



## St. Louis Chapter Newsletter



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### Important Links

- [Chapter Website](#)
- [Chapter Documents](#)
- [Current Job Postings](#)
- [Like Us on Facebook](#)
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Be sure to check out this month's five new [job openings!](#)

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### Chapter Meeting - Monday July 10

#### **Topic: Is this Compensable?**

**Speaker: Chris Archer, Attorney at Law – Archer & Lassa, LLC.**

Test your knowledge and judgement on real fact patterns recently decided by the courts.

**Where:** Syberg's, 2430 Old Dorsett Rd, Maryland Heights, MO 63043

**When:** Registration @11, Lunch @11:30, Presentation @12

**Register for Meeting:**

<https://stl.assp.org/events/july-lunch-meeting-is-this-compensable/>

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### AB Tour - August 10

Join us for a unique tour of the Anheuser Busch Brewery! [Tickets Available Now!](#)

PLEASE JOIN ASSP & WISH

**ANHEUSER**  
**BUSCH**  
**BREWERY**  
**TOUR!**

August 10, 2023

3:00-5:00 PM

*Happy Hour to Follow*

Meet at the AB Tour Center

\$20 to include Happy Hour Food & Drink

Contact Patte Ackermann with questions at

[ackermapa@ssm-select.com](mailto:ackermapa@ssm-select.com)

Head to [AB-Tour](#) to RSVP and Register



<https://stl.assp.org/events/ab-tour/>

## Safety 2023 & 2024

If you went to ASSP's Safety 2023 conference, we hope you had a great time. If you can, share with us some pictures, your experience, thoughts, or advice. Your first hand knowledge may help someone decide to go next year. Contact [dan.bembower@usi.com](mailto:dan.bembower@usi.com) with anything you care to share.

ASSP's photo library of the event is here: <https://documentaryarts.smugmug.com/ASSP>

Next year's conference is in Denver Colorado. You can learn more here: <https://safety.assp.org/>



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## Scholarship Golf Tournament - Pictures

**Thanks to everyone who participated in our Golf Tournament Fundraiser!**

Find your group photo here (or just look for your friends): <https://stl.assp.org/photos/>



## Calendar of Events

Take a look at what's coming up! Mark your calendar now.



# ASSP ST. LOUIS CHAPTER EVENTS 2023



**Sybergs on Dorsett (unless otherwise stated)**  
**Networking: 11:00-11:30 - Lunch: 11:30-12:00**  
**Announcements & Speaker: 12:00-1:00**

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Sharida Mitchell – Territory Account Manager  
Mallory Safety & Supply

**Monthly Meeting – April 10th, 2023 11:00 am to 1 pm**  
Building a Safety Culture – Getting the "Buy-In"

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Dr. Hobbs, (L) St. Louis Orthopedic and Sports Medicine  
Dr. Minges (R) Orthopedic Spine Surgery – Joint Presentation

**Monthly Meeting – May 8th, 11:00 am to 1 pm**  
"Neck/Shoulder Syndrome in the Workplace"

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**Annual Golf Tournament – June 9th, 2023 – 7 am to 3 pm**  
St. Peters Golf Club, 200 Salt Lick Rd, Saint Peters, Missouri 63376

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Chris Archer, Attorney at Law – Archer & Lassa, LLC.

**Monthly Meeting – July 10th, 2023 – 11:00 am to 1 pm**  
"Is this compensable?" Test your knowledge and judgement on real fact patterns decided recently by the courts.

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**AB Tour!!! – No Meeting! – August 10th, 2023 – 3 PM to 5 PM**  
Happy Hour w/Food & Beer – 5 PM to 7 PM  
Must Register – \$20.00/person (non-refundable)

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Stacie Zellin, Community Education Coordinator  
Prevent+Ed

**Monthly Meeting – September 11th, 2023 – 11:00 am to 1 pm**  
"Navigating Conversations around Substance Use"

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In honor of Fire Prevention Month the City of St. Louis Fire Department will be here

**Monthly Meeting – October 9th, 2023 – 11:00 am to 1 pm**  
"Fire prevention at work and at home"

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Mike Toledo, Electrical Services Specialist  
Guarantee Electric

