Now

The Lodge of the Four Seasons:
Hotel Phone: 573-365-3000

Toll Free Reservations: 888-265-5500 between 8-5 M-F
Code for Discounted Rates - SAFECONEXPO
Guest Bedroom: \$115.00 a night

Online Registration: https://reservations.travelclick.com/17336?groupID=2584426

The discounted hotel rates end on April 22, 2022. After that day you will pay full price. Enjoy the weekend before or after the Expo with the special group rates as long as the rooms are still available.

Save the Date- 5th Annual



MAY 12-15, 2020 The Lodge of the Four Seasons Lake of the Ozarks, MO May 12th, 2020

Morning Pre-Conference – 8:00 a.m. – 12:00 p.m. Fall Protection Equipment Inspector Class

Golf Tournament - 1:00 p.m. Robert Trent Jones Course Conference - May 13 & 14, 2020

Keynote Speaker: Don Kernan, a consultant who also serves the CCBS as a Safety Accreditation Commissioner and an Advisor to the Board.

Exhibitors located in the Main Ballroom

Book your hotel reservation. Rooms are \$112.00 a night. Hotel reservations at this rate will be accepted until April 10,2020. Bring your family and make it a vacation, the room rate is good weekend before and after. May 8-17, 2020. Based upon availability

> The Lodge of Four Seasons 315 Four Seasons Drive Lake Ozarks, MO 65049 https://4seasonsresort.com

Hotel Phone: 573-365-3000 - Hotel Fax: 573-365-8525 Toll Free Reservations: 888-265-5500, between 8 - 5 M - F Registration Code: SAFECONEXPO

Online Registration use group attendee- room rates start at \$112.00 https://reservations.travelclick.com/17336?groupID=2584426

MANUAL CONFERENCE REGISTRATION

ONE ATTENDEE PER REGISTRATION FORM (This form may be copied for additional registrants.) PLEASE PRINT CLEARLY

Name:										-
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mail:					_	Phone:				
				PRECONFERE	NCE	– Tuesday, MAY 17	, 20	22		
PRECON 1: Certified Fall Protection Class: \$180 – 8AM – 12PM				Driving –	PRECON 2: Distracted/Drugged Driving – Hands On: \$69 – 8AM – 12PM PRECON 3: Permit Require Confined Space Safety Tra 8AM – 12PM					fety Training : \$69
Perso		4: Excavation Compet \$69 – 1PM – 5PM	GOLF TOURNAMENT: The Cove (A Robert Trent Jones Signature Course) – 1:00pm Shotgun: \$ 95							
TOTAL: \$		2000								
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8:00AM - 9:00AM		9	D	(Workers across the glo	io, in a	IG WONLD CLASS SAFETY RESULTS: wide vertely of Industries, are doing missioner of the Cambridge Center 5				
Track	ADIEN	Safety Leadership		Risk Management & Loss Contr		avicemental & Occupational He		Construction Safety	,upp	Workers' Compensation
9:30AM - 10:20AM		SESSION 1 Creative & Effective Safety Training (Tricks & Techniques)		SESSION 2 Sprinkler System 101 "What Should you Look For?"		Noise Mapping – A Practical Approach		The State of Excavation Safety – CISHA Enforcement – Craninal Prosecution - & Third Party Lawsuits		Session 5 Shoulder Injuries in the Aging Workforce: Navigating throug Mechanism of Injury, Causatic Prevention and Treatments
10:50AM- 11:40AM		SESSION 6 Change the Approach, Change the Results		SESSON 7 The Benefits of Stretching: Fact Vs. Fiction		How to Stand Your Ground if Your Work gets Challenged		SESSION 9 TBD		SESSION 10 Pete & Repeat: What to do w Frequent Fliers
12:40PM - 1:30PM		SESSION 11 *Behavioral Based Safety & Positive Reinforcement – A VALUE FROPOSITION* – Why Management must/should buy in to 885		Absolute Zero Safety Initiative: Zero Injuries, Zero Accidents, Zero Near Misses = and absolute Zero Day)		Section 13 Safety Committees, Beyond the Typical Meeting		SESSON 14 Electrical Safety "What you do not know about electricity can be shocking"		SESSION 15 Hand Injuries in the Workplac
2:00PM 2:50PM		SESSION 36 CISHA Update Part 1 of 2		How to Identify an at Risk Driver Using Telematics		SESSION 18 Ethics and Professional Standards for OSH Professionals		SESSION 29 Construction Roundtable		SESSION 20 Building A Safety Culture
3:20PM - 4:10PM		Hand Protection – Explanation of the latest Cut and Impact Standards		Product Liability: How Dur Supply Chain can Impact Worker Safety & Health		SESSION 29 Evidence Based Forensic Analysis for Musculoskeletal Injuries		Fall Protection Part 1 of 2		SESSION 25 Managing OSHA Recordable Injuries using Early Sympton Intervention
4:10PM - 5:00PM		SESSION 26 Utilizing Safety Perception Surveys to engage employees in the safety process		SESSION 27 Medical Manjuaria		PID, The Advances of the Latest Direct Reading Technology - Benzene		SESSION 29 Fall Protection Fart 2 of 2		SESSION 80 The Continuum of Care: A Foundation For Your Worker Comp. Program
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8:30AM - 9:20AM		SESSION 91 Human Trafficking Awareness Part 1 of 2		SEISION S2 Loss Control Safety Inspections		Prevention and Detection of Insect Infestation		SESSION 34 Building over Troubled Waters "Components of Building over Safety Obstacles"		SESSION 26 Using FCE's to Wrap Up You Nightmane Workers Comp. Claim
10:20AM - 11:10AM	_	SESSION 36 Human Trafficking Awareness Port 2 of 2		Using Tech to Improve Fleet Safety		SESSION 38 Understanding Workplace Violence – Prevention & Training		Emerging Injury Provention Technologies – Esoskelstons and Zero Gravity Arms		SESSION 40 Revised NEOSH Lifting Equation Understanding the Outcome Metrics and Using the RNLE f Early Design Concepts
11:10AM - 12:00PM		SESSION 41 DSHA Update Part 2 of 3		SESSION 42 Missouri Medical Marijuana Regulatory Program		Waste Water Pre-Treatment Using Breakthrough Electro- Chemical Technology		SESSION 44 Loss Control: Is Your Company Ready For A Significant Injury?		SEVERTHY Potential in Organizations – The Emergin Parth Forward
Registration Registration Registration Co Tw Re PAYMENT Registering v	from after ntinu o-da gistra INF with o	O-DAY CONFERENCE 0 02/15/2022 = \$295 1 02/15/2022 to 04/30/202 1 04/30/2022 = \$425 using Education Credit (CEU) by conference registration is ations are non-refundable CORMATION check: Mail completed form credit card: Complete the f	2 = \$): \$30 nclud after m wit	0 des breakfast both day April 30, 2022 th payment to: The Sa	rs, lur	nch, and an evening rece To Register Onl & Health Council, 9150 E	Onlin Foll I Regis ptio ine:	https://shcmoks.com/safec	SAFE	ates: \$115.00 a night CONEXPO po/register.aspx
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The Missouri Court of Appeals issued a decision last week, affirming a denial of benefits for a knee injury that occurred while walking. Specifically, the COA stated that the injury occurred as follows: "He planted his foot to turn right, turned around to retrieve his card, heard a "pop" and felt tearing in his left knee." In addition to alleging that his knee popped while changing direction, he also testified that he was walking "downhill" or "across a decline" or a "slope" when his knee popped.

