



This is the only way...

ROOM B

Topic: Effective ES&H: Four Critical, Mutually Dependent Steps

Speaker: Mark Woodward of Missouri Employers Mutual

All ES&H programs function through four basic safety management principles that are mutually dependent. Engineering, administrative, and P.P.E controls will fail when one step is missing. All four foundation steps are critical, together. All ES&H programs **MUST** have these four core-critical management steps in place and in use – or else the effort will not succeed.

Does your safety program (actually) affect behavior?

Are the rules part of daily work life?





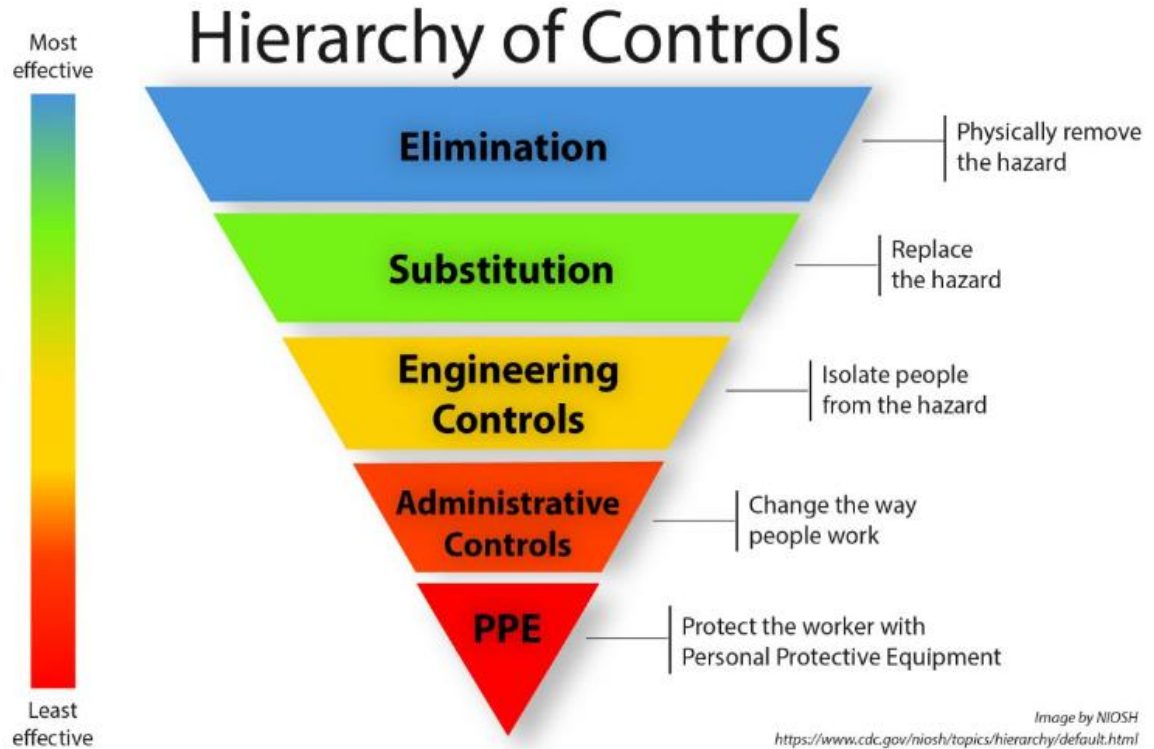
Safety programs
are about what
employees DO.

What they're
DOING.

Purpose of a Safety Program?

- Through *controls*, reduce the frequency and severity of incidents.
- Effectiveness.
- Get results.

✓ Environmental
✓ Safety
✓ Health



<https://www.cdc.gov/niosh/topics/hierarchy/default.html>

Each safety rule matters...

The only way to make a safety rule effective:

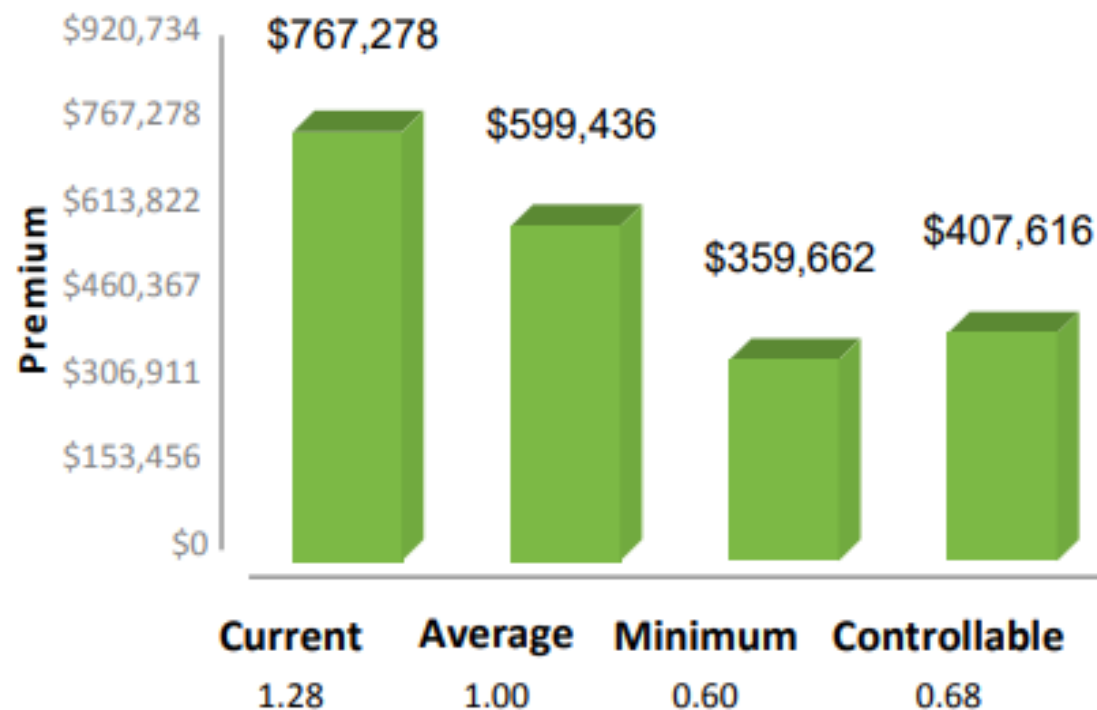
- ✓The written rules focused appropriately...
- ✓Followed by education and training on those rules...
- ✓Followed by auditing to verify / validate the rules are being followed...
- ✓Followed by documented corrective action / follow up / thank you...



