



OSHA/CONSTRUCTION NEWS SUMMARY

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OSHA'S Severe Violators Enforcement Program (SVEP) directive became effective on June 18th. The agency announced in April that it was implementing the program to focus on employers who continually disregard their legal obligations to protect their workers. [Read more....](#)

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Colorado Most Frequently Cited Standards [Read more....](#)

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TRANSPORTATION NEWS SUMMARY

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MINING NEWS SUMMARY

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METAL/NONMETAL MINE FATALITY

On June 20, 2010, a 52 year-old mechanic with 8 years of experience was **fatally injured at a surface copper operation**. [Read more....](#)

MONTHLY SAFETY TIP NEWS SUMMARY

WEST NILE VIRUS

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Grand Junction Daily Sentinel

The Trucker

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Observer & Reporter (Washington, PA)



OSHA Takes Action to Protect America's Workers with Severe Violator Program and Increased Penalties

OSHA'S Severe Violators Enforcement Program (SVEP) directive became effective on June 18th. The agency **announced in April** that it was implementing the program to **focus on employers** who **continually disregard their legal obligations** to protect their workers.

OSHA's SVEP focuses **enforcement efforts** on employers who **willfully and repeatedly endanger workers** by exposing them to serious hazards. The directive **establishes procedures and enforcement actions** for the severe violator program, **including increased inspections**, such as mandatory **follow-up inspections** of a workplace found in violation and inspections of **other worksites of the same company** where similar hazards or deficiencies may be present.

The directive explains that the SVEP is intended to **focus enforcement efforts** on employers who have **demonstrated recalcitrance or indifference** to their OSH Act obligations by committing **willful, repeated or failure-to-abate violations** in one or more of the following circumstances:

- a fatality or catastrophe situation;
- in-industry operations or processes that expose workers to severe occupational hazards;

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- exposing workers to hazards related to the potential releases of highly hazardous chemicals;
- and all egregious enforcement actions.

Visit the [Severe Violator Enforcement Program directive](#) for more details.

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 **assure these conditions** for America's working men and women by setting and enforcing standards, and **providing training, education and assistance**. For more information, visit <http://www.osha.gov>.

Also, several administrative **changes to the penalty calculation system** are being made. These administrative enhancements will become **effective in the next several months**. The average penalty for a **serious violation** will increase from about \$1,000 to an average **\$3,000 to \$4,000**.

For more information on the penalty policy, visit <http://osha.gov/dep/administrative-penalty.html>.

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OSHA Releases Worker Exposure Data - Also Issues Directive on Protecting Non-English Speaking Workers from Hazards

The data is comprised of measurements taken by OSHA compliance officers during the course of inspections. It includes exposure levels to hazardous chemicals including asbestos, benzene, beryllium, cadmium, lead, nickel, silica, and others.

For more information, go to <http://www.osha.gov/opengov/healthsamples.html>.

OSHA also issued an [enforcement memorandum](#) directed at protecting Latino and other non-English speaking workers from workplace hazards. It directs compliance officers to ensure they check and verify that workers are receiving OSHA required training in a language they understand.

National Utility Contractors Association CO Members in the Spotlight



Michael Stookey recently completed the **NUCA Safety Instructor Train-the-Trainer program** in Dallas. As a **NUCA Instructor**, Stookey is now available to provide corporate training in **NUCA Competent Person** and **NUCA Confined Space Entry**.

A member of **NUCA of Colorado's Safety, Compliance & Training Committee**, Stookey is **General Manager** of **MJS Safety, LLC**, in Centennial. **Mr. Stookey can be reached at mjs@mjsafety.com.**

Colorado Most Frequently Cited Construction

(29 CFR 1926) Standards (10/01/08 - 09/30/2009)

- Fall Protection - General .501
- Scaffolds - General Requirements .451
- Ladders .1053
- Eye and Face Protection .102
- Head Protection .100
- Excavations - Protective Systems .652
- Excavations – Specific Requirements .651
- Fall Protection Systems and Criteria .502
- Aerial Lifts .453
- Stairways .1052

General Industry (29 CFR 1910) Standards

- Respiratory Protection .134
- Hazard Communication .1200
- Electrical - Wiring Methods .305
- Powered Industrial Trucks .178
- Machine Guarding .212
- Lockout/Tagout .147
- PPE - General Requirements .132
- Electrical - General Requirements .303
- General Duty Clause 5(a)(1)
- Guarding Floor/Wall Openings .23

See a full description of the [Standards](#)

Multi-Employer Worksites open door to Multi-OSHA Citations for hazard exposures

In a Letter of Interpretation, an employer requested clarification on who would be cited for electrical cord violations on a construction worksite where there are subcontractors and a general contractor.

