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[Read more....](#)

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MONTHLY SAFETY TIP NEWS SUMMARY

HEAD PROTECTION SURVEY

Prevention of head injuries is an important factor in every safety program. A single injury can handicap an employee for life, or it can be fatal. [Read more....](#)

MJS SAFETY TRAINING SUMMARY

Make 2011 the Year to Improve Safety Awareness

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- OSHA.gov
- MSHA.gov
- Truckinginfo.com
- ATA
- Omega Laboratories, Inc.
- US Senator Mark Pryor
- Aggregate research.com



OSHA/CONSTRUCTION

OSHA to kick off North American Occupational Safety and Health Week

OSHA will host an event **May 2**, at Department of Labor headquarters in Washington, D.C., to mark the start of the annual **North American Occupational Safety and Health Week**. **NAOSH Week** is an annual event designed to underscore the importance of safety and health in the workplace.

This year the **American Society of Safety Engineers** and the **Canadian Society of Safety Engineering** will celebrate the **strides made in safety over the past 100 years** and look to a future of worldwide workplace injury and illness prevention. **OSHA** Assistant Secretary David Michaels, ASSE President Daryl Hill, and CSSE Secretary Andrew Cooper will speak at the event.

~As OSHA celebrates 40 years of protecting workers, we also remember the labor pioneers, safety advocates, community leaders and ordinary workers whose vision for a stronger America laid the foundations for the laws that keep workers safe and healthy today.

The 100th anniversary of the [Triangle Shirtwaist Factory Fire](#), which killed 146 workers in a New York City garment factory, marks a century of reforms that make up the core of OSHA's mission. Use this page to learn more about a tragic event that led to a "general awakening" that continues to drive OSHA's commitment to workers.

"The worst day I ever saw"

One hundred years ago on March 25, fire spread through the cramped Triangle Waist Company garment factory on the 8th, 9th and 10th floors of the Asch Building in lower Manhattan. Workers in the factory, many of whom were young women recently arrived from Europe, had little time or opportunity to escape. The rapidly spreading fire killed 146 workers.

The building had only one fire escape, which collapsed during the rescue effort. Long tables and bulky machines trapped many of the victims. Panicked workers were crushed as they struggled with doors that were locked by managers to prevent theft, or doors that opened the wrong way. Only a few buckets of water were on hand to douse the flames. Outside, firefighters' ladders were too short to reach the top floors and ineffective safety nets ripped like paper.

The catastrophe sent shockwaves through the city, beginning in the communities of immigrant workers on Manhattan's Lower East Side, where families struggled to identify their lost in makeshift morgues. Family grief turned to citizen anger as the causes of the fire - including the abhorrent working conditions at the time - were exposed.

The public outcry over what was clearly a preventable tragedy brought a renewed sense of urgency to the labor movement and to other groups working to improve women's and immigrants' rights in the workplace.

Frances Perkins, who became the Secretary of Labor under President Franklin D. Roosevelt, witnessed the horror from Washington Park, recalling later that what she saw convinced her that "...something must be done. We've got to turn this into some kind of victory, some kind of constructive action." Perkins and other leaders with direct experience of the Triangle fire, like New York Governor Al Smith, soon helped marshal new workplace safety standards into law in the State of New York, setting an example for the rest of the country.

The Triangle factory fire remained the deadliest workplace tragedy in New York City's history until the terrorist attacks on the World Trade Center 90 years later.

"It is this sustained legacy of reforms that paved the way for OSHA's 40 years of protecting workers. As we celebrate one anniversary and mourn another, OSHA remembers these 146 workers and the more than 4,000 workers who died on the job in 2009 by refusing to accept these tragedies as a normal cost of doing business." - Dr. David Michaels, Assistant Secretary of Labor for Occupational Safety and Health

Appeals Court Upholds OSHA's Fall Protection Directive

The U.S. Court of Appeals for the Seventh Circuit **rejected a challenge** by the National Roofing Contractors Association to the Occupational Safety and Health Administration's December 2010 directive on the **use of fall protection in residential construction**.

The directive withdrew an earlier one that **allowed** certain residential construction employers to **bypass some fall protection requirements**. The Bureau of Labor Statistics estimates that **40 workers are killed on average each year** as a result of falls from residential roofs.

"**Fall protection saves lives**," said OSHA Assistant Secretary David Michaels. "**There are effective means** available to **protect** residential construction workers from falls. We **applaud the court's decision** upholding this updated, **common-sense directive**."

Construction and roofing companies have until June 16th to **comply with the new directive**. See the [news release](#) for more information.

