

NH COSH Notified of Grant Renewals

NH COSH was recently notified about the award of several grants. The University of Massachusetts at Lowell's Work Environment Program notified NH COSH about the HazWoper training grant from the National Institute of Environmental Health Sciences (NIEHS) being awarded to the New England Consortium (TNEC). TNEC's partners including NH COSH will receive sub-grants for training hazardous waste workers, emergency responders, medical emergency personnel, and more.

NH COSH is in the process of looking for a Worker Health Educator to work with us and TNEC under the HazWoper grant. This is a part-time position for approximately 100 days per contract year. Information about this part-time position can be obtained from our office at 161 Londonderry Turnpike, Hooksett, NH 03106, call 603-232-4406, or on-line at www.nhcosh.org.

The National COSH Network received word from OSHA that their Susan Harwood grant application was approved. The National COSH Network will receive a grant that will be sub-granted to about 20 state COSH groups across the nation for internal and external capacity building, safety and health training for our partnering organizations, and for continuation of our vulnerable worker training.

The N.H. Department of Education notified NH COSH of the award of two grants that will help continue our safety and health training to Adult Basic Education classes and English as a Second Language classes. With our trainer on these grants, Judith Elliott, we are looking forward to an active school year and our continued association with the N.H. Department of Education.



NH schools participate in Healthy Schools Program .

Indoor Air Quality in Schools Gets Boost

Public schools got a major boost this year when Governor Lynch signed House Bill 1289 into law in July. This bill requires the investigation of air quality in the public schools annually by the school principal or his designee. The NH Department of Education with members of the NH Partners for Healthy Schools is currently at work developing a checklist to help principals with this investigation. Completed copies of the checklist will need to be filed with the NH Department of Education, the local Health Officer and a copy kept at the school. Checklists shall remain file for 5 years and will be reviewed during the 5 year school approval process.

The Department of Education has been commissioned to ensure that every public school in New Hampshire have a copy of the U.S. EPA's Tools for Schools program and encourage public schools to implement the program to help provide and maintain good indoor air quality in our public schools. This was a great victory for healthy school advocates across the state.

OSHA Launches Severe Violator Enforcement Program (SVEP)

Every day, about 14 to 16 Americans fail to come home from work to their families. Tens of thousands die from workplace disease and more than 4.6 million workers are seriously injured on the job annually. The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), in an effort to address urgent safety and health problems facing American workers, implemented a new Severe Violator Enforcement Program (SVEP). They have also increased the civil penalty amounts for violations.

This new program focuses OSHA's enforcement resources on recalcitrant employers who endanger workers by demonstrating indifference to their responsibilities under the law. This supplemental tool includes increased OSHA inspections in these worksites, including mandatory OSHA follow-up inspections, and inspections of other worksites of the same employer where similar hazards and deficiencies may be present. SVEP became effective on June 18, 2010.

"For many employers, investing in job safety happens only when they have adequate incentives to comply with OSHA's requirements," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "Higher penalties and more aggressive, targeted enforcement will provide a greater deterrent and further encourage these employers to furnish safe and healthy workplaces for their employees."

"SVEP will help OSHA concentrate its efforts on those repeatedly recalcitrant employers who fail to meet their obligations under the Occupational Safety and Health Act. It will include a more intense examination of an employer's practices for systemic problems that would trigger additional mandatory inspections," said Michaels.

OSHA is implementing changes to its administrative penalty calculation system. Many of the agency's current penalty adjustment factors have been in place since the early 1970's, resulting in penalties which are often too low to have an adequate deterrent effect. Administrative penalty adjustments will therefore be made to several factors which impact the final penalty issues to employers. These factors include:

- *History Reduction* The time frame for considering an employer's history of violations will expand from three years to five. An employer who has been inspected by OSHA within the previous five years and has not been issued any serious, willful, repeat, or failure-to-abate citations will receive a 10 percent reduction for history.

- *History Increase* An employer that has been cited by OSHA for any high gravity serious, willful repeat, or failure-to-abate violation within the previous five years will receive a 10 percent increase in their penalty, up to the statutory maximum. Employers who have not been inspected and those who have received citations for serious violations that were not high gravity will receive neither a reduction nor an increase for history.
- *Repeat Violations* The time period for considering the classification of repeated violations will be increased from three to five years.
- *Severe Violator Enforcement Program* Where circumstances warrant, at the discretion of the Area Director, high gravity serious violations related to standards and hazards identified in the SVEP will not normally be grouped or combined, and may be cited as separate violations, with individual proposed penalties.
- *Gravity-Based Penalty (GBP)* The gravity of a violation is the primary consideration in calculating penalties and is established by assessing the severity of the injury/illness which could result from a hazard and the probability that an injury or illness could occur. OSHA is adopting a gravity-based penalty structure for serious citations which will range from \$3,000 to \$7,000.
- *Size Reduction* OSHA will be amending its penalty reduction structure based on the size of employers, allowing for a penalty reduction between 10 and 40 percent for those with less than 250 employees. No size reduction will be applied for employers with 251 or more employees.
- *Good Faith* The current good faith procedures in the Field Operations Manual will be retained. A penalty reduction is permitted in recognition of an employer's effort to implement an effective workplace safety and health program. Employers must have a safety and health program in place to get any good faith reduction. Good faith reductions are not allowed in the cases of high gravity serious, willful, repeat, or failure-to-abate violations. The 15% Quick-Fix reduction currently allowed as an abatement incentive to encourage immediate abatement of hazards will remain but the 10% reduction for employers with a strategic partnership agreement will be eliminated.



