



OSHA/CONSTRUCTION

Jurisdictional Disputes between OSHA and MSHA

Mine hazards can be regulated by both **OSHA** and **MSHA** laws. So one of the toughest parts of compliance in mining is figuring out *which* of these laws applies. So called jurisdictional challenges often arise at dual-use facilities under the common ownership of the facility and a mine that provides aggregate. A recent decision by the federal Mine Safety & Health Review Commission has a far-reaching impact on such dual jurisdiction job sites.

The Case - What Happened

The dispute began at Calmat Company of Arizona's Phoenix facility. It consists of an aggregate mine, a "ready-mix" concrete batch plant and an asphalt batch plant. On August 11, 2003, a Mine Safety and Health Administration (MSHA) inspector was at the facility to conduct an inspection of the mine and maintenance shop.

After a pre-inspection conference in the main office, the inspector went outside and saw a man atop a Caterpillar 773B End Dump Truck that had been loaded onto an over-the-road Lowboy tractor-trailer for transport off the property.

The man, who was the Lowboy driver, wasn't wearing any fall protection. He was an independent contractor hired by Pacific Tri-Star, Inc., a used, heavy-equipment dealer from which Calmat had bought the Cat 773.

The inspector issued Calmat an **"Imminent Danger"** order for failure to provide site-specific training to the driver, plus a citation for failure to provide him with safe access atop the Cat 773.

The Lowboy holding the Cat 773 was parked on a flat, dirt road that was next to another dirt road in the vicinity of the concrete batch plant. This area was located near a pile of aggregate that was going to be used by the processing center of the batch plant to produce ready-mix.

The Legal Battle: OSHA v. MSHA

Calmat claimed that the alleged violations occurred in an area of the facility that was excluded from **MSHA** jurisdiction by an Interagency Agreement between **MSHA** and **OSHA**.

According to Calmat, if the concrete and asphalt batch plants at the facility hadn't been present, there would be no dispute because **MSHA** would have sole jurisdiction.

After reviewing the **MSHA Mine Act's** definition of **"coal or other mine"** and accompanying legislative history, the judge ruled that because **"the area in which the violations were cited was a private way or road appurtenant to 'an area of land from which minerals are extracted,'" it fell within the statutory definition of a mine.**

He further found that **"unless specifically excluded by the Interagency Agreement as a concrete batch plant, the cited area was within MSHA jurisdiction"**.

The judge said that the site of the alleged violations – about 400 feet away - was a significant distance from the processing center for the concrete batch plant but near an aggregate stockpile used to supply it. However, since the site was not within the area of the mine that the Interagency Agreement intended to exclude from the Mine Act's coverage, the concrete batch plant was within **MSHA jurisdiction**. He upheld the inspector's findings and assessed fines totaling \$2,975.

The First Appeal

Calmat appealed the decision but to no avail. The **Secretary of Labor found that the judge had correctly concluded that the site of the alleged violations was subject to MSHA jurisdiction because the area is next to a road that originates at one of the facility's entrances and extends through it to the excavation pit.**

She also said that the judge was right to conclude that the haul truck atop which the man had been standing **had been used in the past to haul mine product. That use, she felt, provided an additional basis for MSHA' jurisdiction.**

The Secretary went on to uphold the judge's determination that **neither the haul truck nor the area in which it was parked was excluded from MSHA jurisdiction because neither was within an area specifically excluded by the Interagency Agreement.**

Considering the language and purpose of the Mine Act and Interagency Agreement, the Secretary ruled that Calmat had fair notice that the haul truck and the area in which it was parked are subject to MSHA jurisdiction.

The Second Appeal

So the company appealed to the Commission. But this appeal also failed. The Commission found that the site where the haul trucks were parked wasn't clearly part of the batch plant that was excluded from **MSHA** jurisdiction by the Interagency Agreement.

It also found that the haul trucks themselves were clearly related to mining operations and therefore within MSHA jurisdiction.

Because the alleged violations involved an independent contractor performing work on mining equipment under the direction of a mine employee in a dual-use area, and in light of Congress' clear intention that jurisdictional doubts be resolved in favor of coverage by the Mine Act, the Commission concluded that the alleged violations properly fell under **MSHA** jurisdiction.

