

Volume 1, Issue 1

Spring, 2002



Special points of interest:

- OSHA's Manhattan Area Office is now located at 201 Varick St.
- Since 9/11, OSHA has worked at the World Trade Center site 24 hours a day, seven days a week.
- OSHA's new Recordkeeping Rule went into effect on January 1, 2002
- The OSHA Steel Erection Standard took effect on January 18, 2002.

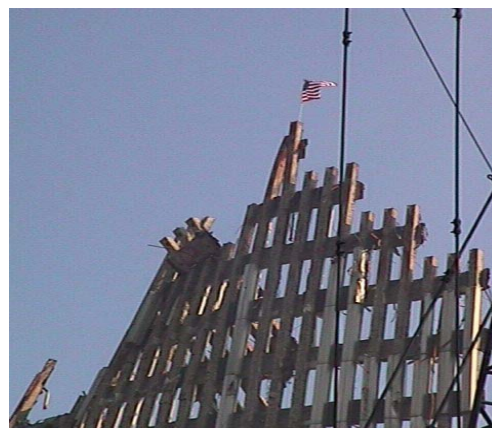
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New York OSHA E-Newsletter

Albany, Bayside, Buffalo, Long Island, Manhattan, Syracuse, Tarrytown

OSHA's Response to the World Trade Center Emergency



Region II Launches the New York E-Newsletter

With the release of this (e)lectronic newsletter, OSHA Region II (New York, New Jersey, Puerto Rico and the Virgin Islands) takes a new direction in its efforts to communicate with its customers. According to Region II Administrator, Patricia K. Clark, "OSHA must utilize every tool possible to educate people about the issues of occupational safety and health. With the advent of the internet, e-commerce, etc., and the tremendous numbers of companies/people accessing these services, it would be short-sighted not to reach out using this medium." The primary goal of this publication will be to bring timely information concerning occupational safety and health issues to its readers. The information will cover a wide range of topics but will, first and foremost,

always relate to safety & health issues as they impact New York employers/employees. We will attempt to provide interesting stories that will also educate and guide the reader in their efforts to begin or improve their worksite's safety and health efforts. We will be open to, and encourage, the submission of suggestions for topics to be covered. We will also consider including any safety and health article written by the submitter to the extent that it is appropriate and is not a "marketing" piece for any company, product or person. OSHA's mandate is to reduce the numbers of injuries and illnesses suffered by the American workforce. To that end, we hope that this endeavor will help us all in meeting that important mission.

The R.A.'s Corner

I am truly pleased about the inauguration of this publication. Because of the tragic events of September 11th, our plans to get this first edition released were delayed. You'll see from the articles that Region II OSHA employees have been extremely busy providing support to the rescue and recovery efforts in New York City. This support function continues today and will continue throughout the coming months.

While an effective enforcement program is a critical and primary function of OSHA, I have always believed that we have a responsibility to educate employers and employees about what is needed of them to create and maintain a safe and healthful workplace. As an agency, we need to take advantage of whatever communication avenues are available to us and our customers. This publication is one such avenue. It is my hope that as it evolves, it will become a major source of information about workplace safety and health for all New York employers and employees.

For this first edition, we felt it would be important to share with our readers what we have been doing since that fateful day and where we are headed in the immediate future. September 11, 2001 is a date none of us will ever forget. Certainly all New Yorkers have been impacted, to a greater or lesser degree, by those events. Some of us lost relatives, friends, and associates. Many lost familiar businesses or agencies that they have worked with for years. The events of that day have brought about many changes some of which are only just beginning to become clear. Just as the world changed for each of us as individuals, OSHA has also been impacted and has not been conducting "business as usual."