Any employer that exposes one of its employees to the hazards created by an unsafe electrical cord on a construction site may be subject to an OSHA citation. In situations where an employer's own employees are not exposed to a hazard, that employer may still be cited if the employer qualifies as a "creating, correcting or controlling" employer.

Which employer has the right to take a hazardous electrical cord out of service on a multi-employer worksite? OSHA said that it's a contractual matter not governed by the agency; however, more than one employer may be subject to an OSHA citation.

More Charges Possible in Fatal I-70 Accident

The Colorado State Patrol said an **investigation continues** and **charges are possible** against more people in a **fatal accident** on June 29 along Interstate 70 in which a **trucker already has been charged**.

State Patrol Sgt. Aaron Lang said **additional charges may be recommended**, pending the outcome of **additional interviews** and **reconstruction** of the accident which killed 60-year-old Jose Aragon of Grand Junction.

Tinauris Wise, 33, an **over-the-road trucker** who lives in Chicago Heights, Ill., was formally charged with a felony count of **criminally negligent homicide** and **misdemeanor counts of reckless endangerment** and obstructing a highway.

In filing the felony charge, prosecutors **allege Wise “unlawfully and feloniously”** caused the death of Aragon, who was **thrown from a vehicle** after it was struck in the westbound lane of I-70 near De Beque.

In an arrest affidavit, **Wise admitted placing emergency cones in the right lane of traffic which forced vehicles into the left lane**.

Aragon was a passenger in a car driven by Sharon Diaz of Grand Junction. Diaz **merged into the left lane** shortly before her vehicle was **struck from behind**. Wise's affidavit said witnesses described Diaz's vehicle as **moving at a slower speed when it was rear-ended at high speed by a vehicle** driven by Richard Carlson of Rifle.

Wise told troopers his **tractor-trailer had been broken down for nearly eight hours** alongside I-70, two miles west of the De Beque exit, and that he was **waiting for a tow truck**, according to the affidavit.

He **acknowledged initially placing his emergency cones directly behind his truck** on the shoulder of the roadway before **moving them into the right lane** of westbound traffic because cars were coming “too close.” He said **one car nearly hit him**. Wise said he had **been attempting to signal oncoming traffic**, redirecting vehicles **into the left lane**.

Wise is free on bond and is scheduled to return to court in August.

CVSA ENCOURAGES UCR ENFORCEMENT BEGINNING JULY 15

The Commercial Vehicle Safety Alliance (CVSA) is encouraging all jurisdictions throughout North America to **begin enforcement** of the **Unified Carrier Registration (UCR)** for the 2010 registration year to begin effective July 15, 2010. **All motor carriers** (for-hire, private and exempt) – as well as **brokers, freight forwarders, and leasing companies operating in interstate or international commerce** are subject to the **UCR**.

Entities based in Canada and Mexico that are involved in interstate or international commerce in the United States **also are subject to UCR**. **Forty-one states are participating in UCR** for the 2010 calendar/registration year and will serve as **UCR** base states.

“Revenue generated from **UCR** helps fund **safety and enforcement programs** which in turn goes a long way to **ensuring safer roads and saving lives**,” said **CVSA’s** interim executive director.

For more information on the states participating, or questions about the program, please visit the Unified Carrier Registration center’s web site at www.ucr.in.gov.

CVSA is an international not-for-profit organization comprised of **local, state, provincial, territorial, and federal motor carrier safety officials** and industry representatives from the United States, Canada, and Mexico. Our mission is to **promote commercial motor vehicle safety and security** by providing leadership to enforcement, industry and policy makers. The Alliance **actively monitors, evaluates, and identifies solutions** to potentially unsafe transportation processes and procedures related to driver and vehicle safety requirements most often **associated with commercial motor vehicle crashes**. For more on **CVSA**, visit www.cvsa.org.

Carrier Interactions with FMCSA to Likely Soar under CSA 2010, Field Test Shows



If the field test is any indication, motor carriers generally had **best be prepared** for a **very significant increase** in interactions with the **Federal Motor Carrier Safety**

Administration under **CSA 2010** than the current SafeStat compliance review system.

The **agency's new initiative** to improve **large truck and bus safety** and ultimately **reduce** commercial motor vehicle related crashes, injuries and fatalities will replace the current system later this year.