According to Commission Chairman Michael J. Duffy:

"This case illustrates the need to establish definitive jurisdictional authority for workplace safety and health at dual use properties by assigning exclusive responsibility to either MSHA or OSHA, or by clearly delineating beforehand those areas subject to enforcement by the respective agencies. In any event, the allocation of enforcement authority should not be left to the ad hoc approach adopted here."

Conclusion

The lesson that should be taken from this ruling is that companies that question **MSHA** right to access an area(s) or facility that they believe are under **OSHA** should state this upfront and have it recorded in **MSHA field notes**. It's best to have each individual site in question evaluated by an impartial third-party expert. The stakes – in the form of continued enforcement action and regular inspections should **MSHA** jurisdiction be granted – are too severe to risk otherwise.

MANDATORY E-VERIFY CLEARS LEGAL HURDLE



In an August 25 ruling, Judge Alexander Williams of the U.S. District Court for Maryland upheld the legality of an impending regulation that will require government contractors to certify the employment eligibility of their workers using the Homeland Security Department's E-Verify system. Implementation of the rule, which has been delayed since January because of a case brought by the U.S. Chamber of Commerce and other organizations, will begin on September 8. The business groups involved in the lawsuit filed a notice of appeal on August 31. However, unless a stay is issued by a court, the regulations will go into effect as planned.

In brief, under the regulation new federal contracts worth more than \$100,000 will include a clause requiring contractors to use E-Verify to certify the employment eligibility of any current employees who will work under the contract. The rule also requires contractors to use E-Verify to certify the eligibility of all new hires regardless of whether they'll work on behalf of the government. Existing contracts lasting more than six months can be modified to add the requirement, but only if the contractor agrees. Non-government contractors using E-Verify voluntarily should be aware that federal immigration law prevents them from re-certifying employees unless they are bound by a contract requiring them to do so. The United States Citizenship and Immigration Services (USCIS) has published information and frequently asked questions on its website regarding application of the rule.

Occupational Health Issues Associated with H¹N¹ Influenza Virus (Swine Flu)



Keep Sick Workers Home

One of the best ways to reduce the spread of influenza is to keep sick people away from well people. However, in the fall and winter, it will not be possible to quickly determine if workers who are ill have 2009 H¹N¹, seasonal influenza, or any number of other different conditions based on symptoms alone. Local and state health department surveillance information can be helpful to know when influenza is circulating in the community, although the availability, timeliness, and amount of local information on when influenza is circulating may vary substantially from community to community.

Workers who have symptoms of influenza-like illness are recommended to stay home and not come to work until at least 24 hours after their fever has resolved. Regardless of the size of the business or the function or services that you provide, all employers should plan now to allow and encourage sick workers to stay home without fear of losing their jobs. CDC recommends this strategy for all levels of severity. Employers should plan now for how they will operate if there is significant absenteeism from sick workers. However, employers should know that some persons with influenza, including those ill with 2009 H¹N¹, do not have fever. Therefore it will not be possible to exclude everyone who is ill with influenza from the workplace.

Actions Employers Should Take Now

- Review or establish a flexible influenza pandemic plan and involve your employees in developing and reviewing your plan;
- Conduct a focused discussion or exercise using your plan, to find out ahead of time whether the plan has gaps or problems that need to be corrected before flu season;
- Have an understanding of your organization's normal seasonal absenteeism rates and know how to monitor your personnel for any unusual increases in absenteeism through the fall and winter.
- Engage state and local health department to confirm channels of communication and methods for dissemination of local outbreak information;
- Share your influenza pandemic plan with employees and explain what human resources policies, workplace and leave flexibilities, and pay and benefits will be available to them;
- Share best practices with other businesses in your communities (especially those in your supply chain), chambers of commerce, and associations to improve community response efforts; and
- Add a "button" to your company Web page or employee Web sites so employees can access the latest information on influenza.

