

Master the Disaster

Protecting the Worker and the Employer

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J E N N E R & B L O C K

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OSHA is the principal agency for regulating safety in the workplace, both in emergency and non-emergency situations.

In the Chicagoland area, OSHA has three offices:

North of North Avenue	847-803-4800
South of North Avenue	708-891-3800
West Suburbs	630-896-8700

After-hours hotline: 800-321-OSHA

OSHA - Regulatory Approach

OSHA has a limited regulatory response to many pre- and post-September 11 issues.

- No regulations on workplace violence.
- No obligation to test indoor air for general contaminants.
- No regulations on exposure to anthrax or similar biological agents.

OSHA – Legal Obligations

OSHA does impose overarching legal obligation to employees.

- General duty clause – based on OSH Act of 1970.
 - ✓ Workplace must not have recognized hazards likely to cause “death or serious physical harm” to employees.
- Two recent postal worker cases indicate that published CDC or similar guidelines may govern standard of protection.

Multi-Employer Liability – Whose Brother Do I Keep?

OSHA Citation Policy – Reissued December 1999

- Employer will be cited for creating a workplace hazard regardless of who gets injured
- Employer will be cited for exposing its employees to known and preventable hazard created by another employer
- Employer responsible for correcting a hazard must do so.
- Employer controlling the worksite must prevent and detect hazards. Reasonable care standard.

OSHA Enforcement Approach

Citations and penalties for violations of regulations or “general duty clause.”

Willful or repeat violations:	\$5,000 - \$70,000
Serious violations:	up to \$7,000
Other than serious violations:	\$0 - \$7,000
Failure to abate:	up to \$7,000
Criminal conviction:	up to \$250,000 or \$500,000 six months imprisonment

OSHA's Approach to Emergencies

OSHA has four principal requirements for worker safety

1. Plan



2. Train



3. Protect



4. Report





OSHA's Planning Requirements

OSHA requires that every employer have an emergency action plan. 29 CFR 1910.38

- Purpose and scope of plan
- Key contacts for plan development and maintenance
- Emergency escape and evacuation procedures
- Procedures for those who “stay behind”
- Accounting for personnel
- Rescue and medical duties of employees
- Communication to outside emergency personnel
- Alarm system
- Training



OSHA's Training Requirements

Employer must train “sufficient number” of persons to assist in evacuation process.

The emergency responders need initial training and training whenever their role or the plan is changed.

All employees must be trained in what they need to do in the event of an emergency.



OSHA's Training Requirements

General Areas of Training

- First aid / CPR
- Shutdown procedures
- Chemical spill procedures
- Use of respiratory protection
- Use of fire extinguishers
- OSHA bloodborne pathogen standard
- Search and rescue procedure
- Hazardous material emergency response



OSHA's Protection Requirements

Communication

Accounting For Personnel

Team In Action

Personal Protective Equipment

Medical Assistance

Security



OSHA's Protection Requirements

Communications

- Establish alternate emergency headquarters.
- Emergency communication equipment, including back-up, for notifying employees and contacting authorities.
- Communication to alert employees to evacuate or take other action.
 - ✓ Alarms must be audible and visible.
 - ✓ Alarms must have auxiliary power supply.
 - ✓ Alarms must be distinctive and recognizable to employees.
- Emergency numbers posted at telephones and elsewhere.



OSHA's Protection Requirements

Accounting for Personnel

Designate responsible person in advance.

- Account for all personnel.
- Report missing personnel to emergency officials.
- Procedure for access to list of those present.
- Back-up procedure.



OSHA's Protection Requirements

Team In Action

- Team coordinator should assess situation and determine whether emergency exists.
- Coordinator directs team in evacuating personnel.
- Coordinator (or delegate) contacts outside emergency services, as necessary.
- Direct shutdown of facility as necessary.



OSHA's Protection Requirements

Team In Action If Confined Spaces Are Entered (29 CFR 1910.145)

- Confined space is area not designed for regular human occupancy that has risk of exposure to a hazardous condition.
- Hazards include electrical, kinetic, oxygen deficiency, explosiveness, toxicity.
- If entering a permit-required confined space in an emergency, responder must:
 - ✓ Disconnect/block all inert, toxic, flammable, corrosive material.
 - ✓ Lock out moving equipment.
 - ✓ Use protective equipment, including safety harnesses.
 - ✓ Implement pre-designed rescue procedures, including stand-by person who may only use lifelines from outside space.