The importance of
ONE rule.

The importance of
EACH employee as
an individual.

Mod Breakdown



2009	1.18
2010	1.11
2011	1.08
2011	1.09
2012	1.03
2013	1.12
2014	1.22
2014	1.25
2015	1.14
2016	1.16
2017	.94
2018	.89
2019	.96
2020	1.24
2020	1.21
2021	1.26
2022	1.28

– VIOLATION SUMMARY

Unsafe Driving Violations: 17

Violations	Description	# Violations	# OOS Violations	Violation Severity Weight
392.2-SLLS2	State/Local Laws - Speeding 6-10 miles per hour over the speed limit.	5	0	4
392.16	Failing to use seat belt while operating a CMV	2	0	7
392.2-SLLS3	State/Local Laws - Speeding 11-14 miles per hour over the speed limit.	2	0	7
392.82(a)1	Using a hand-held mobile telephone while operating a CMV	2	0	10
392.2-INAT	Inattentive Driving	1	0	5
392.2-ML	Failure to Maintain Lane	1	0	5
392.2-SLLS4	State/Local Laws - Speeding 15 or more miles per hour over the speed limit.	1	0	10
392.2C	Failure to obey traffic control device	1	0	5
392.2FC	Following too close	1	0	5
392.2Y	Failure to yield right of way	1	0	5

Top 10 Most Cited Standards

FY 2022



1

**Fall Protection:
General Requirements**
1926.501
5,915 violations



2

Hazard Communication
1910.1200
2,639 violations



3

Ladders
1926.1053
2,449 violations



4

Respiratory Protection
1910.134
2,412 violations



5

Scaffolding
1926.451
2,251 violations



6

**Control of Hazardous
Energy (Lockout/Tagout)**
1910.147
2,139 violations



7

**Powered
Industrial Trucks**
1910.178
1,896 violations



8

**Fall Protection:
Training Requirements**
1926.503
1,762 violations



9

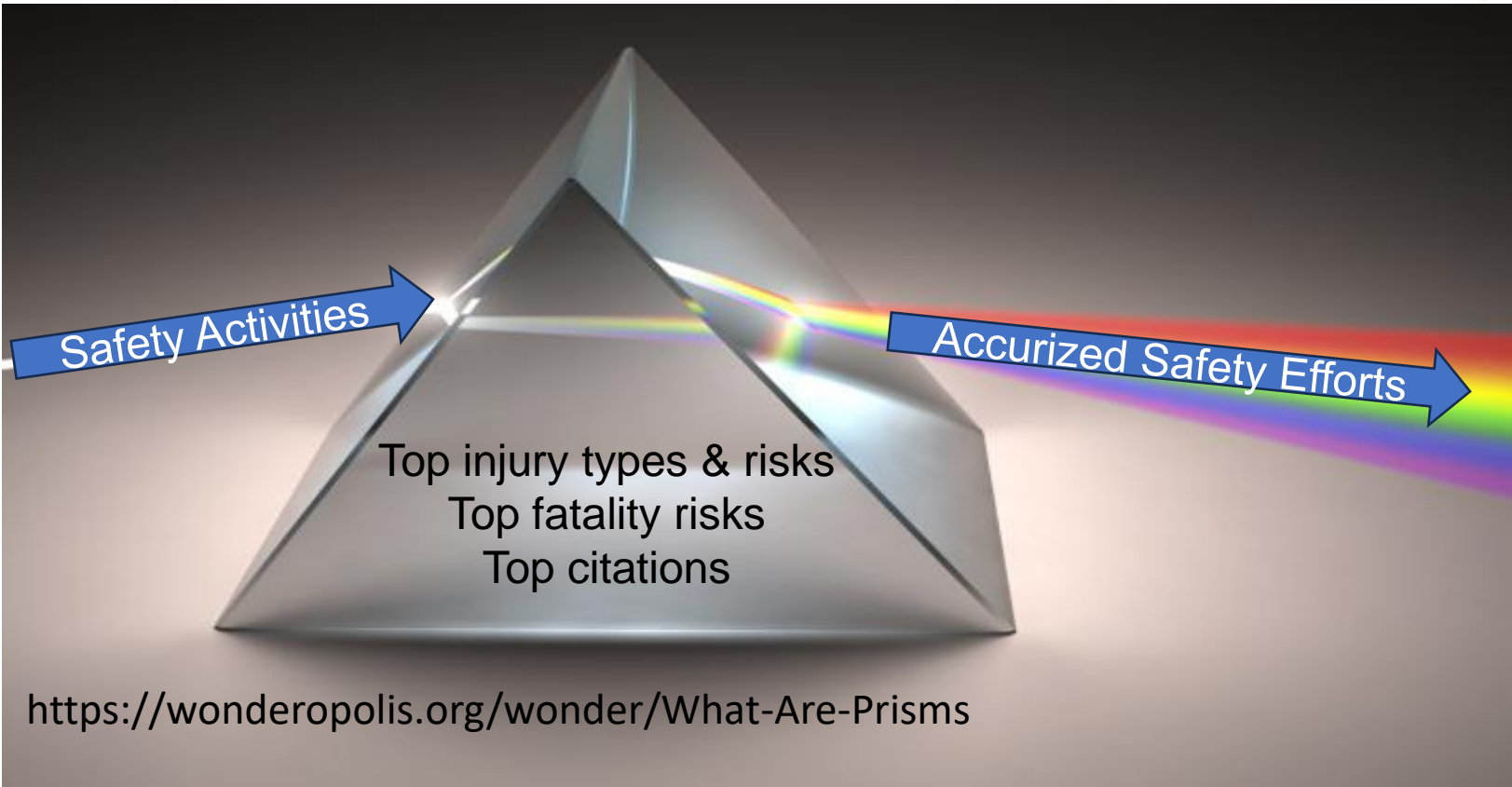
**Personal Protective and
Lifesaving Equipment:
Eye and Face Protection**
1926.102
1,572 violations



10

**Machine
Guarding**
1910.212
1,469 violations

All safety activities must be focused through the prism of priority – focus on the right things that reduce fatality & injury risks, top citations.