Guidance Document Provides Methods to Help Prevent Injuries and Deaths Among Residential Construction Workers

To help employers comply with the new **fall protection directive** (see previous story) OSHA issued a guidance document on [Fall Protection in Residential Construction](#).

Falls are the **leading cause of death** for workers involved in residential construction. The document **focuses primarily** on new construction and shows how **employers can prevent fall-related injuries and death** by methods that include using **bracket scaffolds, anchors, safety net systems and guardrails** during activities such as weatherproofing a roof or installing roof sheathing, walls and subfloors.

Using a reusable anchor with a retractable lifeline



New Safety and Health Injury Prevention Sheet Provides Information on Rigging Hazards

'applicable for all rigging/signaling operations'

OSHA issued a new [Safety and Health Injury Prevention Sheet](#) to help **protect workers** against **hazards posed** during rigging operations in shipyards. It **provides both employers and workers** with **real-world hazard information and solutions**.

Workers performing **rigging functions** use **ropes and cables** to secure a ship's parts and sections for **lifting by cranes, hoists and other material handling equipment**.

OSHA's [Maritime Advisory Committee on Occupational Safety and Health](#) identifies rigging as a **high-hazard operation** because **loads that are improperly rigged** can expose workers to **falls, electric shock, amputation and being crushed by objects**, among other hazards.

OSHA Revisions Strengthen Outreach Training Program

OSHA revised its voluntary **Outreach Training Program** requirements and procedures to **improve the quality** of outreach classes and **ensure the integrity of its authorized trainers**. Formerly known as the "program guidelines", the new "[program requirements](#)" will **apply to all Outreach Training Programs**, with separate procedures for each specific program. The **new requirements include** a **'trainer code of conduct'** and a **Statement of Compliance** which requires each trainer to verify that the training they conduct will be **in accordance** with the **Outreach Training Program** requirements and procedures.

Other **program enhancements** involve **limiting classroom size** to a maximum of 40 students, **limiting the use of translators** to those with **safety and health experience**, and **limiting the amount of time spent on videos** during the training. See the [news release](#) for more information.

The [Outreach Training Program](#), a voluntary participation information resource, is part of OSHA's [Directorate of Training and Education](#). The program **comprises a national network of more than 17,000 independent trainers** who teach workers and employers about OSHA, workers' rights and how to identify, avoid and prevent **workplace hazards**. There are **10- and 30-hour outreach classes** for [construction](#), [general industry](#) and [maritime](#), and **15-hour classes** for [disaster site workers](#). Students who successfully complete classes receive completion cards.

Former FMCSA Chief Speaks out on HOS, EOBRs

Former **Federal Motor Carrier Safety Administrator** John Hill believes **it's going to take Congressional action** to put an end to the never-ending cycle of hours of service litigation and rewrites. "Frankly, folks, the hours of service rule is something that is going to be litigated for a long time," said Hill, speaking to the National Private Truck Council Tuesday.

Hill is now consulting with trucking companies as principle of The Hill Group. He was involved in the hours of service saga during the mid-2000s rewrites. Under his watch, he said, the agency could not justify the 10-hour driving time and changes to the 34-hour restart under the cost vs. benefits analysis required by law to be done by the White House Office of Management and Budget for major regulations.

"During my tenure I made several trips over to the White House to talk about hours of service rules because of the significant impact it would have on the economy," Hill said. "So there was tremendous concern about the implications of this rule, even in the midst of a vibrant economy."

So how is the **FMCSA** justifying the cost vs. benefits today? In January 2009, Hill explained, the value of a human life at the DOT changed from \$3 million to \$6 million. By doubling that value, the DOT was able to make the cost vs. benefits numbers work.

"If you go through this proposed rule, you will see a lot of the benefits that accrue to this rule are through driver health related issues. And I think there are some driver health issues in that rule. But I will tell you when I was at the agency, there was very little data correlating the cost to those driver health benefits. I'm sure there have been some improvements in terms of quantifying that data, but still, it's very scarce. So if the agency moves ahead with the hours of service rule and people bring suit against it, you can be sure they're going to go after the cost-benefit part of it."

Hill said it's going to take Congressional action to stop the cycle. His experience with the agency has led Hill to the belief that it's the political powers that be who are pushing the buttons, not the regulatory appointees.

"I can assure you that Anne Ferro, current **FMCSA** administrator, is getting marching orders. Let me remind you she had been confirmed only one day, when the very next day, the DOT secretary announced an agreement with Public Citizen on a moratorium for the lawsuit and a rewrite of the hours of service rule. She had no input in that. I am sure it is difficult for her to work through this issue because there are people at the White House that are very sympathetic to labor."