OSHA's Protection Requirements

Personal Protective Equipment (29 CFR 1910.132-138)

Hazard

Chemical splashes/contacts with toxic materials

Flying particles, falling objects

Toxic gases, vapors, inadequate oxygen

Fires, electrical hazards, extreme temperatures

Equipment must comply with OSHA standards.

Examples of Safety Equipment

Safety glasses, face shield, goggles

Goggles, safety shoes, hard hats

Appropriate respirators

Whole body coverings – gloves, hoods, boots



OSHA's Protection Requirements

Personal Protection Equipment – If Respirators Used

Necessary for working in toxic atmospheres:

- dust
- mist
- gas
- vapor
- oxygen-deficiency

Types of respirators:

- Air-purifying devices – not for oxygen-deficiency
- Air-supplied respirators – not in atmospheres immediately dangerous
- Positive-pressure self-contained breathing apparatus – best for emergency employees. New NIOSH approval
- Escape masks



OSHA's Protection Requirements

Respirator Use

Most respiratory equipment requires prior medical evaluation and fit test.

Written procedures and training for use.

If respirators are used in emergency response – they must be inspected monthly, with written record of inspection.



OSHA's Protection Requirements

Team In Action – Hazard Communication (29 CFR 1910.1200)

Applies to any chemical known to be present in workplace to which an employee may be exposed under normal conditions or “foreseeable emergency.”

Implement written hazard communication program:

- Access to MSDS sheets describing hazard, handling, and treatment.
- Back-up plan if MSDS electronically stored.
- Must disclose to health provider, regardless of confidentiality, if medical emergency requires disclosure.



OSHA's Protection Requirements

Medical Assistance

First aid provision is voluntary, if help is nearby.

Otherwise, employer must provide trained, first aid responders, who can help within 3-4 minutes of incident.

If corrosive materials, eye washes and flushing equipment must be provided in immediate work area and employees must be trained on use.

Employer must know what to do if medical condition arises – who to call and chain of command.

Note confidential self-identification procedure.
(EEOC Guidelines)



OSHA's Protection Requirements

Medical Assistance – Bloodborne Pathogens (29 CFR 1910.1030)

Written Exposure Control Plan required if it is reasonable to anticipate skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

- Universal precautions
- PPE
- Housekeeping
- Engineering and work practice controls
- Recordkeeping
- Training
- Incident Response



OSHA's Protection Requirements

Security

- Implement pre-arranged procedure to prevent unauthorized access or to protect vital records or equipment.
- Off-limits area must be clearly established and designated.
- Consider contacting local police or private security firm to secure area.
- Consider where to secure records and duplicate copy.
 - ✓ Emergency contact lists for employees
 - ✓ Employee medical and exposure records



OSHA Reporting Requirements

OSHA must be called within 8 hours of employer learning about work-related:

- death of an employee
- in-patient hospitalization of three or more employees

No reporting if incident occurs on commercial or public transportation system.

No reporting 30 days after incident.



OSHA Reporting Requirements

You must talk to a human being – no voice mails or faxes.

- Name of workplace
- Location of incident
- Time of incident
- Description of incident and injury
- Name of injured employee
- Contact person and phone number



OSHA Reporting Requirements

OSHA requires employer to record all work-related injuries or illnesses, if it results in:

- death
- days away from work
- restricted work or transfer
- medical treatment beyond “first aid”
- loss of consciousness

29 CFR 1904



Special Emergency Response – Hazardous Waste Operations & Emergency Response (29 CFR 1910.120(q))

OSHA requires special procedures for those working at hazardous waste sites and for those responding to releases of hazardous substances at any location.

- Written emergency response plan
- Pre-emergency planning and coordination with outside parties
- Personnel roles, authority, training, communication
- Emergency recognition and prevention
- Safe distances and places
- Site security and control
- Evacuation routes and procedures
- Decontamination
- Medical treatment and first aid
- Alarm procedures
- Post-incident critique
- PPE
- Briefing of independent contractors

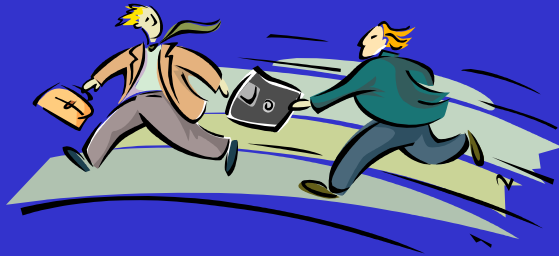


Special Emergency Response – Highly Hazardous Chemicals (29 CFR 1910.119)

Process safety management applies only to a workplace that has a process involving highly hazardous chemicals at specified threshold quantities.

