

**THE UOSH
SAFETY LINE
SEPTEMBER 2009**

**New section
added to
Safety Line!**

**“Compliance
Corner”**

**Each month
we will answer
the most fre-
quently asked
questions, and
review the
most com-
monly cited
standards.**

**Do you have a
question that
you would like
answered in a
future issue?
Send your ques-
tion to jparkstone@utah.gov**

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SEPTEMBER NEWSLETTER

Utah Labor Commission Annual Safety and Health Award

The 2009 Arches Award for Workplace Safety and Health was presented to Balchem Corporation, at a luncheon sponsored by the Utah Safety Council on August 28, 2009. Balchem Corporation’s principle activity is to manufacture and market specialty per-

formance ingredients for food, feed, pharmaceutical, and medical sterilization industries. They have been doing business in Utah since May of 2006. Each year sub-

sequent to their beginning operation in Salt Lake City, they have had a Total Recordable Case (TRC) and Days Away Restricted or Transferred (DART) rate of zero. Balchem continuously works

to have their safety and health program included in all areas of the company. Every employee of Balchem Corporation is involved in maintaining a culture of safety in their particular areas. The employees formulate safety procedures, perform safety audits, and suggest corrective action for any unsafe work practice or equipment issue.

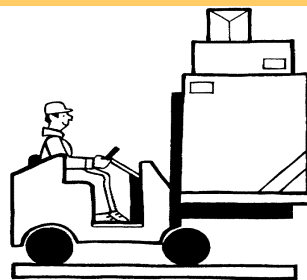
Balchem’s corporate culture is rooted in a deep commitment to providing a safe working environment for its employees. Congratulations to Balchem Corporation!



Pictured Left to Right: (Utah Labor Commissioner) Sherrie M. Hayashi, (Operations Manager) Robert Roarke, (Plant Manager) Paul Jones

Proper Use of Industrial Powered Vehicles

Recent OSHA enforcement activities have discovered multiple instances of improperly classified powered industrial trucks (forklifts) being operated in classified hazardous locations. The use of these vehicles in classified hazardous locations increases the likelihood of an explosion or fire. Information regarding



the proper use of powered

industrial trucks can be found in OSHA standard 29 CFR 1910.178(c)(2). A table on Use of Industrial Trucks in Various Locations can be found in Table N-1 of this standard.

Contact the manufacturer of your industrial trucks if you are unsure of what classification your vehicles fall under.



“based on the materials and construction methods used to build a structure, a commercial building can be considered residential construction”

Residential or Commercial?

Question: Is a building being constructed for commercial use always considered commercial?
 Question: Would an apartment building being constructed with precast concrete floors, structural steel, or other materials that are not traditionally used in stick frame residential construction still be considered residential?

Confused about what qualifies as residential vs. commercial when deciding which fall protection guideline to utilize on the work site?

OSHA has separate requirements for roofing work in residential construction versus roofing work in other areas of construction. Residential construction has some specified work practices that are permitted in the place of conventional fall protection. But can some of these practices be used in commercial construction?

In a letter of interpretation dated April 18, 2002, the Assistant OSHA Secretary, John L. Henshaw, writes that based on the materials and construction methods used to build the structure, a commercial building can be considered residential construction. He further clarifies the differences saying:

“Residential construction is characterized by:

- ◆ *Materials: Wood framing (not steel or concrete); wooden floor joists and roof structures.*

- ◆ *Methods: Traditional wood frame construction techniques*

The construction of a discrete part of a large commercial building (not the entire building), such as a wood frame, shingled entranceway to a mall, may fit within the definition of residential construction. Such discrete parts of a commercial building would qualify as residential construction where characteristics listed above are present”.

Based upon this interpretation even though the apartment building, mentioned above, is to be used as a residential property, the building is considered commercial construction because it uses steel and concrete instead of traditional stick frame home construction. (Residential construction is defined in OSHA STD 3-0.1A section VIII, paragraph A.1)

Also, just because a building is considered a commercial building as a whole, the entire building or part of the building could be considered residential construction “where the working environment, materials, methods and procedures are essentially the same as those used in building typical single-family home or townhouse” and the residential construction standard would be applied only to that section. Paragraph A.2 (OSHA STD 3-0.1A) clarifies that residential construction is characterized by “wood framing (not steel or concrete), wooden joists and roof structures,” and methods by “traditional wood frame construction techniques.”

Residential construction can utilize a “Fall Protection Plan” if it can be demonstrated that the use of conventional fall protection equipment is infeasible or it creates a greater hazard to use the conventional fall protection. This plan shall be prepared by a qualified person and developed specifically for the site where the residential construction work is being performed and the plan must be maintained up to date. Additional information can be found in Subpart M – Fall Protection 29 CFR 1926.500, and by calling the Utah Labor Commission OSHA Consultation Program (801-530-6855).