Groups at Higher Risk for Severe Illness from Novel Influenza A (H¹N¹) Infection

Groups of people at higher risk for severe illness from novel influenza A (H1N1) infection are thought to be the same as those people at higher risk for severe illness from seasonal influenza. These groups include:

- Children younger than 5 years old
- Persons aged 65 years or older
- Children and adolescents (younger than 18 years) who are receiving long-term aspirin therapy and who might be at risk for experiencing Reye syndrome after influenza virus infection
- Pregnant women
- Adults and children who have asthma, chronic pulmonary, cardiovascular, hepatic, hematological, neurologic, neuromuscular, or metabolic disorders such as diabetes;
- Adults and children who have immunosuppression (including immunosuppression caused by medications or by HIV)
- Residents of nursing homes and other chronic-care facilities.

For more information about these viruses, visit the Centers for Disease Control at <http://www.cdc.gov/>.

Preventing Seasonal Flu: Get Vaccinated

Seasonal flu, also called influenza, is a contagious respiratory illness caused by influenza viruses. It can cause mild to severe illness and at times can lead to death. **The best way to prevent seasonal flu is by getting a seasonal flu vaccination each year.**

While the 2009 H¹N¹ influenza virus (sometimes called "swine flu") has been the focus of attention since the spring, **it is important that we do not forget the risks posed by seasonal influenza viruses.**

The single best way to protect against seasonal flu is to get vaccinated each year. The 2009–10 seasonal flu vaccine is now available. Fall is the best time to get vaccinated, but getting vaccinated later in the flu season—in December, January, and beyond—still provides protection, as flu season normally peaks in January or later.

Seasonal flu vaccines will not provide protection against 2009 H¹N¹ influenza. The 2009 H¹N¹ vaccine is currently in production and initial doses of licensed vaccine are expected to be available by mid-October. Seasonal flu and 2009 H¹N¹ vaccines may be administered on the same day, with the exception that persons who wish to receive live nasal-spray vaccines for both seasonal and 2009 H¹N¹ influenza. They will need to receive those vaccines at least 4 weeks apart.

Groups seek overturn of HOS Rule

HOURS OF SERVICE – SAYS CHANGES HAVE CAUSED MORE FATALITIES

The **Advocates for Highway and Auto Safety, Public Citizen, the Truck Safety Coalition and the Teamsters** have filed the initial legal brief in the latest round of litigation seeking to overturn the HOS rules. The groups are once again taking the **Federal Motor Carrier Safety Administration [FMCSA]** to court over its driver hours-of-service regulation charging that the **HOS Rule** has led to more fatalities caused by fatigued driving. In the petition, the groups asked the U.S. Court of Appeals for the District of Columbia to overturn the Hours of Service rule issued Nov. 13, 2008.

“The **HOS Rule** increased the number of daily and weekly hours truckers can drive to 11 consecutive hours (instead of 10) each shift, and up to 17 hours more driving (77 hours instead of 60) each week,” the groups stated in a news release. “The rule dramatically expands driving and work hours **by cutting the off-duty rest and recovery time at the end of the week from a full weekend of 50 or more hours off duty to as little as only 34 hours off-duty.**”

“In addition, the Bush administration failed to consider the health and medical consequences of letting truckers drive and work substantially more hours. In the current case, even though the **FMCSA** agrees that drivers may pay a cost in terms of their health and well-being, **FMCSA** rejected consideration of this serious problem in the benefit-cost analysis.”

According to the groups filing against the latest **HOS Rule**, they “have previously won unanimous decisions from two separate panels of the Federal Court of Appeals in Washington in 2004 and 2007, only to have the Bush administration defiantly impose the same rule each time. The Court of Appeals, in each decision, lambasted the **FMCSA** for its lack of reasoning and failure to provide essential information to the public.”