Loss Prevention – What is a “Loss”

- ✓ Properly administered plans reduce the frequency & severity of
 - ✓ Sudden traumatic incidents
 - ✓ Occupational disease
- ✓ When an incident occurs, loss management controls
 - ✓ Direct Costs
 - ✓ Indirect Costs

29 USC 654 General Duty Clause

Did you know OSHA wants employees to follow safety rules?

(a) Each employer

(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

(2) shall comply with occupational safety and health standards promulgated under this chapter.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this chapter which are applicable to his own actions and conduct.

OSHA Employee Misconduct Defense

- Employee actions are always taken into account during all OSHA inspections, and employees and employee representatives are encouraged to participate.
- Unsafe actions by employees are brought to the attention of the employer. In those situations where the employer has met all the conditions for affirmative defense, no citation is issued. The conditions for affirmative defense associated with "unpreventable employee misconduct" or "isolated event" are listed below.

The violative conduct was:

1. unknown to the employer; and
 2. in violation of an adequate work rule which was effectively communicated and uniformly enforced.
- However, it is our experience that unsafe acts of employees are often known by management and that they are often allowed to proceed without remedial action. When it is found that employers have not been pro-active in controlling these conditions, citations are issued to the employer.

The State of Missouri supports safety!

Please Develop Safety Rules

Section 287.120.5

Where the injury is caused by the failure of the employee to use safety devices where provided by the employer, or from the employee's failure to **obey any reasonable rule** adopted by the employer for the safety of employees, the compensation and death benefit provided for herein shall be reduced **at least twenty-five but not more than fifty percent**; provided, that it is shown that the **employee had actual knowledge** of the rule so adopted by the employer; and provided, further, that the employer had, prior to the injury, made a reasonable effort to **cause** his or her employees to use the safety device or devices and to obey or follow the rule so adopted for the safety of the employees.

- Initial Employee Orientation Training
- Signed Receipt of Employee Manual, Ongoing Safety Meeting Logs
- Specific Safety Training
- Documented Corrective Action / Enforcement

The State of Missouri supports safety!