In January 2008, **FMCSA** and its state partners initiated a **30-month field test** to measure the **efficiency and effectiveness** of the new safety management system (**SMS**) and intervention components of the **CSA 2010** model.

The field test **began with four states** — **Colorado**, Georgia, Missouri, and New Jersey. **Five more states were added** in the fall of 2009 — Delaware, Kansas, Maryland, Minnesota, and Montana.

FMCSA and its state partners applied the new **SMS** and **CSA 2010** interventions to all of the motor carriers in those states to learn of any operational issues arising from use of the **CSA 2010** model on all motor carriers in a state prior to a **nationwide rollout**.

Based on the **actual field test**, the **FMCSA** provided data to **The Trucker** on five what could be informally called "**interaction**" categories — carriers contacted, interventions, investigations, follow ons and warning letters. **The Trucker** asked **FMCSA** to compare the **actual data** from the field test to what would have occurred under **SafeStat** based on the same circumstances.

Warning letters more than quadrupled from an estimated 940 under **SafeStat** to 4,232 under **CSA 2010**.

Carriers contacted and interventions more than doubled. Carriers contacted jumped from an estimated 2,540 to 6,460 during the field test.

Interventions went from an **estimated** 3,690 to 8,049. **Investigations** went from 2,040 to 2,748 and **follow ons** from 710 to 1,069.

During the field test, motor carriers domiciled in each state **were randomly divided into two groups equal in size** — a **test group** and **control group** to provide a comparison between **CSA 2010** and the current **FMCSA** business model.

Motor carriers in the test group were assessed using the new **SMS**, and the **CSA 2010** interventions were applied.

Those in the control group were assessed using **SafeStat**, and the current compliance review was used for intervention.

Truck Safety Groups Seek 8-Hour Driver Rule

Truck safety groups are calling for a **dramatic reduction** in the **time truck drivers are allowed** to be behind the wheel, saying federal regulators should **limit driving time to eight hours** a day and 40 hours a week.

The **cutback from 11 hours a day** would likely have a **profound impact** on the trucking industry and on shipping distribution networks now built around **trucking networks** that can **stretch for hundreds of miles**.

The **Truck Safety Coalition**, **Public Citizen** and **Advocates for Highway and Auto Safety** detailed their vision of new **driver hours of service rules** in a comment filed in June with the **Federal Motor Carrier Safety Administration**, which decided last year to **re-open driver rules** that have been **contested** and **changed** over the **last 15 years**. The groups also said truck drivers should have a **maximum 12-hour work day** that **includes loading and waiting**.

The **daily driving time** available to truckers would be **cut by 27 percent** and likely **shorten daily lengths** of haul for many truckers **by 100 to 150 miles**, driving up company costs as they try to serve longer supply chains and **leaving more business likely to shift to railroads**.

[Read more](#)

See the [comment](http://www.regulations.gov) at www.regulations.gov.

Necessary Attention to Gas 'by-product'

A crackdown by state police in Pennsylvania provides hard evidence that the actual drilling process is **not the only potential threat** posed by **gas-drilling operations**.

During a **three-day enforcement effort** targeting **trucks hauling wastewater** from **gas-drilling operations** statewide, troopers forced drivers to park 250 commercial vehicles. **Operation FracNET**, as it was called, also involved participation by the state Department of Environmental Protection, the state Public Utility Commission and the **Federal Motor Carrier Safety Administration**.

In all, **more than 1,100 vehicles were stopped and inspected**. Of the 250 that were taken out of service, more than 130 were **hauling wastewater from drilling sites**. Forty-five drivers were pulled off the roads by troopers, **including 23 who were driving wastewater trucks**. Their offenses were not immediately detailed.

Many residents **where drilling is taking place** have seen their **roads pulverized by heavy truck traffic**. At least some of the drivers of the wastewater trucks take **speed limit signs as mere suggestions**.

The **drilling companies might argue** that the **drivers and companies handling removal of wastewater** are merely contractors and not under their direct control, but the **gas drillers are ultimately responsible for any and all segments of the process**.

As **activities at natural gas sites** continue to increase, it is important that **everyone involved**, including the **wastewater transportation industry**, understands environment and traffic safety laws and **complies with them**.

CVSA warns teens of dangers of cutting it close with a truck

The **Commercial Vehicle Safety Alliance (CVSA)** announced a **new targeted strategy** to reduce deaths related to commercial motor vehicle (**CMV**) crashes by **talking with an unlikely, yet critical, group — teenagers**.