Last year's NH COSH Annual Dinner - October 29, 2009.

NH Coalition for Occupational Safety & Health

TWENTY-FIRST ANNIVERSARY DINNER MEETING

21 Years of Advocating for NH Workers Safety and Health

1989 2010

Tuesday, October 19, 2010

MEMBERS BUSINESS MEETING
AT 5:30 PM

BUFFET DINNER AT 6:15 PM

Plumbers & Pipefitters' Hall
16 Londonderry Turnpike

Hooksett, NH 03106

Special Guest Speakers, Door Prizes, and
more.

NH COSH
161 Londonderry Turnpike
Hooksett NH 03106-1938
603-232-4406 " FAX: 603-232-4461

RVSP: by October 15, 2010 to Sandi, call 603-232-4406,
FAX: 603-232-4461 or e-mail at schabot@nhcosh.org

You Can Join NH COSH Today

Organizational Membership:

\$ 60	1-100 members
\$135	101-500 members
\$250	501-2000 members
\$375	2001 members or more

Name: _____

Mailing Address: _____

Contact Person: _____

Telephone: _____

Health & Safety Contact: _____

Telephone: _____

E-Mail Address _____

FAX Number: _____

Individual Contribution: \$10.00.

Name: _____

Address: _____

City, State, Zip: _____

Home Phone: _____

E-mail Address: _____

Mail form and check payable to:

NH COSH
161 Londonderry Turnpike
Hooksett, NH 03106-1938

***NH COSH is a 501(c)(3) organization under the U.S. Tax Code. Contributions to NH COSH are tax deductible to the fullest extent allowed.*

NH COSH EXECUTIVE BOARD AND STAFF

OFFICERS: *Chair:* Dennis Martino, AFM 374; *Vice Chair:* Alfred P. Bouchard, Working America, NAMI; *Secretary:* Steve O'Connor, IBEW 2320; *Treasurer:* Louise Anne Hannan, SEIU 1984

AT-LARGE BOARD MEMBERS: Eva Castillo, Working America; David C. May, Working America; Tom O'Neil, SEIU 1984

NH AFL-CIO: Mark MacKenzie, President; Bill Demotta, IBEW 1837; Elizabeth Skidmore, Carpenters Local 118

NH COSH STAFF: *Director:* Brian Mitchell; *TNEC Adjunct Trainer:* Mike Fitts; *Program Coordinator:* Sandra V. Chabot; *Adult Education Trainer:* Judith Elliott

SUPPORTED AND FUNDED THROUGH MEMBER CONTRIBUTIONS AND GRANTS FROM: TNEC/UMass Lowell, OSHA, NH Department of Education, Endowment for Health.



NH COSH Looking for Safety & Health Contract Language

Director, Brian Mitchell, is looking for union safety and health contract language for an information bank at the NH COSH headquarters. The information bank would be made available as a resource for all New Hampshire union locals struggling with negotiations. NH COSH is also receiving input from sister COSH groups across the nation in this endeavor. For more information on this developing service contact Brian at 603-232-4406.

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- *Minimum Penalties* The minimum proposed penalty for a serious violation will be increased to \$500. When the proposed penalty for a serious violation would amount to less than \$500, a \$500 penalty will be proposed for the violation. The proposed minimum penalty for a posting violation will increase to \$250 if the company was previously provided a poster by OSHA.
- *Additional Administrative Modifications to the Penalty Calculation Policy* Final penalties will be calculated serially, unlike the current practice where all penalty reductions are added and the total percentage of reductions is then multiplied by the gravity-based penalty to arrive at the proposed penalty. All penalty adjustment factors will be applied serially.

These changes will establish general agency policy and do not preclude the agency from assessing a different penalty, where appropriate under the Act, in light of all circumstances in a particular case.

“OSHA enforcement and penalties are not just

a reaction to workplace tragedies. They serve an important preventive function. OSHA inspections and penalties must be large enough to discourage employers from cutting corners or underfunding safety programs to save a few dollars.” Dr. Michaels said.

Need Specialized Training Onsite?

The New England Consortium (TNEC) at the University of Massachusetts/Lowell provides specialized training through a grant from the National Institute of Environmental Health and Safety (NIEHS). TNEC is a New England regional partnership between the UMass/Lowell and the OSHA Susan B. Harwood training awardees: Western MassCOSH, MassCOSH, RICOSH, CTCOSH, and NH COSH. TNEC is also collaborates with the OSHA New England Training Institute Education Center at Keene State, New Hampshire.

Check the TNEC website www.uml.edu/t nec for more information about Hazardous Waste, Emergency Response, Emergency Preparedness, OSHA Construction, Industrial Ammonia, and refresher training dates and times. *Specialized onsite contract course can be specifically designed for any facility.*

TNEC; UMass/Lowell; 1 University Avenue, Lowell MA 01854; 978-934-3257 • t nec@uml.edu.

Sen. Mike Enzi singlehandedly derailed the Miner Safety and Health Act with his posting on YouTube while disabling the comment capability! Tell him what you think get out and vote! <http://www.youtube.com/watch?v=byYXQfxtQ64>