“FMCSA is supposed to protect truck drivers and the public from unsafe driving conditions,” said Greg Beck, the Public Citizen attorney handling the case. **“Instead, it only protected the trucking industry.** The court should reject this rule once and for all and force the agency to do its job.” Jackie Gillan, vice president of Advocates for Highway and Auto Safety said “Issuing a new **HOS Rule** should be a top priority of the new leadership at the Department of Transportation. Almost 5,000 people a year are killed in truck crashes, including more than 650 truck drivers. Fatigue is a major problem in the trucking industry, and this rule only makes it worse.” **“It’s time to put the health and safety of our truckers ahead of the interests of the trucking industry,”** said Teamsters General President Jim Hoffa. “Drivers can be forced to work dangerously long hours under the current rule.”

Those supporting **FMCSA** and its latest **HOS Rule** include: the American Trucking Associations; Owner-Operator Independent Drivers Association; Health and Personal Care Logistics Conference; and the Chamber of Commerce of the United States.

Bob Digges, deputy chief counsel for American Trucking Associations, said, “Virtually all of Public Citizen’s arguments made are simply a repeat of arguments previously advanced with very little effort to address the more recent agency findings in support of the rule. **“The continuing improvement of the trucking industry’s safety record under the new rules confirms that the sky-is-falling claims by Public Citizen are simply not true,”** Digges said.

FMCSA has until Oct. 13 to respond to Public Citizen’s brief with its own legal filing.

Registration Fees to Rise

FMCSA Proposes Steep UCR Hike in 2010



Unified Carrier Registration fees that trucking companies and freight brokers must pay **will more than double** to as much as \$83,000 in 2010 under a plan put forward by the **Federal Motor Carrier Safety Administration [FMCSA]** last week.

The fees, collected through the **Unified Carrier Registration Agreement**, will rise more than they would have under a proposal made earlier this year by the board that oversees the registration program. Industry groups protested those fees; arguing they punished companies that voluntarily complied with the rules rather than having states step up collection efforts.

Currently, the **UCR** fees range from \$39 for the smallest companies to \$37,500 for the largest firms. States use the fee revenue to fund law enforcement programs.

“To my view, they’ve taken the side of the states in this,” said Bob Pitcher, American Trucking Associations vice president for state laws and vice chairman of the **UCR** board. “The states have said, ‘We’re short of money here and we’re not obliged to do any work for it.’ And **FMCSA** has nodded and said, ‘We see that you’re short of money; we’ll raise the fees.’ ”

In its proposal, **FMCSA** said that without an increase, given the number of companies states can reasonably expect to register, **UCR** would generate only \$51 million, less than half the roughly \$113 million the program is required to collect under federal law.

“I still look at it as a compromise in many respects because in order for states to get the

entitlement, the 113 [million dollars], we’re going to have to register a lot more carriers than we’re currently registering today,” said Bill Leonard, director of the New York State Department of Transportation’s motor-carrier compliance bureau, and member of the **UCR** board.

The program has yet to generate the mandated revenue targets to fully replace the now-defunct Single-State Registration System, which, along with a change removing trailers from the count of commercial vehicles for registration purposes, led to the proposed fee increase.

Congress created **UCR** in 2005 as a replacement for SSRS, which taxed only “**For-Hire**” carriers. ATA and other groups backed the **UCR** system because it was intended to reduce fees by broadening the base, by requiring private fleets and freight brokers and forwarders to pay.

To calculate the 2010 increase, **FMCSA** said it divided the revenue goal of \$113 million by the \$51 million it expected to generate without a fee increase, to calculate a “shortfall adjustment factor of 2.22432;” it multiplied current fees by that factor to calculate the new levels.

So, for the smallest bracket — for companies with two or fewer trucks — the fee increases to \$87 from \$39; for moderate-sized fleets of 21 to 100 trucks, the fee rises to \$1,793 from \$806. At the high end, fleets of more than 1,000 trucks would see annual fees rise to \$83,412 from \$37,500.

FMCSA said the 2010 structure, which is roughly in line with what the board recommended earlier this year “meets the statutory requirements” for the registration program.

Leonard said for 2009, states have registered roughly 307,000 carriers, or between 70% and 75% of the companies in the federal database used to calculate the fees.

“They haven’t looked to see the level of state compliance efforts now,” he said. “They haven’t looked to see how much of what they call bracket shift is due to noncompliance and how much to problems with the underlying data and so forth.”