Getting a driver's license is a **rite of passage that many teens anxiously await**. For the first time in their lives, they are **overcome with a sense of freedom**. Compound this feeling by the **thrill of driving with friends, speeding, aggressive, and distracted driving behaviors**, and this rite of passage **puts teens at increased risk on the highway**. In fact, **teens comprise six percent of licensed drivers** yet they are **involved in 12 percent of traffic fatalities** in the U.S.

"While truck and bus drivers do contribute to some traffic crashes, research shows that **too many drivers of passenger cars**, especially **young people ages 16 to 24 years old**, unnecessarily **endanger themselves** and others by **failing to recognize** that large **CMVs** and cars differ in their handling characteristics," said Stephen A. Keppler, **CVSA's** Interim Executive Director.

"As a result of these unsafe actions, behaviors of the **passenger vehicle driver are the critical reason behind most traffic crashes involving large CMVs** and passenger vehicles." **CVSA** says there were 5,390 such teen fatalities from 2003 through 2007.

To reduce such deaths, **CVSA** developed **The Teens & Trucks Program**. The goal of the program is to **help educate teens** about **safe driving practices around commercial vehicles**. [Read the entire article](#)

For more information about "Teens & Trucks" - how parents, educators, and others can get involved - visit www.teensandtrucks.com.

The **Teens & Trucks Program**, including instructor manuals, student workbooks, DVD and one-page handout, is **all provided free of charge** through a federally-funded grant by **FMCSA**; and, is available to order online.

For more information on **Operation Safe Driver** visit www.operationsafedriver.com.

Mining Legislation Carries OSHA Ramifications

On July 21, the House Education and Labor Committee passed the **Robert C. Byrd Miner Safety and Health Act of 2010 (HR 5663)**. The bill updates **America's mine health and safety laws** in the wake of the recent mining tragedy in West Virginia.

You will recall that 29 miners were killed at Massey Energy's Upper Big Branch Mine; the worst coal mine disaster in America in 40 years. While **the legislation focuses on mining operations, NUCA and the Coalition for Workplace Safety (CWS) are concerned with the correlation to OSHA regulations.**

In a letter sent to leaders of the committee on July 20, the **CWS cautioned Congress that "the legislation, while primarily addressing issues with mine safety, would result in the most sweeping changes to the OSH Act since its inception.**

Unfortunately the provisions of this bill are not the right approach to assist both employers and employees in our shared goal of maintaining safe and healthful workplaces."

Provisions regarding mandatory abatement procedures, increased civil and criminal penalties, and whistleblower protections are among the issues included in this legislation. Reminding lawmakers about the increased safety record of America's employers, the **CWS said "According to the Bureau of Labor Statistics, from 1994 to 2008 the total recordable case rates for workplaces injuries and illnesses have been cut in half (improved by 53.6 percent), and workplace fatalities are now at their lowest level ever."**

NUCA will continue to monitor the progress of HR 5663 and actively oppose the legislation as long as the related OSHA implications remain in the bill.

METAL/NONMETAL MINE FATALITY

- On June 20, 2010, a 52 year-old mechanic with 8 years of experience was fatally injured at a surface copper operation. A ½ ton pickup truck had parked in front of a 240 ton haul truck that was also parked. The haul truck pulled forward and struck the pickup truck fatally injuring the driver and seriously injuring another miner.



Best Practices

- **Do not park smaller vehicles in a large truck's potential path of movement.**
- **Before moving mobile equipment, be certain no one is in the intended path, sound the horn to warn possible unseen persons, and wait to give them time to move to a safe location.**
- **Ensure all persons are trained to recognize work place hazards, specifically the limited visibility and blind areas inherent to operation of large equipment and the hazard of mobile equipment traveling near them.**
- **Establish procedures that require smaller vehicles to maintain a safe distance from large mobile equipment until eye contact is made or approval to move closer is obtained from the mobile equipment operator. Provide training in these procedures.**
- **Install cameras and collision avoidance systems on large trucks to protect persons.**
- **Regularly monitor work practices and reinforce the importance of them. Take immediate action to correct unsafe conditions or work practices.**

This is the **11th fatality reported in calendar year 2010** in the metal and nonmetal mining industries. **As of this date in 2009, there were 13 fatalities reported in these industries. This is the 2nd Powered Haulage fatality in 2010. There were 3 Powered Haulage fatalities in the same period in 2009.**



WEST NILE VIRUS

West Nile Virus (WNV) infection is an illness transmitted to humans primarily by mosquitoes. The pathogen that causes WNV infection is a virus that is known to infect birds and other animals as well as humans. Employees working outside are at risk, particularly in warmer weather (when mosquitoes are more likely to be present). The following information is designed to educate employers and workers on the virus and also offer ways to reduce the risks of infection.