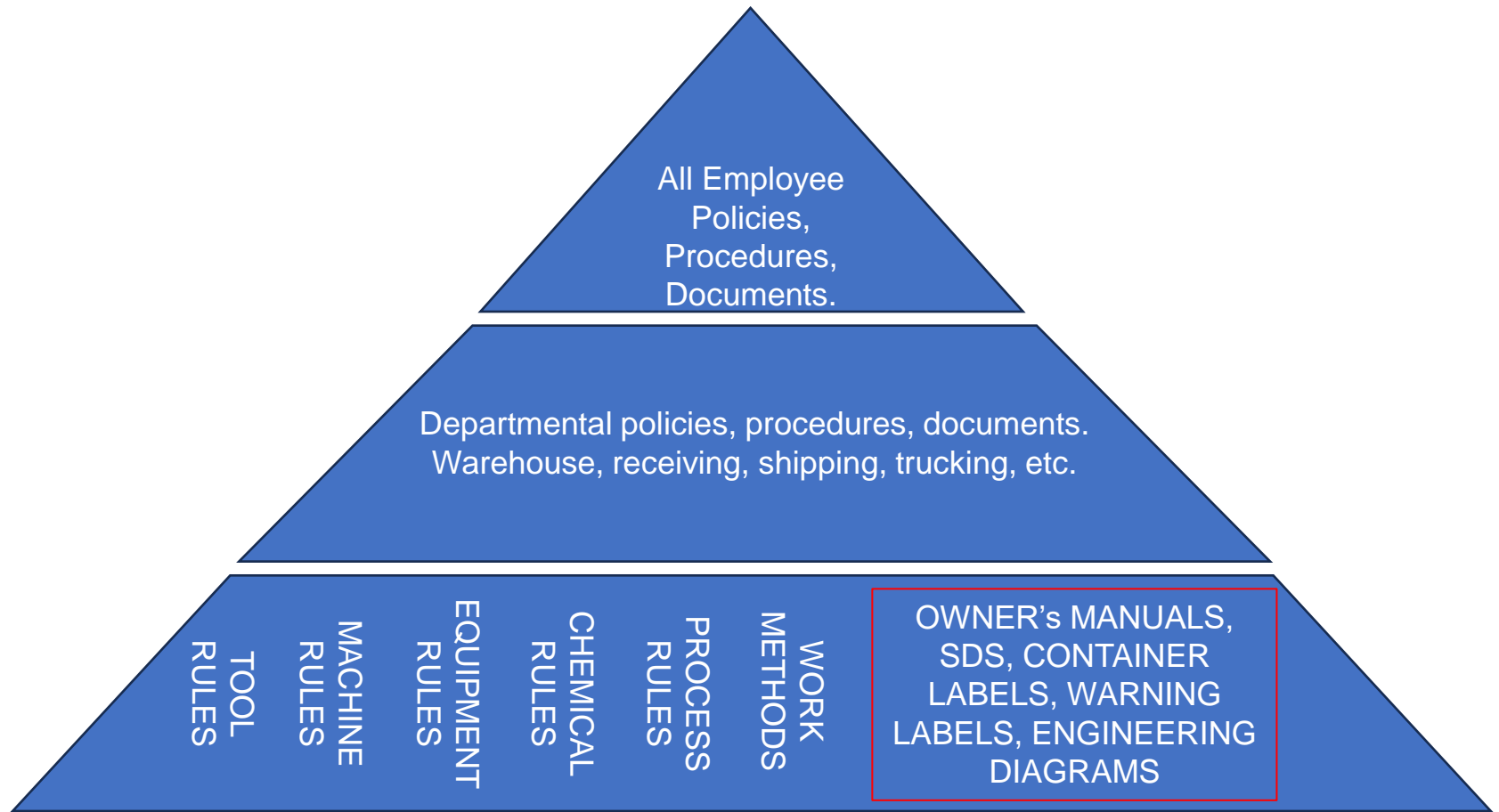
Please Develop a Drug & Alcohol Policy

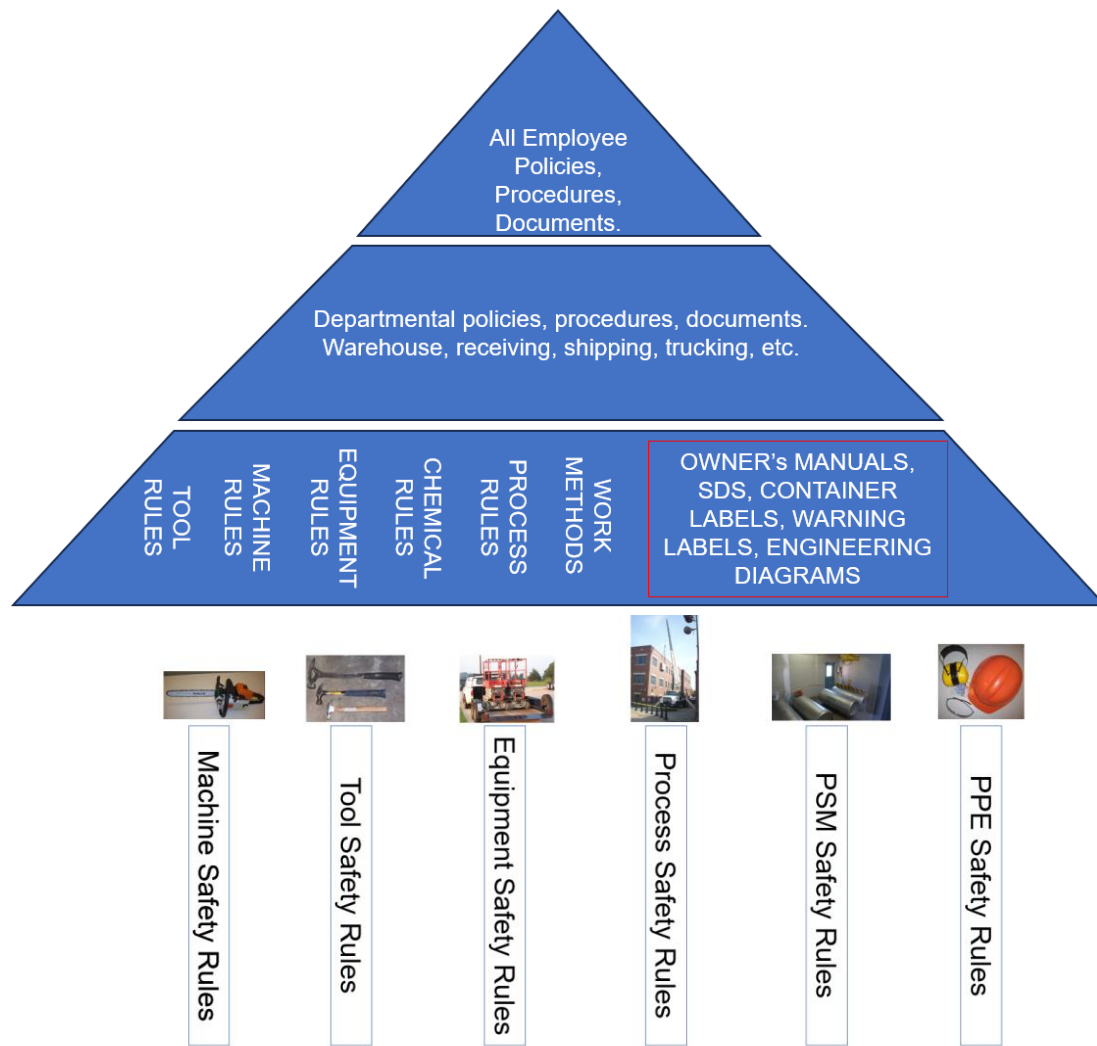
Section 287.120.6

- (1) Where the employee fails to obey any **rule or policy adopted by the employer** relating to a drug-free workplace or the use of alcohol or nonprescribed controlled drugs in the workplace, the compensation and death benefit provided for herein **shall be reduced fifty percent** if the injury was sustained in conjunction with the use of alcohol or nonprescribed controlled drugs.
- (2) If, however, the use of alcohol or nonprescribed controlled drugs in violation of the employer's rule or policy is the **proximate cause** of the injury, then the benefits or compensation otherwise payable under this chapter for death or disability shall be **forfeited**.
- (3) An employee's **refusal to take a test** for alcohol or a nonprescribed controlled substance, as defined by section 195.010, at the request of the employer shall result in the **forfeiture** of benefits under this chapter if the employer had sufficient cause to suspect use of alcohol or a nonprescribed controlled substance by the claimant or if the employer's policy clearly authorizes post-injury testing.



Don't forget the
"human element"