MSDS Retention

“Since I no longer use a particular chemical, how long do I have to keep my Material Safety Data Sheets (MSDS)?”

As part of your required Hazard Communication Program, OSHA requires the Material Safety Data Sheets for hazardous materials available for reference (29 CFR 1910.1200(g)). As the years go on, your collection of MSDS sheets continues to grow and grow and makes your MSDS’s harder to sort through. OSHA does not have a requirement for retention of the MSDS sheets as long as there are records concerning the identity of a substance or agent, where it was used, and when it was used. This record must be retained for at least thirty (30) years. (29 CFR 1910.1020(d)(1)(ii)(B))



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Carbon Monoxide Safety

As we approach the winter months, be mindful of the hazard of CO exposure.

Each year thousands of workers are killed by carbon monoxide poisoning. This poisonous gas is one of the most dangerous hazards that you may be exposed while on the job. This gas causes more deaths than any other toxic agent except alcohol. OSHA has compiled the following "Quick Card" (OSHA 3267-09N-05) to help you identify the effects of carbon monoxide poisoning and prevention:

Carbon monoxide (CO) is a colorless, odorless, toxic gas which interferes with the oxygen-carrying capacity of blood. CO is non-irritating and can overcome persons without warning. Many people die from CO poisoning, usually while using gasoline powered tools and generators in buildings or semi-enclosed spaces without adequate ventilation.

Effects of Carbon Monoxide Poisoning

- Severe carbon monoxide poisoning causes neurological damage, illness, coma and death.

Symptoms of CO exposure

- Headaches, dizziness and drowsiness.
- Nausea, vomiting, tightness across the chest.

Some Sources of Exposure

- Portable generators/generators in buildings.
- Concrete cutting saws, compressors.
- Power trowels, floor buffers, space heaters.
- Welding, gasoline powered pumps.

Preventing CO Exposure

- Never use a generator indoors or in enclosed or partially enclosed spaces such as garages, crawl spaces, and basements. Opening windows and doors in an enclosed space may prevent CO buildup.
- Make sure the generator has 3-4 feet of clear space on all sides and above it to ensure adequate ventilation.
- Do not use a generator outdoors if placed near doors, windows or vents which could allow CO to enter and build up in occupied spaces.
- When using space heaters and stoves ensure that they are in good working order to reduce CO buildup, and never use in enclosed spaces or indoors.
- Consider using tools powered by electricity or compressed air, if available.
- If you experience symptoms of CO poisoning get to fresh air right away and seek immediate medical attention.

Compliance Corner

Mobile Scaffold Height

Do mobile scaffolds have to meet the 4:1 height rule?

The OSHA standard for manually propelled mobile ladder stands and scaffolds states: "The maximum work level height shall not exceed four (4) times the minimum or least base dimensions of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, suitable outrigger frames shall be deployed to achieve this least base dimension, or provisions shall be made to guy or brace the unit against tipping. 29CFR 1920.29(a)(3)(i)

Safety Shoe/Boots

Do I have to purchase safety boots for my employees?

The employer is not required to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, provided that the employer permits such items to be worn off the job-site.

1910.132(h)(2). The complete Personal Protection Equipment (PPE) standard (CFR 1910.132) lists who is responsible for payment of other types of PPE.

Most Cited Standard

The number one most cited standard is 29 CFR 1910.1200 (general industry) 1926.59 (construction) Written Hazard Communication Program. This occupational safety and health standard requires employers to develop and maintain "a written hazard communication program for the workplace, including lists of hazardous chemicals in the workplace, labeling of containers of chemicals in the workplace, as well as of containers of chemicals being shipped to other workplaces; preparation and distribution of material safety data sheets to employees and downstream employers; and development and implementation of employee training programs regarding hazards of chemicals and protective measures". Please read the entire standard for additional requirements.

Consulting Company Officials Sentenced to Prison

A federal case charged members of an upstate New York consulting firm with conspiring to falsify the qualifications of its employees to serve as safety monitors on New York City Department of Environmental Conservation construction sites. IMS Safety Inc. conspired to falsify the qualifications of their em-

ployees to gain the Department of Environmental Conservation approval of these employees. IMS Safety Inc. was paid more than \$1 million for jobs performed by employees whose qualifications had been misrepresented. The most recent defendant to be sentenced admitted to knowingly composing falsified

resumes for IMS employees and deploying the employees to the DEC worksites. He was ordered to pay \$1.035 million in restitution, and serve one year and a day in federal prison. In December of 2008, the President and a Vice-President plead guilty for their involvement in the scheme.

