

NC Industrial Commission
Safety Bulletin

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"Safety First" is "Safety Always." ~Charles M. Hayes

September - 2005

Greetings Friends in the Name of Safety:

Since we last talked, there have been a couple of exciting developments. First, I would like to take this opportunity to say "Thank You" for your support of our efforts to gain four (4) additional Safety Representatives II here in the Safety Section of the NC Industrial Commission. The NC General Assembly APPROVED all of our requested positions. As soon as everything is finalized and posted, we will advise you.

At a recent meeting of all eight Safety Council Chairmen/Presidents, an Advisory Board was formed to assist our councils in facing the new challenges that are ahead. This board will focus on support and networking efforts and will serve in a recommendation capacity only. We look forward to good things happening with our Safety Councils.

We continue to update our email list and are asking for your help. These mailings are the life-blood for attendance of our Eight Regional Safety Councils and without good contacts; the word will not get out. If you know of someone who might wish to receive these mailings, please send their contact information along to me at parnell@ind.commerce.state.nc.us or to their area Safety Representative as soon as possible. For those of you with SPAM software, you will need to add brontomail@blast.com to your "ACCEPT ALWAYS" list. Your IP service can help you with this. If that is not an option, provide us with a personal email address if you have or can create one.

SECURITY-POLICIES & PROCEDURES

It is essential to establish a process to ensure that our vital services continue in the face of both natural and man-made incidents.

Effective planning will ensure continued safe plant operations.

- Assign roles and responsibilities to specific individuals and groups within the organization.
- Provide guidelines for conducting appropriate response actions.
- Establish systems that can mitigate the effect of an emergency or critical incident, prevent it from escalating, and enhance the recovery process.

Develop sound, written security procedures and policies for your company and incorporate them into the general emergency preparedness or contingency plan. Confirm that all crucial roles and responsibilities (e.g., facility damage assessment) are assigned either to employees, contract service providers, or emergency service providers.

Contact your emergency service providers (police, fire department, paramedics, local trauma center and hospitals) and familiarize them with your staff, your facility, and your unique circumstances. Develop a memorandum of understanding that will delineate responsibilities and describe a reporting response protocol.

Some policies and procedures to consider include the following:

- Make it a rule that all doors are locked and alarms set at the office, as well as outside facilities.
- Tell all employees to question strangers in the facilities, and do not allow access to anyone who does not have a valid reason for being there.
- Indicate restricted areas by posting "Employees Only" signs.
- Do not leave keys in equipment or vehicles at any time.
- Remember - security is everyone's responsibility!

Remember to check out our website, www.comp.state.nc.us, as we continue to post new items and information as it pertains to Safety and Workers Compensation.

Insight...

- **Lightning Causes Forest Fires. Can Forest Fires Cause Lightning?** Yes, smoke and carbon micro-particles, when introduced into the upper atmosphere, can become the initiators of static. Sufficient atmospheric static can spark discharge as lightning. Reports of massive lightning storms in coastal Brazil, Peru and Hawaii have been linked to burning of sugar cane fields. The late 90's Mexican forest fires resulted in unusual lightning activity in the USA High Plains area (Lyons, et al.) So too can dust in an enclosed grain elevator create a static discharge. Recent reports (Orville, et al) show the Houston TX petrochemical industry, discharging copious amounts of hydrocarbons into the upper atmosphere, may be responsible for higher-than-normal lightning activity in that area. (National Lightning Safety Institute)
- Motor Vehicle Deaths are the leading cause of deaths for young people 15 to 20 years old.
- Roman Emperor Nero viewed the Gladiator games through DIAMOND lenses.
- There are more bacteria in the average person's mouth than there are people on the planet. (But kissing will only be harmful in a small minority of cases - so don't let this little fact spoil your pursuit of oscillatory pleasure....)

Incident Investigation Can Be a Hazardous Process

By Barbara Semeniuk

One of the cardinal rules of incident investigation is never to recreate an incident up to the direct causes or you will recreate the incident again. Direct causes are substandard acts and conditions that precede the loss or the incident. This dry, somewhat academic rule was illustrated in the southern USA when, in a mill, a worker woke up bruised and battered and could not remember how this sad situation could have occurred. The team investigating the incident asked him what was the last thing he remembered and he complied. "The last thing I remember is doing this" he said, sticking his foot in the conveyor belt system. It promptly dragged his foot in and then him, and flung him twenty feet in the air where he landed on a pile of lumber, knocked unconscious. The team now knew how he obtained his mysterious bruises and battered body. Never, ever, recreate an incident down to the direct causes or you will recreate an incident.