Requires detailed process flow and safety procedures.

Requires employer to carefully manage all process changes, including emergency situations.



Responding to Workplace Violence

- ▶ OSHA has published guidelines for specific industries.
- ▶ Liability of building owner to tenants and third-parties, “premises liability.”
- ▶ Liability beyond OSHA for negligent hiring, retention or supervision.
- ▶ Planning and training are crucial.



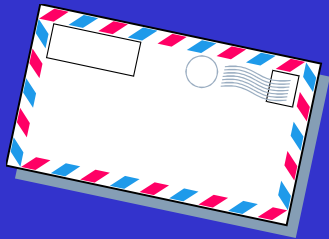
Responding to Workplace Violence

- ▶ Communicate with supervisors when concerned about incidents and report all incidents in writing.
- ▶ Report incidents to local police.
- ▶ Inform victims of right to prosecute.
- ▶ Post-incident analysis and investigation. Institute corrective actions, if possible.
- ▶ Offer stress counseling.



Telephone Bomb Threat – What To Do

- ▶ Exact time and date of call
- ▶ Exact words of caller; ask for repeat; write it down
- ▶ Keep calm
- ▶ Keep talking
- ▶ Mechanism for contacting co-worker without hanging up
- ▶ Try to ask questions
- ▶ Note voice characteristics
- ▶ Note background noise
- ▶ Implement emergency procedures, including evacuation and alarm procedures
- ▶ Post-incident analysis



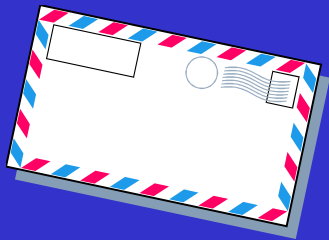
OSHA Guidance on Anthrax in Workplace

“Basic advice” and “suggest protective measures”

“Not intended to establish a legal standard of care”

“Do not impose . . . any new legal obligations”

www.osha.gov/bioterrorism/anthrax/matrix/index.html

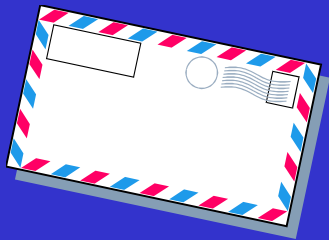


OSHA Guidance on Anthrax in Workplace

Green Zone – Spores Unlikely

- Establish safe mail handling procedures.
- Train workers on recognizing suspicious mail and how to respond.
- Train workers on how to handle mail with suspicious substances.
- Voluntary PPE – if requested, provide nitrile or vinyl gloves



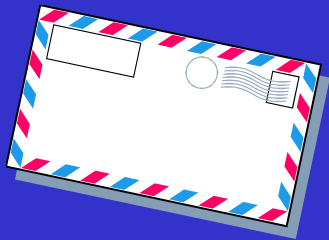


OSHA Guidance on Anthrax in Workplace

Yellow Zone – Where Contamination Is Possible



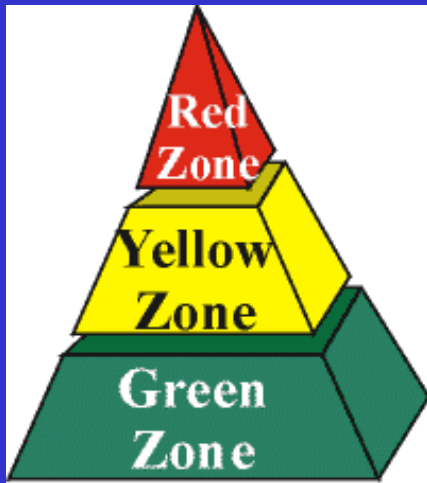
- Engineering controls as recommended by CDC
- Green zone procedures
- Restrict access
- Restrict practices
- Training
- PPE – voluntary gloves and respirators



OSHA Guidance on Anthrax in Workplace

Red Zone – Anthrax Found or Strongly Suspected

- Follow law enforcement instructions
- HAZWOPER applies to PPE and practices



Master the Disaster – In the Workplace



Key Points

- OSHA governs, but incompletely and generally
- Quality of response is based on planning and training
- Emergency action plan is key – alert and evacuate at a minimum
- Determine scope of emergency response you want to/have to provide
- Evaluate voluntary guidelines
- Stick to your plan
- Report to OSHA
- Post-incident critique