"I do not think there will be a resolution to the hours of service rule until the politicians get involved and do something by statute," Hill predicted. "I know right now our representatives and senators are preoccupied with financial decisions and it's going to be difficult for them to even address the highway bill, but I believe it's going to be essential for people in Congress to issue some sort of moratorium."

Hill believes if Congress issued some sort of stay on changing the hours of service rules while the agency went ahead with its proposal for mandatory electronic onboard recorders to track driver hours, data could be collected that would back up the safety of the current hours of service. "Let that become the proving ground for highway safety in terms of HOS compliance."

In fact, Hill said, one of the things he regrets about his time as administrator is that he did not broker some sort of agreement between the trucking industry and Public Citizen and the other safety groups that have challenged the hours of service, which would have left the hours of service rules alone in exchange for mandatory EOBRs.

ATA Points Out Outdated Rules to DOT

Responding to President Obama's call to help reduce the regulatory burden on U.S. businesses, American Trucking Associations highlighted nine outdated, obsolete or onerous rules that the Department of Transportation should reconsider.

"The trucking industry understands the need for sensible regulations, particularly when it comes to safety," ATA President and CEO Bill Graves said. "However, as this list demonstrates, we must constantly review those regulations to make sure they continue to make sense."

In comments filed April 1, ATA pointed to a number of rules issued by the **FMCSA** and the Pipeline and Hazardous Materials Safety Administration as unnecessary or redundant.

C.R. England Improves Safety With Innovative Approach to Applicant Screening



C.R. England, a Salt Lake City-based global transportation provider, and **Omega Laboratories, Inc.** a state-of-the art drug testing facility, have **announced an innovative drug screening partnership** that will **test the hair samples** of driver applicants. This program will **enhance England's pre-employment drug screening** process with the end result of **putting safer drivers** on the road.

"The **industry-wide impact** of being able to **conduct a pre-employment drug test** that reviews a **longer screening history** is a **tremendous improvement** over the current Federally mandated requirements," said Dustin England, Vice President of Safety and Compliance for C.R. England. "**With hair testing**, we are able to **detect months of time** rather than the **handful of days checked with standard urine tests**. We found our **hair testing positive rate** was over **three times higher** than the required **DOT urine test alone**."

During the trial, **both urine and hair samples** were collected. After a year of research, the management team at C.R. England **became convinced** that hair testing was a **superior methodology for pre-employment drug screening** and offered a much **more effective** screening process than urine testing. England will continue to **conduct standard urine drug testing** for all applicants as **required by the DOT**.

Results of the trial program **clearly show its effectiveness**. Out of 2,000 candidates, **over 150 tested positive** that would have **otherwise passed** the current Federally-mandated testing.

In total, **over 11 percent tested positive** with hair testing, **versus 2.8 percent testing positive** with DOT urine testing.

In addition to being a leader in the **refrigerated trucking industry**, C.R. England **operates four driving schools** across the United States. "By operating our own schools, we can **provide the best training** for our future professional truck drivers and their safety," England says. "**By hair testing** we can better control the **quality of successful applicants**. Knowing we can **keep more potentially dangerous drivers off the roads** is a great feeling," continues England.

"That is why we are now **firm believers** in the **benefits of hair testing** for the transportation industry."

About C.R. England, Inc.: *Founded in 1920 with corporate headquarters in Salt Lake City, C.R. England, Inc. is one of North America's largest transportation companies and the world's largest temperature-controlled carrier. C.R. England services include National, Mexico and Regional Truckload service in addition to Dedicated and Intermodal services. Additional services include Leasing, Brokerage, LTL/Parcel, Supply Chain Engineering, Special Project Engineering, Warehousing, and Global Sourcing, which includes offices in Southern California and China. For more information, visit www.crengland.com*

About Omega Laboratories, Inc.: *Omega Laboratories, Inc. is a state-of-the art drug testing facility offering the unique capability of testing hair samples for drugs of abuse. Omega has over 6,000 clients worldwide and services businesses, government organizations and educational institutions. Omega's reputation for performing accurate, timely and cost-effective testing, coupled with an unmatched reputation for client service, has positioned Omega as the industry leader in the hair drug testing industry.*

Pryor, Boozman Aim to Improve Roadway Safety; Bill Would Prevent Drug Users from Driving Big Rigs

U.S. Senators Mark Pryor and John Boozman (R-AR) introduced legislation to close a well-known loophole in the commercial driving industry that currently enables drug and alcohol users to operate large trucks or buses. Olympia J. Snowe (R-ME), Roger Wicker (R-MS), and David Vitter (R-LA) are co-sponsors of this legislation.