I teach the definition of a hazard: something which has the potential to cause harm or injury. An incident, then, is that potential realized. Often when I am teaching hazard assessment I have my overhead projector plugged into a power source and the cord is stretched taut about six inches off the floor, an excellent example of a tripping hazard. It should be, of course, taped down, or an extension cord used but often, these are not available in the venues that I teach in so I have to be careful, use common sense and watch what I do. Frequently, students comment on this obvious oxymoron of a situation that I am facilitating hazard assessment and have to contend with so obvious a hazard. Little do they know what lies in the deepest, darkest corners of my psyche:

I fear one day I will be teaching a class in accident investigation and I will trip over the cord bringing the TV, VCR, Overhead projector down on my outstretched limbs and then the class will have an actual working case study to apply their learning on. In the deep, dank corners of my psyche I can see me writhing in agony while some wag pulls out a ruler and measures the angle of the objects striking me while another draws my outline, in chalk of course, on the floor. The others will determine the direct causes of the accident, which will be an unsafe act: the cord not plugged in properly or not using an extension cord and the fun begins. Several students will get into a spirited discussion of what incident theory to utilize to determine the root cause and whether the tap root system or the systemic failure of the management system works best to explain this sad occurrence. Then other students will work on determining the multi-causal nature of my incident, tracing the factors that lead to me tripping over the cord. Was it improper motivation? Was it fatigue? Physical limitations...the list goes on. Meanwhile, moaning in agony I will cry out for first aid training and then remember... I never taught that as the students decide how best to set my leg!

Getting back to the nightmare scenario in my soul...the easiest thing to prevent this from happening is to bring a spare extension cord or to tape the cord myself, therefore eliminating the hazard.... Yes, incident investigation can be a hazardous process but a very necessary and fulfilling one as well (and I have something on my to do list!).

OPPORTUNITIES...

St. Paul Travelers has an outstanding opportunity for an individual with 23 years of professional experience in the Safety/Risk Control field and/or Industry/Manufacturing experience. Our Risk Control Department is now recruiting for an October 2005 class. We provide a structured formal and on-the-job training program to build your understanding of long and short-term business strategies in the insurance industry. Participants also develop effective relationships with Underwriting and Service Teams, the Broker/Agent community, with Claim, with other Risk Control staff, and with our clients. Requirements: Risk Control Development Program participants must have the ability to effectively communicate verbally and through sound business writing. They also must have sound analytical skills and be customer service oriented. The ability to work independently and in a team environment is also an important qualification. For additional information contact, Jay Bauer Regional Director Risk Control Department 704-540-3216 or visit our website at: www.stpaultravelers.com

Remember to visit our FREE Video Library ONLINE! Go to our web site, www.comp.state.nc.us click on SAFETY, TABLE OF CONTENTS, VIDEO LIBRARY. You can view and print the request form and video list. If you have any questions, just give Anne Hill a call at 919-807-2603.

From the Desk of Dennis Parnell, Director Safety Education...

The Safety Education Section here at the NC Industrial Commission would like to say "Thank You" for your continued support. You are calling for our services more than ever, we are busier than ever and we are happy to be part of your team. We strive to provide quality training, suited to your needs. Please do not hesitate to contact me if you have a special need. We will do our best to provide for it! We are always open to new ideas and suggestions that will enhance our services.

Have a safe September! Dennis ☺

COMPARISON CHART
FMCSA's JANUARY 2004 HOURS OF SERVICE RULE vs. AUGUST 2005 HOURS OF SERVICE RULE

Changes are Bolded Created August 19, 2005

Courtesy of Rick Cates, NC Trucking Assn.

	JANUARY 2004 HOS RULE	AUGUST 2005 HOS RULE
	All Property Carrying Drivers and Motor Carriers	All Property Carrying Drivers and Motor Carriers
Minimum Off-Duty Hours	10 consecutive hours	Same
Maximum On-Duty Hours	14 consecutive hours (See description of short haul driver exemption below)	Same
Total Hours (On-Duty+Off-Duty)	24 hours	Same
Maximum Driving Hours	11	Same
Maximum Weekly On-Duty Limits	60 hours in 7 days 70 hours in 8 days* (*for carriers that operate 7 days a week)	Same
Restart	34-hour restart at any point in a driver's 7 or 8 day cycle	Same
Sleeper Berth Exception: Splitting Off-Duty Time	Team and Solo Drivers: 2 periods totaling \geq 10 hours, neither period may be less than 2 hours.	Team and Solo Drivers: 2 periods totaling \geq 10 hours; 1 period must be at least 8 hours in the sleeper berth; second period of time may be spent either in or out of the sleeper berth.
Electronic On-Board Recorders	Voluntary Use	Same

Federal Exceptions & Exemptions	14 longstanding exemptions in Part 395.1. New short haul driver exemption allows local drivers to drive after the 14 th on-duty hour, but not after the 16 th hour, one day a week. The 11 hour driving limit, and the 60 in7 or 70 in 8 weekly limit, still applies to drivers using this exemption.	A second short haul driver exemption has been added that allows local drivers <u>who are not required to have a CDL</u> , operating within a 150 air mile radius of their starting point, to drive after the 14 th hour, but not after the 16 th hour, <u>two days per week</u> . The 11 hour driving limit, and the 60 in7 or 70 in 8 weekly limit, still applies to drivers using this exemption.
Effective Date	January 4, 2004	October 1, 2005. However, a "transitional" period will run from Oct 1 through December 31, allowing carriers to re-program systems, train drivers, etc. Soft enforcement is likely to be the case during this transitional period.