**Monthly Meeting – November 13th, 2023 – 11:00 am to 1 pm**  
"Electrical Safety is not just for Electricians"

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Maryanne Heuer Martin, CSP. Compliance Assistance Specialist (L)  
Bill McDonald, Area Director, OSHA – St. Louis Area Office (R)

**Monthly Meeting – December 11th, 2023 – 11:00 am to 1 pm**  
Annual OSHA Update



<https://stl.assp.org/event/>



Always find the latest events at <https://stl.assp.org/>

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## Mid-Missouri Section

**The Mid Missouri section provides networking and training opportunities for the professionals working in and around Jefferson City and Columbia.**

Mid-Mo is taking a break over the summer and will begin meetings again in September:

- 09/20/23 is on **Cave and Mining Safety** with David Attebery at D. Rowes
- 10/18/2023 is on **Fall Prevention** at Columbia Safety and Supply.

If you are interested in participating in these meetings or joining the Mid-MO mailing list, please reach out to [Paul Krewson](mailto:Paul.Krewson@midmo.org) or opt-in here: <https://mailchi.mp/b33f8ed3f931/assp-midmo>

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## Widely Believed OSHA Myths Part II

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

Although nowhere near as exciting as lurid stories about how the Apollo moon landings were faked, or that Elvis is alive and working in a grocery store in Milwaukee, there are some persistent OSHA-related myths which are just as untrue. Here is a second helping of those myths, plus one completely true item. Try to guess which one is not a myth before you get to the answers which follow.

**Myth #1:** If you are inspected by OSHA and the OSHA inspector observes you immediately fixing whatever they point out during the inspection, there will be no citations for the items you fixed.

**Myth #2:** If you are inspected by OSHA and the OSHA inspector observes you fixing whatever they point out immediately during the inspection, this shows you accept that it's a violation, because if it wasn't a violation, why are you fixing it? Therefore you should never fix anything during an inspection because that's an admission of guilt.

**Myth #3:** Calling the local OSHA office for help is a bad idea because if they find out who you are they will put you on the to-be-inspected list. Therefore it's best to leave them alone and never call OSHA, unless you absolutely have to per the injury reporting regulation (such as when an employee suffers any amputation, loses an eye, is hospitalized or killed on the job, with some exceptions).

**Myth #4:** OSHA inspectors can cite just about anything by using the General Duty Clause, especially if there is an accident or fatality. Whatever they don't like, they can cite, and you can't do a thing about it because, hey, General Duty Clause.

**Myth #5:** Any OSHA investigation of a fatal accident always results in citations, and there's no fighting them because someone died, which is proof of a serious hazard you can't argue with.

**Myth #6:** Pointing out a complaint is from a disgruntled employee with an axe to grind may convince OSHA to cancel an inspection, especially if the employee who complained is well known to be a "complainer".

**Myth #7:** Although some people think an anonymous complaint called into OSHA will trigger an inspection, actually the vast majority of anonymous complaints do not generally result in inspections. OSHA considers anonymous complaints, and those from former employees, to generally be "non-formal", and rarely if ever initiates an inspection based on a non-formal complaint. Instead they are usually handled by phone, email and other remote means.

## Answers:

**Myth #1: *Busted!*** Although it certainly shows good will and a cooperative, pro-safety attitude, fixing something doesn't mean the OSHA inspector won't write a citation for it. A citation puts the issue on record and gives OSHA some more clout in the event a substantially similar condition is found on a subsequent inspection. If the OSHA inspector deliberately overlooks something that later causes a serious accident, whose fault is it then? Yes, in some cases minor items pointed out by OSHA and fixed during an inspection may be left out of the final citations, but this can be influenced by factors unrelated to whether or not they were immediately corrected, such as whether or not they look like serious concerns or simply minor technical violations unlikely to ever harm someone. Just being pleasant and kind to the OSHA person might get you a little slack.