Normally, in years past, changing direction while walking was sufficient to make a claim compensable. Here, though, we are hopefully seeing the Courts' "change direction" on the compensability of these questionable claims.

The ALJ found: "(Claimant) did not prove that he suffered a compensable injury arising out of and in the course of his employment because his risk source—walking on asphalt and changing directions—was a risk to which (he) was exposed equally outside of employment."

The Court of Appeals upheld the denial of benefits, stating:

"It is not enough that a claimant's injury occur at work or even while engaged in a work-related activity. To show a causal connection between the injury and work, the risk involved must be one to which the worker would not have been equally exposed in his non-employment life. Overstreet fails to meet this requirement."

PRACTICE POINTS

Early Investigation. This case demonstrates the benefits of an early investigation into a claim. We don't know if a recorded statement was obtained, but the initial testimony from the claimant was secured in some fashion, demonstrating the absence of any real connection to work.

Also, surveillance video of the "incident" demonstrated that claimant wasn't doing anything out of the ordinary at the time he felt pain in his knee. The Industrial Commission noted: "Initially, the employee testified that he thought he had been walking at a slightly faster than normal pace when he changed directions. However, after watching the video of the incident, Overstreet retracted that testimony and stated that he was only walking at a normal pace."

Evidence to secure. When investigating an alleged fall at work, the Court of Appeals gives us a road map for the investigation as the Court noted that the claimant failed to identify any of the following factors that would have made this claim potentially compensable:

- · No defect in the asphalt where claimant fell.
- The asphalt lot at his work was not dissimilar from numerous other asphalt lots in his community which had similar surfaces, cracks, unevenness and slopes.
- No evidence that the conditions of the employment, such as wearing steel-toed boots, low lighting, or cracks in the asphalt - - led to or worsened the claimant's injury.

CONCLUSION

When investigating a fall injury, ensure that you focus on the exact cause of the fall. Ask the claimant multiple questions in different ways to develop a pattern of evidence as to the exact cause of the fall.

Focus on whether any conditions of employment led to the fall, such as the condition of the floor, the lighting conditions, whether there are any defects in the surface, whether the claimant was carrying anything at the time of the fall, and whether the surface of the floor is any different than floors the claimant would walk on outside of his employment.

In years past, an allegation that claimant changed direction while walking was sufficient to make a claim compensable. Now that the Industrial Commission is more business friendly, the Court of Appeals is affirming decisions of non-compensability even in situations where the claimant alleges a change of direction as the cause of the injury.

If you want to discuss this decision in more detail, or if you currently have any similar claims you would like to discuss in light of the attached decision, please feel free to call or email.

J. Bradley Young

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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

Jesse Taborsky – jesse.taborsky@crbusa.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 <u>click here</u> to unsubscribe from ASSP St. Louis Chapter messages.

American Society of Safety Professionals | 520 N. Northwest Highway, Park Ridge, IL 60068