PPE Safety Rules



PSM Safety Rules



Process Safety Rules



Equipment Safety Rules

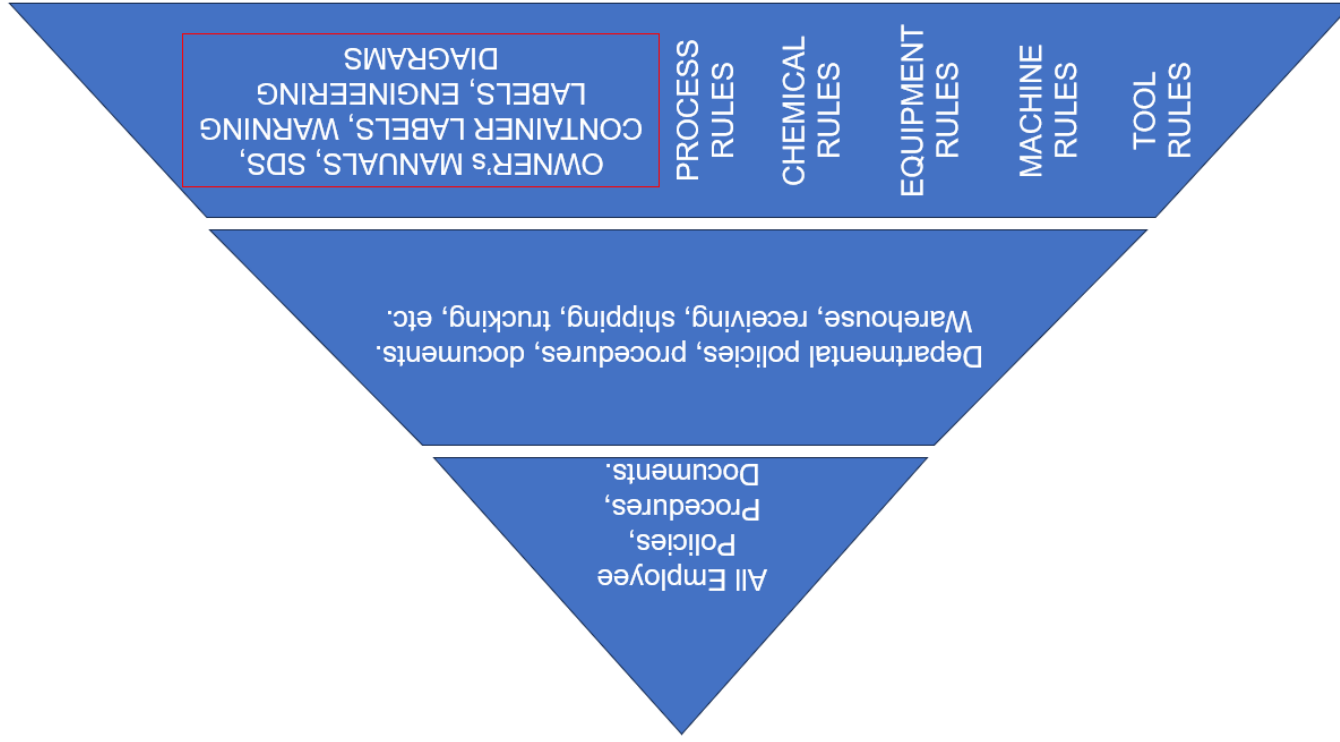


Tool Safety Rules

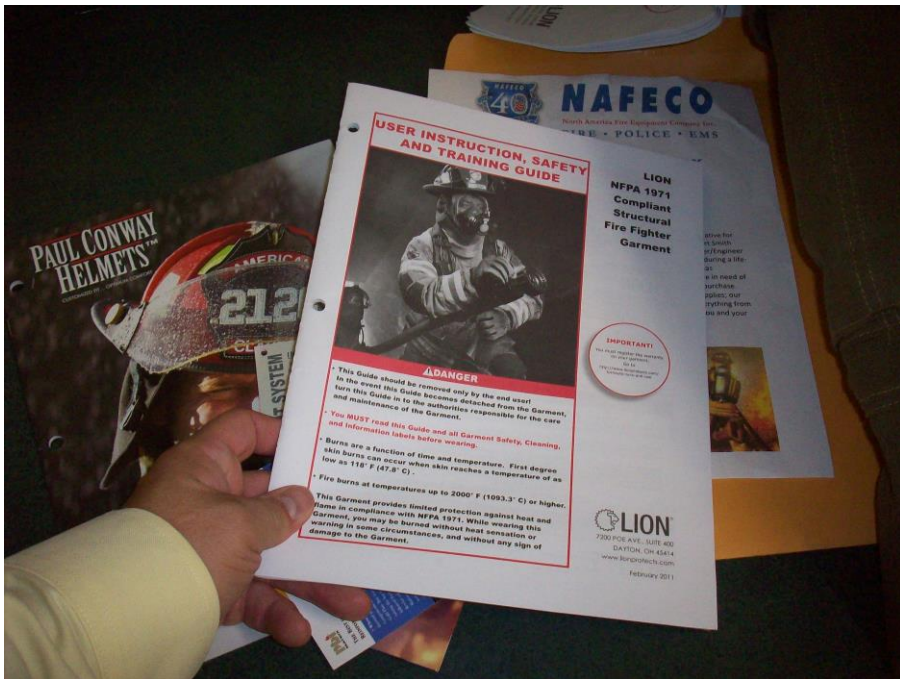


Machine Safety Rules





REDUCED FREQUENCY AND SEVERITY OF INCIDENTS
ASSOCIATED COST SAVINGS



OSHA FATAL Facts

Confined Space Entry on a Farm

No. 16 – 2018

U.S. Department of Labor

Occupational Safety and Health Administration

www.osha.gov (800) 321-OSHA (6742)

Confined spaces are areas large enough for a worker to enter and perform work, have a limited or restricted means of entry or exit; and are not designed for continuous employee occupancy. The purpose of this Fatal Facts is to highlight the importance of identifying confined spaces in agricultural workplaces to prevent another fatality.

The General Duty Clause requires employers to provide employees with workplaces, including confined spaces, which are free from recognized hazards likely to cause death or serious physical harm. Agricultural operations are covered by several Occupational Safety and Health standards including Agriculture (29 CFR 1928) and parts of General Industry (29 CFR 1910), as well as the General Duty Clause of the Occupational Safety and Health Act (section 5(a)(1)). OSHA's confined spaces standard at 29 C.F.R. 1910.146 does not apply to agricultural operations, but serves as a guide for how to prevent these accidents.



Figure 1: The hole cut into the side of the whey tank was used for the rescue operation.

BRIEF DESCRIPTION OF INCIDENT

A farm maintenance worker died after entering an 8,000-gallon polyethylene storage tank that was not marked to indicate a potential uncontrolled hazardous atmosphere. At the time of the incident, the tank contained liquid whey, known to produce carbon dioxide gas as it decomposes. A broken ball valve inside the tank needed replacement. Using a forklift, a worker was lowered through a 16-inch-diameter hole at the top to fix the valve. The forklift operator had no visual contact or other means to monitor the situation inside the tank, the operator climbed to the top of an adjacent bin where he saw the worker lying face down inside the whey tank. The fire department responded and cut a hole in the tank (see Figure 1) to retrieve the worker who had died from asphyxiation.