Bracket shift refers to fleets moving to a lower-cost bracket by registering fewer vehicles than listed in the database.

Rick Schweitzer, general counsel for the National Private Truck Council and a **UCR** board member, said it was “pretty clear” that **FMCSA** wants “to ram this through with a 15-day comment period.”

Schweitzer and NPTC, along with ATA, proposed ending **UCR** earlier this year in favor of more direct aid to states.

“This is not the time to more than double the fees on motor carriers and it just seems that they are trying to subsidize the noncompliant by increasing the fees on those who voluntarily comply,” Schweitzer said of the proposed increase.

Pitcher said the proposed increase “tends to confirm us in our earlier views” about the need for **UCR**, adding that ATA was “certainly contemplating potential congressional action to get rid of the program.” But with the passage of a new highway bill this year looking doubtful, he said, “it is very unlikely there’s another vehicle” for changing **UCR**.

ATA could also sue over the fees, he said, noting that “we always think about the courts.”

However, Schweitzer told Transport Topics that probably nothing, short of a change in the law, could reverse the fee increase.

CHAIN UP TIPS - Guide to Colorado’s chain law which applies to all state, federal, and interstate highways in Colorado

Definitions - Under the Colorado chain law, a commercial vehicle is defined as being used in commerce to transport passengers or property and fitting into one of the following categories:

- Has a gross combination weight rating of 26,001 or more lbs. inclusive of a towed unit which has a gross vehicle weight rating of more than 10,000 lbs. **or**
- Has a gross vehicle weight rating of 26,001 or more lbs. **or**
- Is designed to transport 16 or more passengers, including the driver.

Notification - When the chain law is in effect, drivers will be notified which vehicles must chain up and where by the following means: electronic message signs; 511 traveler information; www.cotrip.org; and media outlets.

Carrying Chains on I-70 [effective March 1, 2009] - Commercial vehicles operating on I-70 in either direction between mileposts 133 (Dotsero) and 259 (Morrison) from **Sept. 1 to May 31** must carry sufficient chains at all times to be in compliance with the Colorado chain law.

Violations - The fine for not carrying chains on I-70 between mileposts 133 and 259 from Sept. 1 to May 31 is \$50 plus a \$17 surcharge. Statewide, the fine for not chaining up when the chain law is in effect is \$500 plus a \$157 surcharge. The fine for not chaining up and subsequently blocking the highway is \$1,000 plus a \$313 surcharge.

Colorado Road Conditions - 511 Traveler Information Line - <http://www.cotrip.org/>

Do trailers need to be chained up? No. Chains are not required on trailers.

Must hazardous material tankers & transporters comply with chain law? Yes. Vehicles placarded for flammable, combustible, or explosive loads may pass the chain-up signs and install their chains where pavement is covered by snow or ice, at a safe location outside the traveled portion of the highway.

For additional information visit <http://www.cotrip.org/>

MSHA'S GOAL – Eliminate ALL Hazards in the Workplace

At a recent meeting in Washington D.C. for the NSSGA, Dr. Gregory Wagner, MSHA Acting Deputy Assistant Secretary for Policy was the featured speaker. Following are some important highlights of his speech and his response to some questions.

Dr. Wagner made it clear that MSHA and the Employer both have responsibilities to carry out.

- **MSHA has the responsibility to enforce the standards they are mandated by law to enforce.**
- **MSHA will work to eliminate ALL hazards in the workplace.**
- **Inspectors will continue to "Cite what they see".**
- **Inspectors are legally bound to enforce the standards.**
- ***MSHA will hold the Inspectors accountable to carry out their legal duty.***
- **The Employer is required to eliminate all workplace hazards.**
- **The Employer should create a "Good Job" for the employee that Dr. Wagner defined as "A job where all hazards have been eliminated and the employee will go home to his loved ones in the same condition as he arrived".**

When asked about the increase in the number of citations and fines over the past couple of years Dr. Wagner stated, "The inspectors are citing what they see and will continue to do so until all hazards have been eliminated. The employer will see a decrease when they eliminate all hazards in the workplace".