Patricia K. Clark
Regional Administrator
OSHA Region II

World Trade Center OSHA Facts

Number of OSHA personnel involved in the emergency project	Nearly 950
OSHA personnel currently working at the site every day	Approximately 60
Number of OSHA eight-hour shifts worked at the site	Over 10,500
Number of air and bulk samples taken by OSHA at the site (includes metal, asbestos, silica, and other volatile organic compounds)	Over 5,000
Respirators issued by OSHA since September 13th	Nearly 130,000
Respirators issued per day by OSHA during the first weeks after the attack	4,000
Hard hats distributed by OSHA since September 13th	Over 15,000
Safety glasses and goggles distributed by OSHA since September 13th	Over 15,000



An OSHA employee instructs a New York Police Department officer in the use of respiratory protection at the site

Manhattan Area Office People Safe - Office Lost

At the time the first plane hit the WTC, Richard Mendelson, Manhattan Area Director, was giving a presentation to the NYC Schools Authority on 59th Street. Back in his office, located on the Southeast corner of the top (8th.) floor in WTC #6 (Customs House), overlooking the Center's popular plaza, his staff was conducting business as usual. Assistant Area Director (AAD) for Safety, Antonio (Tony) Pietrolungo, was working on an informal settlement agreement for a company when he heard what sounded like a loud "explosion". As he put it, "I heard this noise that I knew wasn't normal and the building was shaking and then things started to hit the roof and bounce off the windows." Kay Gee, AAD for Health ran out of her office screaming that a bomb must have gone off. Immediately, Tony and Kay decided to have everyone leave the building. One of the office's employees was confined to a wheelchair so they knew they couldn't delay in evacuating. After leaving the building, the second plane struck and they decided they should walk to the OSHA Regional Office on Varick Street. While walking uptown, the staff heard and saw the collapse of each tower.

Obviously, their decision to leave the building immediately very well may have saved lives. This was not just luck. Having moved into the WTC after the 1993 attack, one of the first priorities was to develop a written evacuation plan and train all office employees in its procedures. That training included holding practice evacuations where the staff walked the egress route that would need to be taken in an emergency. The plan was periodically reviewed, changed when necessary, and practiced. This became critical given that the route that had to be followed, due to the wheelchair confined employee, required that this person be taken through another building, WTC 7, in order to reach the street. As you may recall, Building 7 also collapsed on that tragic day. Without that planning and training, at least three employees could have wandered aimlessly looking for a way out and, who knows..?



6 World Trade Center (WTC), OSHA's Manhattan Area Office was located on the 8th. floor, the missing area in the red circle.

Mr. Mendelson, meanwhile, was interrupted during his presentation and advised of the first strike. He immediately ended his presentation and left for his office. Since he also volunteers as an EMT, he was able to get to the scene very quickly using his vehicle's emergency lights and siren. He knew from speaking with our regional staff that his people had left the building and were safe at this point. Upon arriving at WTC, he quickly sized up the situation (the second plane had struck by now) and decided he should relocate his vehicle so it wouldn't be boxed in by all the arriving emergency equipment. As he did this, the first tower began to collapse. He didn't know what had happened, of course, but he could see the wall of dust following him as he drove away. Like many others that day, he made the right decisions at the right time.

As of today, the Manhattan Area Office is working out of the Regional Office (201 Varick Street) and will be relocating to new space in that building. Like many others that were there that day, our people were part of a very traumatizing event but, like those many others, they aren't about to give in to terrorism. They are back doing their job to help protect this country's greatest asset, its people and workers.

New OSHA Recordkeeping Rule is in Effect

Effective **January 1, 2002**, employers have a new system for tracking workplace injuries and illnesses. OSHA's Recordkeeping Rule addressing the recording and reporting of occupational injuries and illnesses affects approximately 1.4 million establishments.

The goal for OSHA's new recordkeeping rule is to improve the quality and consistency of injury and illness data while simplifying the system for the employer. The new system is also designed to improve employee involvement and to protect the privacy of the injured or ill worker. A number of specific industries in the retail, service, finance, insurance, and real estate sectors that are classified as low hazard are exempt from most requirements of the rule as are small businesses with 10 or fewer employees. The following is a brief **summary of key provisions** of the rule:

- New recordkeeping forms:

OSHA 300 (*Log of Work-Related Injuries and Illnesses*); simplified and reformatted to fit legal size paper.

OSHA 301 (*Injury and Illness Incident Report*); includes more data about how the injury or illness occurred.