LIKELY CAUSES

The high outdoor temperatures and direct sunlight on the tank likely caused the liquid whey in the tank to decompose more rapidly than normal. Decomposition likely released lethal carbon dioxide gas and lowered oxygen levels, resulting in a hazardous atmosphere (oxygen concentrations below 19.5% or above 23.5% create a hazardous atmosphere). The employer failed to recognize that the tank was a confined space containing a hazard, so protective measures were not in place to alert workers to a potential hazardous atmosphere and prevent them from entering the storage tank without recognized controls.

INCIDENT PREVENTION

Employers involved in agricultural operations can take the following actions to reduce worker exposures to confined space hazards:

- Identify and label all confined spaces. Examples common in agriculture include:
 - Grain and feed storage facilities
 - Corrugated steel bins
 - Silos

Workers have the right to:

- Working conditions that do not pose a risk of serious harm.
- Receive information and training (in a language and vocabulary the worker understands) about workplace hazards, methods to prevent them, and the OSHA standards that apply to their workplace.
- Review records of work-related injuries and illnesses.
- File a complaint asking OSHA to inspect their workplace if they believe there is a serious hazard or that their employer is not following OSHA's rules.
- Exercise their rights under the law without retaliation, including reporting an injury or raising health and safety concerns with their employer or OSHA. If a worker has been retaliated against for using their rights, they must file a complaint with OSHA as soon as possible, but no later than 30 days.

For additional information, see www.osha.gov/workers.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education, and assistance. For more information, visit www.osha.gov.

OSHA Standards and Regulations:
www.osha.gov/law-regs.html

OSHA Publications: www.osha.gov/publications

OSHA-Approved State Plans: www.osha.gov/dccsp/ospp

Free On-Site Consultation Services:
www.osha.gov/consultation

Training Resources: www.osha.gov/training

Compliance Assistance Services:
www.osha.gov/complianceassistance

OSHA POCKET GUIDE

Occupational Safety and Health Administration
www.osha.gov



OSHA 3252-05N 2005

OSHA QUICK CARD

- Have a clear view of and immediate access to all areas of hot work (29 CFR 1915.504(c)(2)(ii)).
- Have the proper fire extinguisher or charged water hose ready for use.
- Ensure that you have the ability to communicate with workers in the area of hot work (29 CFR 1915.504(c)(2)(iii)).
- Isolate or cover combustible materials that cannot be removed with fire-resistant blankets and flame-retardant chemical gels or solutions. Wet down the area surrounding hot work.
- Do not abandon the hot work area during breaks or interruptions, or at the end of work shifts, unless properly relieved.
- Continue fire watch duties for at least 30 minutes after completing hot work, unless released by your employer after a site inspection (29 CFR 1915.504(c)(2)(iv)).
- Follow all confined space entry and hot work requirements established by your employer, the shipyard competent person (SCP), National Fire Protection Association (NFPA)-certified Marine Chemist, or Coast Guard authorized person (29 CFR 1915.12 and 29 CFR 1915.14).
- Shut down any hot work activity deemed unsafe and take the appropriate corrective measures to restore and maintain safe conditions. Immediately address all concerns or refer questions to your employer or the SCP (29 CFR 1915.504(c)(2)(iii)).

REMEMBER

- Attempt to extinguish any incipient stage fires consistent with the fire protection equipment provided and your training (29 CFR 1915.504(c)(2)(vii)).
- If a fire gets beyond the incipient stage, alert workers and activate the alarm (29 CFR 1915.504(c)(2)(vii) and (viii)), then exit the area.

For more information:

OSHA Occupational Safety and Health Administration
U.S. Department of Labor
www.osha.gov (800) 321-OSHA (6742)

Hierarchy of Injuries

1. Slips, Trips, Falls
2. Overexertion
3. Motor Vehicle Accident
4. Hazardous Contact

Hierarchy of Work-Related Deaths

1. Motor Vehicle Accidents
2. Falls
3. Workplace Violence
4. Electrocution
5. Struck By
6. Caught In Between

*2021-2022 Nonfatal
injuries/illnesses involving days away
from work, job restriction or transfer

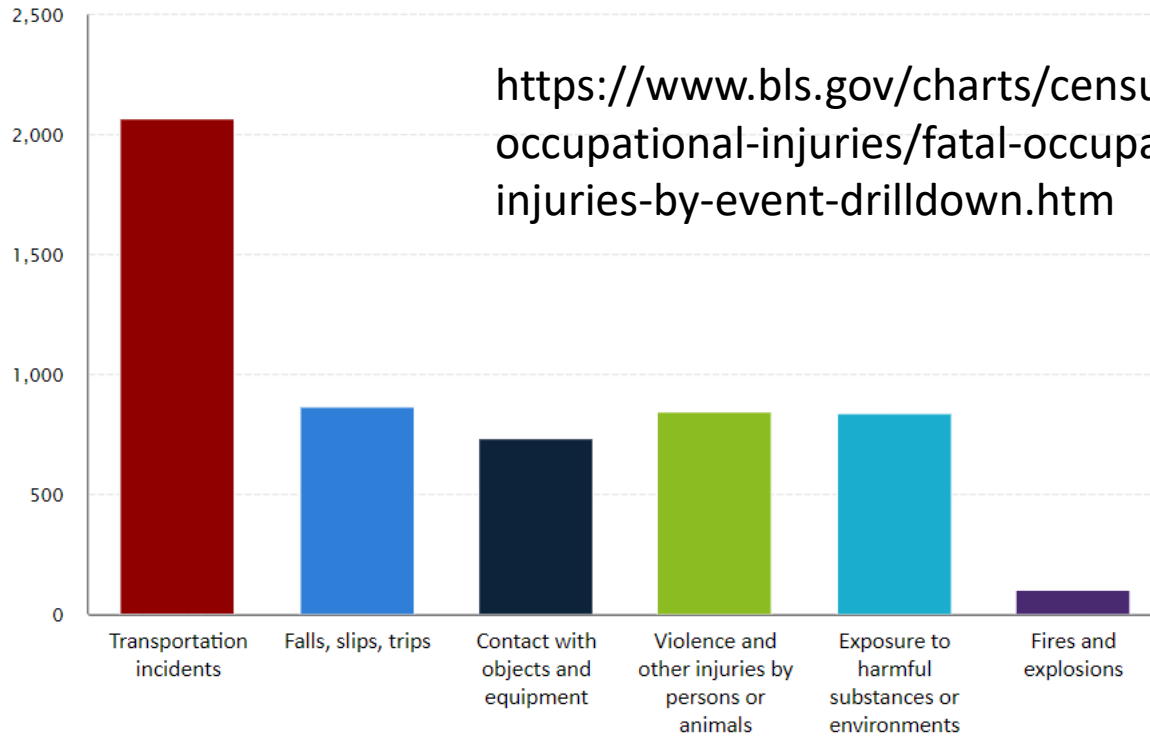
<https://injuryfacts.nsc.org/work/work-overview/top-work-related-injury-causes/data-details/>