When asked about the inconsistency of when one inspector will say something is good and then another one sees the same things and it is a citation Dr. Wagner said that with a little more than 1,200 inspectors, there is going to be some different interpretations of the same standard. He did recognize the need for MSHA to do a better job of communicating to its inspectors how the standards are to be applied in order to provide better consistency.

When asked why good plants with good safety records are getting "no respect" by over aggressive inspectors and are receiving more citations than ever, Dr. Wagner stated it is our (MSHA) job to enforce the standards and cite what we see in order to eliminate hazards from the workplace. He really didn't address the concern some of the members had regarding over aggressive inspectors.

When asked about employee behavior and behavior based training, Dr. Wagner said it is not what the employee brings into the workplace from his outside environment that creates a hazard, it is the environment within the workplace that creates the hazard for the employee.

Dr. Wagner was not really interested in hearing how the industry trends show a steady decrease in injury rates and fatalities. He stated several times that MSHA and the Employer are responsible for eliminating ALL hazards.

Seatbelts DO Save Lives



Seatbelts DO save lives – just ask this miner!

Midmorning on July 14, 2009, MSHA Inspector Lonnie Short and trainee Richard Miller observed a newly employed miner operating a forklift without wearing his seatbelt. Inspector Short and trainee Miller motioned the miner to pull over, inspected the forklift (including steering and brakes), talked to the miner about the importance of wearing a seatbelt, and issued a citation for failure to wear his seatbelt. The miner had only one day experience at the mine.

About 2 hours later, the cited miner drove the forklift onto a public road, toward an adjacent mine. After traveling approximately 1/3 mile on the public road, the forklift operator drove off the right berm while trying to avoid a large pothole. The forklift overturned and rolled over 1-1/2 times, down a steep 15-foot embankment, and into a stream. The miner was still wearing his seatbelt and was able to get out of the forklift and walk up the embankment. He was met by a passerby and taken to the mine. The miner and the mine operator expressed their gratitude to the inspectors for their actions.

MJS SAFETY now offers multiple ONLINE TRAINING COURSES for OSHA Construction,

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SOURCES FOR THIS ISSUE INCLUDE

www.MSHA.gov

NUCA report 9/4/09

www.cvsa.org

www.cdc.gov/niosh

FMCSA News

www.cotrip.org

www.safetyxchange.org

NSSGA fly-in Washington D.C. 9/22-23

**To order First Aid and other
Safety Supplies visit
www.mjssafety.com
or call us at 800 966-8106**

CHANGING WEATHER SAFETY

With the arrival of **winter**, outdoor workers **face** an additional **occupational hazard**, **exposure** to the **cold**. Outdoor workers need to be especially mindful of the **weather**, and its **effects** on the body. There are four **environmental** conditions that cause **cold-related** hazards, **low temperatures**, **high/cool winds**, **dampness**, and **cold water**. Following are **guidelines** for dealing with **changing weather** on the job.

Personal Protective Clothing:

- **Dress appropriately.** Wear at least **three layers** - an **outer layer to break the wind** and allow some **ventilation** (like **Gortex or nylon**); a **middle layer of wool, down, or synthetic pile to absorb sweat** and retain **insulating** properties when wet; and Inner layers of cotton or synthetic weave **to allow ventilation and escape of perspiration**.
- The body tries to maintain an **internal (core) temperature of 98.0** degrees, (37°C).
- **Layer clothing to create air pockets that help retain body heat.** **Layering** also makes **adapting** to changes in **weather** and level of physical exertion easier. **Keep** a dry change of clothing **available** if work garments become wet.
- Workers gain body heat from food and muscle activity, so **eat right** and stay **physically fit**.
- **Pay special attention to protecting feet, hands, head, and face.** **Keep** the **head** covered (much of our body heat is lost when the **head** is exposed). Fingers and **hands** lose **their dexterity at temperatures below 59°F**. Use insulated **gloves** to **protect** fingers from the **cold**.
- **Wear foot gear** that **protects** against **cold** and dampness. Footgear should be insulated and **fit comfortably** when socks are layered.
- **Avoid** wearing **dirty or greasy clothing** because such garments have poor **insulating** properties.