**Myth #2: *Busted!*** Abating an item OSHA points out during an inspection doesn't mean you admit it's a violation or that you can't still contest it if it comes out as a citation item. It just means you did what the inspector told you to do. Again, it also shows good will and cooperation. Why would you deserve extra punishment for showing those lovely qualities?

**Myth #3: *Busted!*** Although I've heard some really good safety people say countless times calling OSHA will get you on some mysterious hit-list, that's wrong. Simply calling OSHA and asking questions will not get you inspected. Our local OSHA office always has someone on duty to take questions. That person's job does not include keeping a list of callers. OSHA's intention is to focus on where they are most needed – namely, places where it's likely outside governmental force is necessary to get some basic safety for employees. That doesn't sound like the companies asking questions and actively working on safety! Actually, calling with a question gives the OSHA people who take the calls a good impression. And the OSHA people I know enjoy answering safety questions. It's far more positive and pleasant than writing citations.

**Myth #4: *Busted!*** There are numerous restrictions on the use of the General Duty Clause, generally referred to by OSHA as "Section 5(a)(1)", so it's not easy for an OSHA inspector to use it. First, it can be used by OSHA only where there's no standard that applies to the particular hazard and the employer has its own employees exposed to the alleged hazard. If there's a specific standard, or it's a multi-employer situation, it might not be allowed. Also, 5(a)(1) can cite only recognized serious hazards, so there generally has to be an industry standard (such as ANSI or NFPA), manufacturer's instructions, or other tangible evidence to prove recognition. The fallback, "common sense recognition", is supposed to be applied only in flagrant situations.

The occurrence of an accident also doesn't necessarily prove an employer has violated Section 5(a)(1), although the accident may be good evidence of a hazard. OSHA has instructed its compliance officers that a 5(a)(1) citation must address the hazard in the workplace, not the particular facts of an accident. Any hazard for which a Section 5(a)(1) violation is issued must also be reasonably foreseeable. Consider that there's also a lot of extra paperwork involved, and it's no surprise we don't see a lot of 5(a)(1) citations.

**Myth #5: *Busted!*** The fact that there is a workplace fatality doesn't necessarily mean there have been violations of OSHA rules or that the employer failed to provide a safe and healthful workplace. There can be instances where employers have good safety programs, safe work practices established and implemented, employee training and measures to make sure all employees follow the rules, and yet someone still deviates from the program and gets killed. This is referred to in OSHA terms as an "isolated incident of employee misconduct". In those cases, the OSHA inspector may decide it's better to not write citations. Several of my fatality cases turned out to be "in-compliance" inspections with no violations.

It takes a lot more writing to show why someone could be killed on the job and yet everything's fine, plus various people might get angry, such as the wife of the decedent. It's easier and safer for an OSHA inspector to write a few citations. Chances are the employer is going to get cited, even if the elements for an isolated incident of employee misconduct seem to be there. In those cases "isolated incident" can be brought up as a defense (technically, OSHA inspectors are supposed to do that during the inspection, but some of them just want to throw some citations out to see if they'll stick). It would be much simpler for the employer if the citations weren't ever written, but just the same, showing the workplace death was caused by an isolated incident of employee misconduct is a valid defense, even after a fatality.

**Myth #6: Busted!** It's pretty safe to say virtually ALL employee complaints come from disgruntled employees. Why would someone who wasn't disgruntled ever complain? Also, loudly proclaiming you know who complained is never a good idea. That can get you charged with discrimination against the complainant. Finally, maybe that "complainer" just needs someone to listen for once and follow through on some of those concerns. A few of those complaints from your complainer just might be right on the money. Stop labeling and listen once in a while!

**Myth #7: True!** Not a myth at all. OSHA takes signed written complaints from current employees and their representatives seriously, and will try to initiate inspections soon as possible after receiving one. However, unsigned complaints, telephone complaints, complaints from former employees, and anonymous complaints are "non-formal", and aren't supposed to get the same level of response. OSHA tries to settle non-formal complaints without a site visit. OSHA simply tells the employer what the alleged complaint items are and asks the employer to check them out, fix anything that is a safety issue, and report back. If the employer outright refuses to follow the no-inspection game plan, and frustrates OSHA's attempts to stay away, then they might get inspected. Eventually.