Despite long standing drug and alcohol testing requirements, commercial drivers continue to drive 18-wheelers and buses even after testing positive. Factors contributing to this problem include applicants who do not report their drug testing history to new employers, carriers who do not fully complete background checks, and self employed drivers who fail to remove themselves from service. According to recent studies, out of 3.4 million drivers on the road, about 68,000 drivers tested positive for drug use.

"Arkansas families' safety is compromised everyday by truck and bus drivers under the influence of drugs or alcohol. We need to strengthen our current regulations to ensure these drivers can't bypass the law," Pryor said. "A national clearinghouse is a practical way to ensure that the commercial driving industry is selecting the safest drivers possible to operate their large trucks and buses."

"Developing a record of drug testing information for commercial drivers will help secure our roads and provide a safer environment for Arkansans," Boozman said. "This is common-sense legislation that keeps drug users from operating some of the biggest vehicles on our roads. Arkansas has done this on a state level and it's time to share that information through a nationwide database."

The Safe Roads Act would implement a recommendation from the Government Accountability Office to establish a cost effective, feasible database of drug testing information for commercial drivers. Specifically, it would require medical review officers, employers, and service agents to report positive results from drug or alcohol tests to the Federal Motor Carrier Safety Administration, and would require employers to check the database prior to hiring prospective employers, leading to better hiring decisions and decreased employee liability. The bill would also provide privacy protections and employee rights of action.

ATA Endorses Electronic Logging Requirement

American Trucking Associations announced that its membership has endorsed a policy supporting federal laws and regulations that would require trucking companies to use electronic logging devices to monitor driver hours-of-service.

"ATA has always been in favor of strong enforcement of safety rules and regulations," ATA President and CEO Bill Graves said. "This new policy just underlines that support."

"FMCSA's own safety monitoring program, CSA, shows a link between compliance with the current hours-of-service rules and carrier safety performance," Graves said. "In addition to showing that the current hours-of-service rules are working, that data shows us that increasing compliance with those rules will further improve trucking's already impressive safety record."

While ATA's new policy expresses support for an electronic logging mandate, ATA believes any regulation or law should also address several issues including:

1. Cost-effective device specifications allowing for accurate recording of driving hours.
2. Data ownership and access in order to protect the privacy of fleets and drivers alike.
3. Relief from the current, significant burden of retaining additional supporting documentation.

"Many fleets already use these devices and they report not only compliance and safety gains, but also improved efficiency," said Dave Osiecki, ATA senior vice president of policy and regulatory affairs. "Those benefits make supporting an electronic logging requirement good business."

ATA's new policy was hailed by safety advocates as a positive step toward making our nation's highways safer for all drivers.

"We are very pleased that the ATA has decided to add their considerable weight to the call for both electronic logging as well as speed limiter settings at a reasonable top speed for our nation's heavy trucks. We had been concerned that either of these initiatives, without the other, could lead to unintended dangerous consequences," said Steve Owings, president of Road Safe America. "We firmly believe that the two together are complementary and will add greatly to our nation's roadway safety situation. We want to publicly thank the ATA for stepping up and taking a leadership position on both of these common-sense safety matters, which will undoubtedly make America's public thoroughfares safer for all motorists."

MSHA Inspectors Armed with New Online Tool to Detect Flagrant Violations



The U.S. Department of Labor's Mine Safety and Health Administration announced that its Inspectors' Portable Application for Laptops, or IPAL, is now equipped with an online tool to alert federal inspectors that

certain violations will be reviewed for special assessment as flagrant violations.

When an inspector electronically enters a violation that meets the criteria for review as a potential flagrant violation, IPAL will display a pop-up message reminding the inspector to complete a **Special Assessment Review Form** for that violation. The **Special Assessment Review Form** will automatically open after the warning message has displayed.

Flagrant violations cited by MSHA inspectors must meet specific evaluation criteria for reckless or repeated failure violations, including:

- A citation or order is evaluated as significant and substantial.
- An injury or illness is evaluated as at least permanently disabling.
- A citation or order is evaluated as an unwarrantable failure.
- Negligence is evaluated as reckless disregard.
- At least two prior "unwarrantable failure" violations of the same safety or health standard have been cited within the past 15 months.