Major risk factors contributing to cold-related stress:

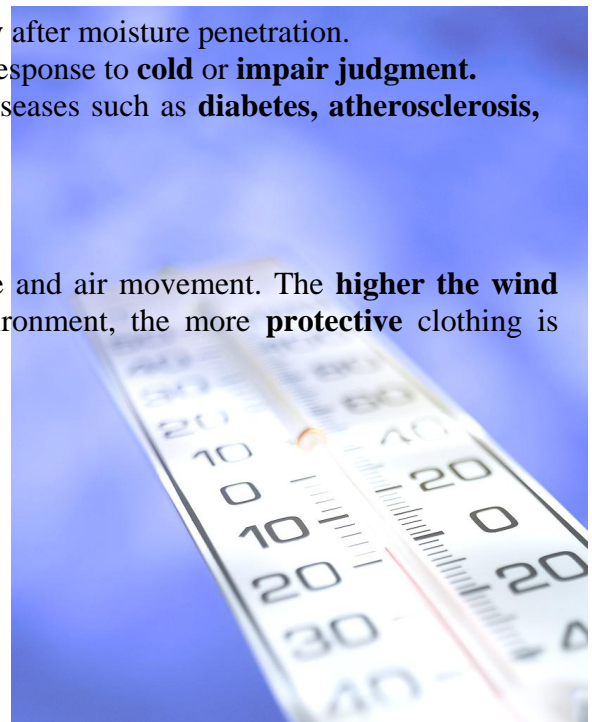
- **Inadequate** or wet clothing. Change clothing **immediately** after moisture penetration.
- **Drug use or certain medications** may inhibit the body's response to **cold** or **impair judgment**.
- **Increased risk to the cold** may include **colds** or other diseases such as **diabetes, atherosclerosis, and hypothyroidism**.
- **Susceptibility** increases with age.

The following signs may help to estimate wind speeds:

Wind chill involves the **combined effect of air** temperature and air movement. The **higher the wind speed** is and the **lower the temperature** in the work environment, the more **protective** clothing is necessary.

The following signs may help determine wind speed:

- **5 mph** light flag just moves
- **10 mph** light flag is fully extended by the wind
- **15 mph** raises a newspaper sheet off the ground
- **20 mph** wind capable of blowing snow



Protection from flying debris in high winds:

- **Erect toe boards, screens, or guardrail systems to prevent objects from falling** from higher levels.
- **Erect a canopy structure and keep** potential fall objects far enough from the higher level so the **objects cannot be blown over the edge.**
- **Secure all objects that high winds could displace.** Guardrails must be installed at all open sides.
- **Barricade the area where objects could fall, and prohibit employees from entering** the barricaded area.

Portable heaters on the job site:

- When heaters are used in **confined spaces, special care shall be taken to provide sufficient ventilation** in order to **ensure proper combustion, maintain the health and safety of workmen,** and limit temperature rise in the area.
- **Heaters used in the vicinity of combustible tarpaulins, canvas, or similar coverings shall be located away from the coverings.** Securely fasten coverings in high winds. Always make sure a **fire extinguisher is readily available on the work site.**
- **Portable electric salamanders** are for use in areas where **ceiling height is 15 feet or less.** Solid fuel **salamanders are prohibited in buildings and on scaffolds.** Salamanders are clean, odor-free instant heat with no need for fueling or refueling, increasing the degree of safety for workers.

Do not use in wide-open, high bay, or outdoor areas.

Use where temporary localized enclosed heat is needed.

Inspect controls of all portable heaters. Remove immediately if any damage has occurred.

Outdoor workers always need to be especially mindful of the **weather.** The hazards mentioned here are only a few of a long list of hazards that can be found on a construction site. A properly run construction site takes the **effort of every person on the site to create a safe work environment.** Remember that good, on-going **hazard assessment, along with proper employee training,** is the key to **getting the job done safely.** Wearing the proper clothing in **cold weather,** being aware of the **changing** wind patterns, and using portable heaters **responsibly will reduce the adverse hazards associated with changing weather** conditions.