OSHA 300A (*Summary of Work-Related Injuries and Illnesses*); a separate form created to make it easier to calculate incidence rates)

- Changes the exemptions for employers in the retail, service, finance, insurance, and real estate industries.
- Continues to exempt small employers (employers with 10 or fewer employees) from most requirements.
- Includes new definitions for medical treatment, first aid, and restricted work to simplify recording decisions and adds further exceptions to the definition of work-relatedness.
- Eliminates different criteria for recording work related injuries and work related illnesses; one set of criteria will be used for both.
- Clarifies the recording of restricted work cases.
- Changes the counting of days away from work, restricted days and job transfer.
- Improves employee involvement and provides employees and their representatives with access to the injury and illness information.
- Protects privacy for injured and ill workers.
- Changes the recording of needlestick injuries and TB.
- The annual summary (new OSHA Form 300A) will now be posted for 3 months instead of one. Also, the summary is required to be certified by a company executive.

OSHA's Form 300
Log of Work-Related Injuries and Illnesses

Year 20__

Establishment name _____ Date _____

OSHA 300 (Rev. 10-2001)

OSHA's new 300 form replaces the OSHA 200 for recording injuries and illnesses.

OSHA's new
Recordkeeping rule affects
approximately 1.4 million
workplace establishments

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OSHA's Steel Erection Standard

OSHA's Steel Erection Standard took effect enhancing protection for workers engaged in steel erection (primarily iron workers) and updating the general provisions that address steel erection. It sets performance-oriented criteria, where possible, to protect employees from steel erection related hazards such as working under loads; hoisting, landing and placing decking; column stability; double connections; hoisting, landing and placing steel joists; and falls to lower levels. To effectuate this, the final rule also contains requirements for hoisting and rigging, structural steel assembly, beam and column connections, joist erection, systems-engineered metal building erection, fall protection and training.

"This standard focuses on the most dangerous hazards in the industry and the hazards posed by evolving work practices and new technologies," said OSHA Administrator John L. Henshaw. "This emphasis will help prevent many of the 2,300 unnecessary injuries and 35 fatalities that occur in this industry every year."

The Steel Erection Standard was the first new safety standard developed using negotiated rulemaking under the Negotiated Rulemaking Act of 1990. Industry, labor and government all

came together to provide input on what each wanted to see included in the new construction industry standard. In 1994, SENRAC (Steel Erection Negotiated Rulemaking Advisory Committee) was formed which included representatives from labor, industry, public interests and government agencies. Their goal was to make a recommendation to OSHA on what should be included in the contents of a proposed rule. After many discussions, much negotiation, public comment and public hearings, a final rule was published in the Federal Register on January 18, 2001.

The standard became effective on **January 18, 2002** but OSHA will not conduct general schedule inspections for 60 days, until March 19, 2002. OSHA in New York State has been actively engaged in disseminating information about the new standard to construction workers, trade unions and associations, employers and facility owners. Information concerning the new standard including fact sheets, news releases, regulatory text, and training aids are available on OSHA's website at: www.osha.gov or you may contact your nearest local OSHA office. Also, you can contact OSHA Region II's Construction Coordinators, Bob Magee [(212) 337-2349] and Eric Marrinan, [(212) 337-2362] for assistance.

Recordkeeping

(Continued from page 4)

Employers not exempt from OSHA's recordkeeping requirements must prepare and maintain records of work-related injuries and illnesses. Those employer's need to review 29 CFR 1904, Recording and Reporting Occupational Injuries and Illnesses, to see exactly which cases to record. [Note: exempt employers must continue to report any workplace incident resulting in a fatality or the hospitalization of three or more employees, and respond to OSHA or BLS surveys.]

From OSHA's website, www.osha.gov, the new recordkeeping rule can be downloaded as well as the list of exempt industries, recordkeeping training presentations, the new forms (with instructions), OSHA's compliance directive, fact sheets, and frequently asked questions. If you have still questions or need assistance, call your local Area Office or Compliance Assistance Specialist. The telephone numbers are listed at the end of this newsletter. Also, the OSHA Region II Recordkeeping Coordinator, Kevin Brennan, can be contacted at (212) 337-2339.

Recordkeeping is a critical part of an employer's safety and health efforts for several reasons:

- *Keeping track of work-related injuries and illnesses can help you prevent them in the future.*
 - *Using injury and illness data helps identify problem areas. The more you know, the better you can identify and correct hazardous workplace conditions.*
 - *You can better administer company safety and health programs with accurate records*
 - *As employee awareness about injuries, illnesses and hazards in the workplace improves, workers are more likely to follow safe work practices and report workplace hazards.*
-

World Trade Center Disaster

What Is OSHA's Role?