SUMMARY OF HOUSE BILL 99

1. Establishes 12 member study committee appointed by Speaker of the House Jim Black and President Pro Tempore Marc Basnight to research and propose legislation regarding:
 - a. Appropriate workers' compensation coverage and benefit levels including PPD benefits, cost of living adjustments, and comparison of benefits with other states
 - b. How workers' compensation system functions with social security disability, private disability insurance, and other disability benefits
 - c. Suitable employment issues
 - d. Asbestos/silica exposure compensation
 - e. Medical benefits manner and duration
2. Amends 97-12 to include definition of "intoxication" and "under the influence" and establishes standard for rebuttable presumption of impairment from use of alcohol or a controlled substance
3. Amends 97-18 modifying requirements for investigation, admission, denial, and payment without prejudice of claims
4. Amends 97-26 establishing right of employee or healthcare provider to request Industrial Commission determine any dispute regarding payment of charges for medical compensation

5. Creates 97-25.6 establishing new laws regarding employer/insurance carrier access to claimant's medical information and communications between employer/insurance carrier and healthcare providers regarding claimant's medical condition
6. Amends 97-17(b) and 97-82(a) regarding required information that must be submitted to the Industrial Commission for review and approval of Compromise Settlement Agreements and Form 21 & Form 26 Agreements for Compensation
7. Amends 97-88.2 to provide that the Industrial Commission may enter necessary order to ensure that claimants convicted of workers' compensation fraud do not benefit from their unlawful conduct

The *NC Industrial Commission Safety Education Section* stands ready to assist you with your Safety training needs. We offer a variety of courses, designed to suit your needs. Please give one of our Industrial Safety Representatives a call..

- Mel Harmon-Mid-State Area and Defensive Driving Instructor - 919-218-3374 Cell 919-545-0641 Office harmonm@ind.commerce.state.nc.us
- Alvin Scott - Eastern and Southeastern Carolina Area - 919-218-2792 Cell 252-291-1370 Office scotta@ind.commerce.state.nc.us
- Eric Johnson - Western Carolina, Blue Ridge & Southern Piedmont Areas - 919-218-3567 Cell, 704-933-2414 Office johnsone@ind.commerce.state.nc.us
- Randy Cranfill - Western and Central Piedmont Areas - 919-218-2986 Cell 336-679-8493 Office cranfilr@ind.commerce.state.nc.us
- Anne Hill - Program Assistant - 919-807-2603 hilla@ind.commerce.state.nc.us
- Dennis Parnell - Director - 919-218-3000 Cell, 919-807-2602 Office parnell@ind.commerce.state.nc.us

We Are Working For You!

[CLIP AND SAVE]

Upcoming Events...

1. **September 8, 2005 - Blue Ridge Safety Council Regional Workshop - 8AM-NOON and again from 1 PM-5 PM - Location International Textile Group Inc -Haynes Plant (Formerly Cone Mills Haynes Plant) 2401 Ellenboro-Henrietta Road Henrietta NC 28076**
2. **September 13, 2005 - Mid-State Safety Council Quarterly meeting-Defensive Driving Workshop, Campbell University, Morrisville Campus-Room 134- 808 Aviation Parkway, Morrisville, NC 9 AM**
3. **September 15, 2005 - Central Piedmont Safety Council Workplace Wellness Seminar, Hawthorne Inn, Winston-Salem, NC 8 AM**
4. **September 27, 2005 - Western Piedmont Safety Council Workshop, The Hub, Hudson, NC**
5. **October 6, 2005 - Eastern Carolina Safety Council - Quarterly meeting Wilber's BBQ, Goldsboro, NC 6 PM**
6. **October 11, 2005 - Western Carolina Safety Council Fall Workshop, Blue Ridge Paper**
7. **October 13, 2005 - Central Piedmont Safety Council Regional Workshop, Forsyth County Extension, 8AM-NOON and again from 1 PM-5 PM**
8. **October 19, 2005 - Mid-State Safety Council Fall Workshop - Sharon Harris Visitors Center, New Hill, NC 8 AM**
9. **October 19 - 21, 2005 - NC Industrial Commission Workers' Comp Conference, Sheraton Imperial, RTP, NC**
10. **October 27, 2005 - Southern Piedmont Safety Council Fall Workshop - Rowan Cabarrus NORTH Campus, Salisbury NC 8 AM-2 PM**
11. **October 27, 2005 - Blue Ridge Safety Council - TBA**
12. **May 9-12, 2006 NC Statewide Safety Conference, Joseph Koury Convention Center, Greensboro, NC.**