- Overexertion and bodily reaction
- Contact with objects and equipment
- Falls, slips, trips
- Exposure to harmful substances or environments
- Violence and other injuries by persons or animals
- Transportation incidents
- Nonclassifiable
- Fires and explosions

Fatal occupational injuries by event or exposure, 2022

Major categories



<https://www.bls.gov/charts/census-of-fatal-occupational-injuries/fatal-occupational-injuries-by-event-drilldown.htm>

Click columns to drill down. Hover over chart to view data.
Source: U.S. Bureau of Labor Statistics.



AS RISK GOES UP

**EXPOSURE TO INJURY
FROM WORK OR TASK
HAZARDS**

**A E E
T M F
T P F
E H O
N A R
T S T
I I
O S
N**

OVERALL ALL- EMPLOYEE SAFETY PLAN

Company Safety Rules

The safety rules listed below are guidelines for safety procedures which should assist in preventing accidents or injuries while on the construction jobsite.

Safety Rules

- Everyone must wear seat belts when driving and operating machines or vehicles.
- Do not operate vehicles or machines when fatigued.
- Report to work free from the aftereffects of drugs or alcohol.
- Report maintenance needs or hazards before the end of your work shift.
- Report incidents or injuries in writing immediately.
- Know the jobsite safety weather plan.
- Clear up spills and hazards that could cause a slip, trip or fall.
- Wear hearing and eye protection.
- Get help to learn lift heavy objects.
- Perform a safety walk around prior to moving vehicles or machines on the jobsite.
- Inspect construction machines and tools for hazards or maintenance concerns before use.
- Wear proper safety footwear when on a jobsite.
- Wear an approved hard hat when working on construction jobsites.
- Wear a reflective, high-visibility vest when working near traffic or construction machines.
- Stay ten feet away from overhead entrances and power lines.
- Scan for overhead power lines before raising ladders, dump beds, or booms.
- Do not work underneath raised loads.
- If exposed to a fall hazard you must be protected by guardrails, safety net or personal fall arrest system.
- Use three-point contact when climbing ladders.
- Do not overreach when working from ladders.
- Secure ladders to prevent tip over or kick out.
- Do not use the top two rungs of step ladders.
- Do not jump from equipment or trucks.
- Use three-point contact when mounting or dismounting trucks or machines. Do not jump.
- Employees must be protected by trench shoring, shoring or shoring.
- Never raise employees in the bucket of loaders, skid steers or excavators.
- Operators must lock ballast machines before backing on construction jobsites.
- Drivers must get out and look or use a spotter before backing.
- Wear chit into dumpsters to "compress" or dig by hand through jobsite waste.

These safety materials have been developed from national standards and sources believed to be reliable. However, no guarantee is made as to the sufficiency of the information contained in the material and M&M Insurance Mutual Insurance Company assumes no liability for its use. Administer safety instructions should be obtained from a safety professional.

SAFETY RULES FOR MAJOR JOBS, TASKS, DUTIES

Water Department Safety Rules

The safety rules listed below are guidelines for safety procedures which should assist in preventing accidents or injuries while on the construction jobsite.

Safety Rules

- Everyone must wear seat belts when driving and operating machines or vehicles.
- Do not operate vehicles or machines when fatigued.
- Report to work free from the aftereffects of drugs or alcohol.
- Report maintenance needs or hazards before the end of your work shift.
- Report incidents or injuries in writing immediately.
- Know the jobsite safety weather plan.
- Clear up spills and hazards that could cause a slip, trip or fall.
- Wear hearing and eye protection.
- Get help to learn lift heavy objects.
- Perform a safety walk around prior to moving vehicles or machines on the jobsite.
- Inspect construction machines and tools for hazards or maintenance concerns before use.
- Wear proper safety footwear when on a jobsite.
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- Wear a reflective, high-visibility vest when working near traffic or construction machines.
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MACHINE, TOOL OR JOB- SPECIFIC RULES

Chlorine Cylinder Change-Out Procedure

The safety rules listed below are guidelines for safety procedures which should assist in preventing accidents or injuries while on the construction jobsite.