A violation is **caused** by an **unwarrantable failure** if the operator has **engaged** in **"aggravated conduct constituting more than ordinary negligence."** "The **pop-up message** is yet **another tool** to assist our inspectors in **citing violations efficiently and accurately**," said Joseph A. Main, assistant secretary of labor for mine safety and health.

The **Mine Improvement and New Emergency Response Act of 2006** established a provision for a **flagrant violation**, which is defined as **"a reckless or repeated failure** to make reasonable efforts to **eliminate** a known violation of a **mandatory safety and health standard** that **substantially and proximately caused**, or **reasonably could have been expected to cause**, death or serious bodily injury."

Under the **MINER Act**, a civil penalty of up to **\$220,000** may be assessed for **each flagrant violation**.

The **IPAL** enables mine inspectors to **electronically access** a wide variety of data, including **accident and injury information**, inspection and violation history, **incidence rates**, the **Code of Federal Regulations**, the **Federal Mine Safety and Health Act of 1977** and the **MINER Act**.

Recycled Concrete Could Reduce Road Paving Costs by 10-20%

Civil engineering researchers at Purdue University are **currently trying to perfect** a process for the **handling and reuse of recycled concrete**. It is **believed** that recycling concrete **could help reduce construction costs by 20%**, and **cut down on resources** (such as limestone) from being quarried. Working with the **Indiana Department of Transportation (INDOT)**, the process is being **evaluated and tested** for **eventual use** in highway construction.

The **recycled concrete** would be used to replace the **local "virgin aggregate"** which is **added to cement, water and sand** to make paving concrete. Generally, **rock such as limestone** is brought in from a local quarry, but this process can **prove more difficult** in areas **without such resources**. Using crushed recycled concrete **would allow construction companies** to mix concrete pavement, regardless of the proximity of quarries.

"Repaving requires uprooting existing concrete, so instead of putting the old pavement in landfills, recycling just makes sense," said Jane Olek of the Joint Transportation Research Program. If used, the recycled concrete **could reduce the cost of paving materials by 10-20 percent** – not to mention it would **cut waste, and waste removal costs**.

The researchers are **experimenting** with the **optimal ratio of recycled materials** in the concrete mixture to **ensure durability and safety, as well as to begin to set a standard** for the reuse of old concrete. Currently, **400 different combinations** are being produced and tested for things like **water absorption, freezing and deicing chemicals**.

INDOT and Purdue plan to have a **report** by early 2012 which will list **recycled concrete aggregate combinations and durability**.

HEAD PROTECTION SURVEY

Prevention of head injuries is an important factor in every safety program. A **single injury** can **handicap an employee for life**, or it can be **fatal**. A survey by the **Bureau of Labor Statistics (BLS)** of accidents and injuries noted that **most workers who suffered impact injuries** to the head were **not wearing head protection**. The **majority of workers** were **injured while performing their normal jobs** at their regular worksites.

The survey showed that in **most instances** where **head injuries occurred**, employers had **not required their employees** to wear **head protection**. Of those workers **wearing hard hats**, all but five percent **indicated** that they were **required by their employers to wear them**. It was found that the **vast majority** of those who **wore hard hats all or most of the time** at work believed that **hard hats were practical for their jobs**. According to the report, in **almost half of the accidents** involving **head injuries**, employees knew of **no actions taken by employers** to prevent such injuries from **recurring**.

The **BLS survey** noted that **more than one-half** of the workers were **struck on the head** while they were **looking down** and almost three-tenths were **looking straight ahead**. While a third of the **unprotected workers were injured** when bumping into **stationary objects**, such actions **injured** only one-eighth of hard hat wearers. **Elimination or control of a hazard** leading to an accident should, of course, be **given first consideration**, but many **accident-causing head injuries** are of a type **difficult to anticipate and control**.

Where these conditions exist, HEAD PROTECTION MUST BE WORN TO ELIMINATE INJURY!

Wearing a **HARD HAT** on a construction site, or for **any job where a head injury is possible**, may **prevent or lessen a head injury** from **falling objects** or a person **hitting their head against something**.

O.S.H.A. mandates:

- Employers have a "Duty of Care" to ensure the health, safety and welfare at work of employees and others.
- Employers must take all practicable measures to control risks against injuries in the workplace.
- Employees have an obligation to co-operate with their employers on health and safety matters.
- Failing to comply with the "Duty of Care" provisions of the Act is an offence.

Every person on a construction site should wear a safety helmet:

- Where there is a risk of a head injury.
- If required to do so by an employer and/or the person in control of the workplace.