WHAT ARE THE SIGNS AND SYMPTOMS OF WEST NILE VIRUS?

In most cases, persons infected with WNV either show no symptoms or have very mild flu-like symptoms, called **West Nile fever**. These mild cases of **West Nile fever** normally last only a few days and are not believed to cause any long-term effects. The typical time from infection to the onset of signs and symptoms is 3 to 14 days. Signs and symptoms of the milder illness, **West Nile fever**, include:

- HEADACHE
- FEVER
- BODY ACHES
- SWOLLEN LYMPH NODES
- SKIN RASH

According to the **Centers for Disease Control and Prevention (CDC)**, severe illness is reported to occur in about 1 in every 150 persons infected with WNV. Symptoms of severe disease may last several weeks and may have permanent neurological effects. The signs and symptoms of more severe infection (**West Nile encephalitis or meningitis**) include:

- HEADACHE
- HIGH FEVER
- STIFFNESS IN THE NECK
- DISORIENTATION (IN VERY SEVERE CASES, COMA)
- TREMORS AND CONVULSIONS
- MUSCLE WEAKNESS (IN VERY SEVERE CASES, PARALYSIS)

Persons who develop symptoms of severe WNV illness should seek medical attention immediately, as this disease can be fatal.

HOW CAN WORKERS BECOME EXPOSED?

Flooded areas, particularly in warm climates, provide the opportunity for mosquitoes to breed in stagnant water. Bites from infected mosquitoes may result in WNV.

WHAT CAN EMPLOYERS DO TO REDUCE THE RISK TO WORKERS?

Employers should keep in mind that elimination of mosquito breeding grounds is a highly effective way of reducing mosquito populations and reducing the number of mosquito bites.

Mosquitoes lay eggs in standing water. Employers with employees working in and around areas of stagnant water should:

- Be aware of working conditions, i.e., the presence of equipment or areas where water accumulates.
- Advise employees to inspect work areas and, where possible, get rid of sources of stagnant or standing water to remove a potential breeding ground of mosquitoes.
- Reduce or eliminate mosquito populations by disrupting mosquito breeding grounds
- Encourage workers to protect themselves from skin contact with dead birds. CDC recommends using gloves or an inverted plastic bag when handling dead birds.

WHAT CAN WORKERS DO TO PROTECT THEMSELVES?

It may not always be possible to eliminate all potential mosquito breeding grounds. Knowledge of some key steps that employees can take to minimize the risk of mosquito bites is, therefore, important in reducing the risk of **WNV** infection. Employees who work outdoors should be aware that the use of personal protective equipment and techniques is essential to preventing mosquito bites. Employees should:

- Cover as much of the skin as possible by wearing shirts with long sleeves, long pants and socks whenever possible.
- Use light weight clothing to minimize the potential for heat-induced illnesses.
- Use insect repellents containing DEET on skin that is not covered by clothing.
- According to the CDC, the most effective repellents contain DEET (N, N-diethyl-mtoluamide or N, N-diethyl-3-methylbenzamide).
- Avoid the use of perfumes and colognes when working outdoors during peak times when mosquitoes may be active; mosquitoes may be more attracted to individuals wearing perfumes and colognes.
- Choose a repellent that provides protection for the amount of time that you will be outdoors/ in areas of concern.
- The more DEET a repellent contains, the longer time it can protect one from mosquito bites, with protection times ranging from 1 hour (4.75% DEET) to 5 hours (23.8% DEET).
- Spray insect repellent on the outside of one's clothing, as it is possible for mosquitoes to bite through thin clothing.
- Do NOT spray insect repellent on skin that is under clothing.
- Never apply repellents over open wounds or irritated skin.
- Do NOT spray aerosol or pump products in enclosed areas.
- Do NOT spray a pump or aerosol product directly on one's face. First spray on hands and carefully rub on face (do not allow insect repellent to contact one's eyes and mouth).
- After working in areas where mosquitoes are a concern, use soap and water to wash skin that has been treated with insect repellent.
- Be extra vigilant at dusk and dawn when mosquitoes are most active.

(NOTE: WEST NILE INFORMATION PROVIDED COURTESY OSHA FACT SHEET)