Safety Rules

- Everyone must wear seat belts when driving and operating machines or vehicles.
- Do not operate vehicles or machines when fatigued.
- Report to work free from the aftereffects of drugs or alcohol.
- Report maintenance needs or hazards before the end of your work shift.
- Report incidents or injuries in writing immediately.
- Know the jobsite safety weather plan.
- Clear up spills and hazards that could cause a slip, trip or fall.
- Wear hearing and eye protection.
- Get help to learn lift heavy objects.
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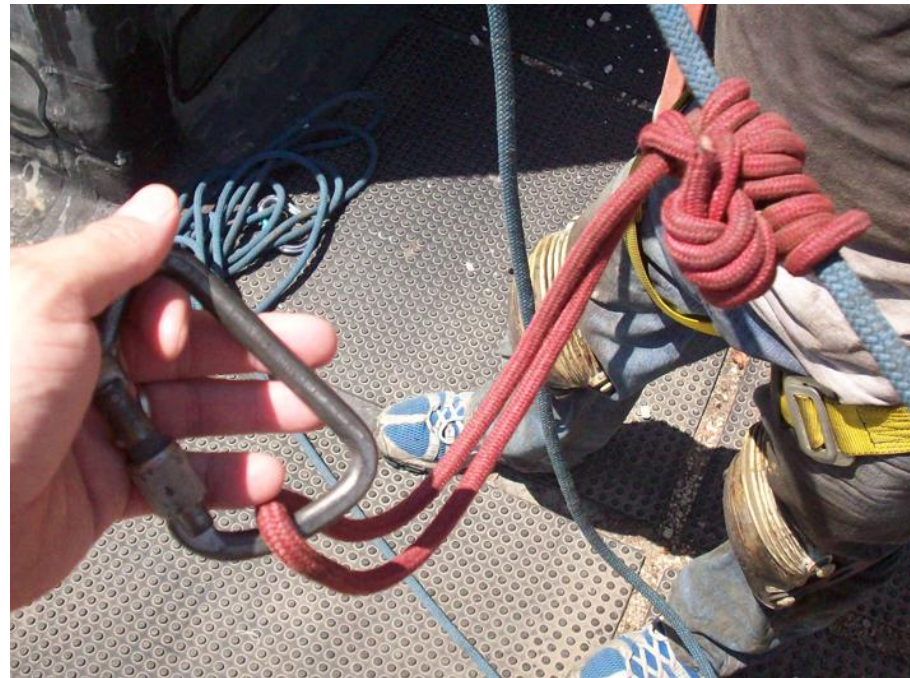


**MACHINE
OPERATIONS
SAFETY
RULES**

**CHASSIS
SAFETY
RULES**

**SAFE
DRIVING
SAFETY
RULES**

- 1. When was the last time your written safety & work comp expectations were reviewed and signed?**
- 2. When was the last safety meeting your employees attended?**
- 3. Does anyone perform documented inspections / observations?**
- 4. When was the last time corrective action occurred after an unsafe act / condition?**







Inspections PROVE if the safety plan is working.

Document Self-Inspection Findings.

Document corrective action, ALWAYS document when no corrective action is needed.

Employee recognition is a MUST.

Publish all findings.

Assign a \$\$\$ value.

Disciplinary Action Sample Form For Record Keeping

EMPLOYEE NAME: _____

DEPARTMENT/AREA/JOB TITLE: _____

SUPERVISOR NAME: _____ TODAY'S DATE: _____

☐ Verbal Warning ☐ Written Warning

SUSPENSION EFFECTIVE DATE: _____ TERMINATION EFFECTIVE DATE: _____

DATE OF INCIDENT: _____ TIME OF INCIDENT: _____

Description of incident: _____

Correction action plan: _____

Next action step if problem continues: _____

I acknowledge receipt of this disciplinary action and that its contents have been discussed with me.
I understand that my signature does not necessarily indicate agreement.

EMPLOYEE SIGNATURE: _____ DATE: _____

SUPERVISOR SIGNATURE: _____ DATE: _____

HUMAN RESOURCES: _____ DATE: _____

Previsor
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EMPLOYERS
MUTUAL

previsorinsurance.com
mem-ins.com

December 07, 2020

Waller Truck Co. Inc.
Attention Mark Ayers
400 S. McCleary Rd.
Excelsior Springs, MO 64024

Re: Policy No. 2018675 – Mobile Driver Observation Date 02-03-2021

Dear Mark:

Mark, on behalf of Missouri Employers Mutual, I thank you for driving safely! On February 03, 2021 you were witnessed driving eastbound on US Highway 54 within the eastern city limits of Mexico, MO. You were wearing your seat belt and driving without handheld distraction. The orange, reflective wrap affixed to the safety belt was clearly visible and helped me make the determination that you WERE wearing your seat belt.

Unfortunately, each year vehicle crashes remain the top cause of work-related fatalities and remain the third most common cause of lost workday injuries for Missouri Employers Mutual. Our company wishes to recognize you for your dedication to driving safely and minimizing crash risk.

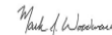
Missouri Employers Mutual encourages all employees performing work-related driving to do the following:

- Utilize the seat belt when driving or riding in vehicles used for company business;
- Drive the speed limit and adjust speeds downward when roadway conditions deteriorate;
- Increase following distances, scan the roadway ahead and avoid all types of driver distraction;
- Verify the vehicle is safe to drive by performing a pre-trip inspection.

Your commitment to safe driving and seat belt use is greatly appreciated.

Feel free to reach out to me at mwoodward@mem-ins.com or (573) 289-5990 cell if there are any questions. Or, visit our website at www.mem-ins.com. If additional safety assistance is needed, contact MEM's Resource and Support Center at 1.888.499.SAFE (7233) or safety@mem-ins.com.

Sincerely,



Mark A. Woodward - Sr. Safety and Risk Trainer

cc: 312-6 AssuredPartners Cornerstone, LLC

As stated more fully in your policy under Part Six (6), we have the right, but are not obligated, to survey your operations and workplaces at any time. These surveys are not safety inspections but are performed for underwriting purposes. We may provide you with reports on the working conditions discovered and submit recommendations for changes to reduce the potential for incidents and injuries. No other liability is assumed by reason of this report as it is only advisory in nature. Our Safety and Risk Services and reports do not replace your responsibility to make sure that your workplaces are safe and comply with all applicable health and safety laws, regulations, codes or standards.

1.800.442.0593

1.800.442.0598

101 N Keene St, Columbia, MO 65201

1. **ALL Management Commitment (Top and Middle Mgmt.)**
2. **Understand Your Costs – EMR, Premium, Claims**
3. **Develop, Communicate, Enforce Focused Safety Rules**
4. **Hold Regular Safety Education & Provide Training**
5. **Perform Documented Corrective Action**
6. **Inspect Jobsites, Tools, Machines, Premises, and Vehicles**
7. **Enforce a Drug-Free Workplace (NH & PA)**
8. **Enforce a Written Seat Belt Policy – All Employees**
9. **Enforce Written Distracted Work / Driving Policy**
10. **New Hires – Provide Training and Set Expectations**
11. **New Hires – Post-Offer Employment Physicals**



That's it!
Thank you!!!

Mark Woodward, Sr. Safety and Risk Trainer