When the world changed on September 11, 2001, OSHA faced an extraordinary challenge in protecting the safety and health of thousands of rescue and recovery workers. OSHA, the pre-eminent workplace safety and health agency in the country and perhaps the world, mobilized its staff of highly trained, knowledgeable safety and health professionals whose expertise would now be called upon at a level never imagined before. OSHA was faced with assisting at a "work site" different from any before. Here was a rescue/recovery operation involving heavy construction equipment, and ongoing demolition work with thousands of people climbing, digging, rappelling, entering confined spaces, as well as operating cranes, excavators, backhoes and just about every other piece of heavy construction and rescue equipment. All of this activity was taking place at a location surrounded by other buildings of questionable structural stability. Jurisdictionally, OSHA has limited authority on this site, because a large segment consists of public-sector employees who fall under the purview of NYS-PESH. OSHA holds jurisdiction for all private-sector workers and all Federal Agency personnel. According to Regional Administrator, Patricia K. Clark, "from day one, it was determined that OSHA's role at WTC would be to provide technical assistance to contractors, labor, Federal/State/Local agencies and other major stakeholders." She explained that OSHA had determined that our initial and ongoing, responsibilities would be three-pronged:

- Distributing and Fit-Checking Respirators and other Personal Protective Equipment (PPE)
- Site Safety Monitoring
- Industrial Hygiene Sampling and Risk Assessment

Beginning the week after the incident, OSHA began staffing the WTC site 24/7. Nearly 950 OSHA personnel from Federal, State, and Consultation offices around the country have been involved. Since full respirator fit-testing was not practical under the circumstances, a "fit-check" procedure was established. During those early days, OSHA staff provided basic respirator use/care instruction, fit-checking, and issued approximately 4,000 respirators a day. In addition, thousands of hard hats, glasses, goggles, and gloves were donated by suppliers such as, MSA, 3M, and North which were then distributed by OSHA staff. Two fixed locations and one mobile unit was utilized at the site to distribute the protective equipment. Also, OSHA provided fit-checking at the Fire Department (FDNY) mustering point located at the World's Fair Marina in Queens. Later on in the rescue effort, OSHA conducted quantitative fit testing of negative pressure respirators for the FDNY. We'd be remiss if we



Ironworker cutting a vertical column at Tower 2 with magnesium lances. Sampling revealed that this task potentially exposes workers to heavy metals such as copper, iron oxide, lead and cadmium that can exceed OSHA's permissible exposure limits. Respiratory protection is required during these operations.

didn't publicly thank all our State and Consultation Program partners and the Special Government Employees who assisted us with this massive respirator program.

Safety monitoring is being conducted by 18 OSHA staff members working three 8-hour shifts. Each was teamed up initially with a safety representative from the NYC Department of Design and Construction (DDC), noting potential hazardous conditions and/or acts. Later, DDC was replaced on these teams by representatives of the site Safety & Health Manager, Bechtel Corp. which, in turn, was replaced by representatives of Liberty Mutual Insurance Co. who is the wrap-up insurer for the project. Currently, the teams are comprised of a Federal and one State OSHA staff member. These safety teams seek immediate corrective action, whenever possible. All unsafe conditions/acts are brought to the immediate attention of the responsible contractor. Through excellent coordination and cooperation among all the agencies, contractors, and employee representatives at the site, rapid abatement of hazards is achieved. (NOTE: This site was a "fire scene" and has been under the sole control of the FDNY Incident Commander, but has just recently become a joint control site between FDNY & DDC.)

(Continued on page 7)

IH sampling, to assess risk, is a major emphasis on site. The level of sampling is extensive, with more than 5,000 samples being collected thus far, including both personal monitoring of workers as well as ambient air sampling. Initially, the primary focus of the sampling activities was at the Financial District. As you probably recall, a major goal of the city and the President was to reopen the Financial District as soon as possible. To that end, OSHA took an “outside in” approach, collecting its samples at the outer reaches of the site and working in toward the debris pile. OSHA staff wearing pumps walked grids in the Financial District to simulate the exposure that Financial District workers would encounter when the district reopened. Between 9/13 and 9/22, 177 asbestos and 27 silica samples were taken, with no overexposures noted for either. Beginning on 9/23, and continuing today, OSHA shifted to a Task-Specific sampling to better characterize worker exposure in the WTC control zone [a constantly changing area within which higher levels of PPE are required] and on the debris pile itself.