Note OSHA doesn't always have a way to verify if a complainant was employed at the time of filing a complaint. Although you never want to know who complained or even look like you want to know, it is perfectly legitimate to ask an OSHA inspector to privately check the complainant's name against your employee roster BEFORE the OSHA person passes beyond the lobby of your facility. My clients have had much success in using that request to prevent unnecessary inspections, saving both their time and that of the OSHA person, who can go on to the next assignment rather than starting an inspection under false pretenses. Some of them will go along with these requests, some won't. It's not in their procedures.

Word of caution: once the OSHA person has started an inspection, it doesn't matter if the complainant was a current employee or not. You let OSHA in, that's all that matters. Too late to turn back unless you want to deny entry, and that may not help you in the least, because they may come back with a warrant.

*~Bill*

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## **Gateway Regional EHS Conference & Expo**

Sign up today for the Gateway Regional Safety Conference. Pricing goes up from \$175 to \$185 after July 4th. Find the the conference agenda, exhibitor details, and registration instructions here: <https://sites.google.com/slu.edu/ehsce/home>



ENVIRONMENTAL, HEALTH & SAFETY TUESDAY, OCTOBER 3, 2023 @ SAINT LOUIS UNIVERSITY

# GATEWAY REGIONAL CONFERENCE & EXPO

"Building relationships and driving safety in the workplace"

# REGISTER TODAY

TUESDAY, OCTOBER 3RD, 2023 @ BUSCH STUDENT CENTER (SLU)

"Conference will include workshops and sessions across a range of EHS-related topics with an emphasis on practical application, targeted improvement, small businesses, and networking."

SCAN TO REGISTER



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NETWORKING SOCIAL HOUR POST-CONFERENCE	→	\$7,500	LANYARDS	→	\$1,000

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LOGO LISTED IN PROGRAM AND APP	YES - Logo	YES - Logo	YES - Logo	YES - Name
CONFERENCE ATTENDEES INCLUDED	4	3	2	0

## Greater St. Louis Safety and Health Conference - Oct 11th

Save the date for the 20th annual GSL Safety and Health Conference in its new home at The Crossing at Chesterfield. Exhibitor registration and sponsorship opportunity details can be found at <https://www.stlsafety.org/conference2023>

# The 20th Annual Greater St. Louis Safety and Health Conference

**October 11, 2023**

*The Crossing At Chesterfield*

*114 Eatherton Rd. | Chesterfield, MO 63005*

Keynote Speaker:

**Shawn Spiwak**

*The Power of Communication*

In 2008, as an employee of Kansas City Power and Light, Shawn and his crew responded to a power outage in a neighborhood just north of Worlds of Fun in Kansas City. During the restoration, Shawn came in full contact with an electric line that was still energized. The electricity traveled a path from his right elbow to his right knee, down the pole. The fifth-degree burns left his bones with irreparable damage. Shawn made an amazing recovery with a willpower that was stronger than the 7,200 volts of electricity that traveled through his body that day. He eventually returned to Kansas City Power and Light (now Evergy) where he is now a trainer and now travels to share with companies, first responders, and schools, the power of electricity. Through his experience, Shawn will share the importance of communication in any role and situation. And how one misstep in communication could save (or cost) a life.

## Please Join Our Sponsors



<https://www.stlsafety.org/conference2023>

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### St. Louis Chapter Executive Board Contacts

**President** - Dennis Pivin - summersetdennis@gmail.com  
**Vice President** - Nate Richardson - nate.richardson.safety@gmail.com  
**Secretary** - Krista Hyde - kristahyde@kristahyde.com  
**Treasurer** - Mae Patrick - stlassptreas20@att.net  
**Past President** - Steve Williams - swilliams@frenchgerleman.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 – summersetdennis@gmail.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** – Patte Ackermann, PT – ackermap@ssm-select.com

*Plans the program time and needs for presentations & coordinates schedule*

**Social Media** – Emily Felton – emilyfelton101@gmail.com

*Maintains online social 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](#)  
to unsubscribe from ASSP St. Louis Chapter messages.

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