Based upon the results of the thousands of samples taken, both personal/task specific and ambient air, mandatory use of respiratory protection is limited to employees working on the debris pile and those doing specific tasks such as burning, cutting steel, loading/unloading dry debris and the drilling and chipping of concrete. Actual sampling results can be found at our website at www.osha.gov, which also provides links to data from other agencies such as EPA.

Not all the activity is restricted to “ground zero” either. To allow closer coordination with DDC, OSHA Region II personnel provided full time staffing at the New York City Office of Emergency Management’s Emergency Operation Center (EOC) which was located at Pier 92. This operation moved to the AMEX building on Nov. 24. Our representatives coordinate activities and share information with federal, state, and city agencies involved in the effort. Part of our safety coordination also involves attending the various meetings with the contractors, agencies, and shop stewards to discuss and resolve existing or potential safety and health issues. Also, OSHA’s Salt Lake Technical Center provides 24-hour support to analyze samples taken at the site.



Staten Island Landfill operation includes physical sorting of debris to search for evidence as well as cutting and burning of large steel sections. Staten Island, N.Y. is under the jurisdictional area of the Avenel NJ OSHA Office.



At one stage, OSHA was issuing respirators and fit checking more than 4,000 people a day. Here, OSHA staff are equipping two NYPD workers.

Another phase of the project is the recovery operation conducted at the Staten Island Landfill. The handling of debris, including the search for evidence, is an operation that will continue concurrent with the completion of debris removal operations at WTC. OSHA staff are essentially conducting a parallel operation to that at WTC, just on a smaller scale. OSHA staff conduct weekly air sampling, random safety monitoring tours three times per week, and attend the site safety meetings.

Last, but certainly not least, on November 20, 2001 the WTC site became a formal OSHA Partnership site. Committed to a “cooperative, focused, voluntary effort to ensure a safe and healthful environment for all personnel involved in the WTC Emergency Project,” NYC-DDC, FDNY, Building & Construction Trades Council of Greater NY, Building Trades Employers’ Association, Contractors Association of Greater NY, General Contractors Association, and the four Prime Contractors (AMEC Construction Man-

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agement, Inc., Bovis Lend Lease LMB, Inc., Turner/Plaza Construction Joint Venture, and Tully Construction Co., Inc.), US-DOL and OSHA all signed the WTC Emergency Project Partnership Agreement. A similar partnership agreement was launched with the Staten Island Landfill operation on Dec. 12.

All of the New York Area Offices, Albany, Buffalo, Syracuse, Tarrytown, Long Island/Bayside and Manhattan, along with the 4 New Jersey, and Puerto Rico offices and the Regional Office, are proud to be part of the around-the-clock effort to ensure the safety and health of workers involved in the World Trade Center rescue and recovery effort.

Over 200 OSHA staff from Region II (NY, NJ, P.R. and V.I.), have conducted over 5600 tours of duty since September 11, 2001. Along with the staff from the rest of the country, they have been doing the sampling, safety monitoring, respirator distribution, command center operations and risk assessment. A tremendous amount of work has been done to date, and there remains much, much more to do. OSHA will do its best to help maintain a safe and healthful operations at this most unusual work site.



Work practices, such as positioning workers upwind from cutting operations, can reduce exposure levels. Initially, ironworkers were cutting with 2 foot lances and shorter torch handles but, following OSHA recommendations, they began using longer torch handles to further remove the employee's breathing zone from the fumes generated from cutting operations.



Above is a collage of photos showing: upper left, CSHO placing an area air sampling device; main photo, conditions on 9/18/01, as observed by OSHA Safety Monitoring team; bottom center, FDNY vehicles still in the area; and, bottom right, OSHA personnel observing operations for both safety and health concerns.



OSHA provided a special team comprised of its most knowledgeable crane/rigging Compliance Officers to inspect each and every crane, man basket and all rigging and lifting equipment. Fall protection is a major priority on this job.



Two OSHA Industrial Hygienists doing area sampling for a variety of air contaminants near the debris pile.

What's Next?

While OSHA, and Region II in particular, are committed to maintaining our presence at the World Trade Center (WTC) site, our normal inspection activity has not stopped. OSHA Offices throughout the region are fully pursuing traditional enforcement and outreach functions. We will continue to respond to complaints, and accidents, as well as conduct local emphasis program inspections, etc. as in the past. We are also committed to providing compliance assistance on recordkeeping, steel erection, as well as other safety and health issues.

The Manhattan OSHA Office has also been conducting inspections in their area of jurisdiction and has a local emphasis program which targets hazards from work taking place in buildings potentially contaminated from the WTC collapse. We have adjusted our activities at the WTC site as conditions changed, and we will continue to do so, but our work there is far from complete. While maintaining effective enforcement and compliance assistance programs throughout Region II, our goal is to ensure that all participants in the operations at WTC remain vigilant in maintaining the health and safety of workers at the site.



Twisted steel and other debris at the World Trade Center site pose many potential safety hazards.



OSHA compliance officers survey the World Trade Center recovery site to identify hazards and recommend corrections.

OSHA Identifies New York Workplaces with Highest Injury and Illness Rates

Approximately 735 establishments located in New York State have been notified that injury and illness rates at their worksites are higher than average and that assistance is available to help them fix safety and health hazards. These New York workplaces are part of the 13,000 employers nationwide who have received such notification from OSHA.

Establishments with the nation's highest lost workday injury and illness rates were identified by OSHA through employer-reported data from a 2001 survey of 80,000 worksites (the survey consisted of data from calendar year 2000). The workplaces identified had eight or more injuries and illnesses resulting in days away from work or restricted work activity for every 100 full-time workers; the national average is three instances for the same number of workers.

"This identification process is a proactive tool to raise awareness that injuries and illnesses are high at these facilities," OSHA Administrator John L. Henshaw said. "Injuries and illnesses are costly to employers in both personal and financial terms. Our goal is to identify workplaces where injury and illness rates are high, and to offer assistance to businesses so that they address the hazards and reduce occupational injuries and illnesses."

OSHA sent letters to all employers identified in the survey, and provided copies of their injury and illness data, along with a list of the most frequently violated OSHA standards for their specific industry. While the letter expresses concern about the high rates, it also offers the agency's assistance in helping turn the numbers around. An excellent way for smaller employers to address safety and health is to ask for assistance from the New York State On-site Consultation Program. The service is free, and there are no fines even if problems are found. Information on contacting the nearest New York On-site Consultation Program office is listed at the end of this newsletter. Other sources of assistance include insurance carriers, safety and health consultants, and trade or professional associations.

The 13,000 sites are listed alphabetically, by state, on OSHA's website at: http://www.osha.gov/as/opa/foia/hot_8.html. The list does not designate those earmarked for any future inspections. An announcement of targeted inspections will be made later this year.

COMING UP IN THE NEXT ISSUE:

Protecting the safety and health of immigrant workers

The Standard Industrial Classification codes for the 80,000 establishments covered in the OSHA 2001 survey:

- 20-39 Manufacturing
- 018 Horticultural Specialties
- 021 Livestock (except dairy & poultry)
- 025 Poultry and Eggs
- 027 Animal Specialties
- 0291 General Farms, primarily animal
- 0783 Ornamental Shrub and Tree Service
- 421 Trucking and Courier Service
- 422 Public Warehousing and Storage
- 423 Trucking Terminal Facilities
- 4311 U.S. Postal Service
- 449 Water Transportation Services
- 451 Air Transportation, Scheduled
- 458 Airports, Flying fields, & Services
- 4783 Packing and Crating
- 4953 Refuse Systems
- 503 Lumber and other Construction Materials
- 505 Metals and Minerals
- 5093 Scrap and Waste Materials
- 514 Groceries and Related Products
- 518 Beer, Wine, and distilled Beverages
- Lumber and Other Building Materials
- 5311 Department Stores
- 805 Nursing and Personal Care Facilities
- 806 Hospitals

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