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outstanding leadership qualities, and track record of succeeding in a multi-cultural environment, the capacity to bring together and respond to governments, civil society, the private sector and other partners in creating opportunities and solutions for sustainable development. This is happening at a moment in time

when the United Nations is undergoing reform and when global environmental governance is being redefined. A significant number of UNEP positions at all levels are currently open for application. For employment opportunities and how to join UNEP visit www.jobs.un.org or www.unep.org

Job Wanted

Michael M. Mendoza will be relocating to the San Antonio, Texas, mid 2007 and is looking for a career with a company that is in search of a well educated, trained, and experienced Safety Professional that is concerned with the impact of accidents that have an effect on business costs and competitiveness. Mike has nearly 21 years of professional safety experience and has a strong working knowledge of Industrial Safety, Safety Engineering, Safety Management, Industrial Hygiene, Loss Control, and Risk Management with required Board Certified Professionals Safety Certifications and Registrations. Adaptive at handling deadlines, working with tight budget constraints, solving technical safety problems/issues while maintaining productivity, and obtaining results through the use of dedicated and key decision-making people through close working relationships by using strong business, ethics, organizational, and management knowledge and skills. Mike is computer literate using MS Word, Excel, Powerpoint, and the Internet. His key safety strengths include: Accident investigations, back injury prevention, behavior-based safety, bloodborne pathogens, confined spaces, construction safety, electrical safety, ergonomics, excavation/trenching safety, fall protection, fire protection/fire safety, forklift safety, hand & power tool safety, hazard communication, hearing conservation/noise control, illumination surveys, job safety analysis/activity hazard analysis, ladder safety, lockout-tagout, loss control & risk management, machinery & equipment safety, materials, handling, means of egress/illumination evaluations, office safety, OSHA compliance programs, OSHA recordkeeping, personal protective equipment, respiratory protection, risk assessments & safety audits/inspections, safety management, scaffolding safety, seismic safety, traffic safety, welding & cutting safety, and workplace violence & prevention. You can contact Mr. Mendoza by michael.mendoza@sbcglobal.net or call (510) 799-9217.

FDA and NIOSH Public Health Notification:

Oxygen Regulator Fires Resulting from Incorrect Use of CGA 870 Seals

reprinted from Department of Health & Human Services Food and Drug Administration

Updated: June 19, 2006

Dear Colleagues:

We are updating the Public Health Notification of April 24, 2006 alerting you to the danger of fires at the interface of oxygen regulators and cylinder valves because of incorrect use of CGA 870 seals, and to point out an important precaution you can take to avoid such fires.

This update clarifies the FDA and NIOSH recommendation on the use of sealing-type washers (reusable, metal-bound rubber seal) and crush-type gaskets (single use, not reusable, usually Nylon®) with oxygen regulators. We believe that this new language will alleviate concerns

around the proper use of both types of seals.

Background

FDA has received 12 reports in which regulators used with oxygen cylinders have burned or exploded, in some cases injuring personnel. Some of the incidents occurred during emergency medical use or during routine equipment checks. FDA and NIOSH believe that improper use of gaskets/washers in these regulators was a major factor in both the ignition and severity of the fires, although there are likely other contributing factors.

Two types of washers, referred to CGA 870 seals, are commonly used to create the seal at the cylinder valve / regulator interface: The type recommended by

many regulator manufacturers is a metal-bound elastomeric **sealing washer** that is designed for multiple use applications. The other common type, often supplied free-of-charge with refilled oxygen cylinders, is a plastic (usually Nylon®) **crush gasket** suitable for single use applications.

When used more than once, the Nylon® crush gaskets require higher torque than the elastomeric sealing washers in order to seal the cylinder valve / regulator interface, and if they are used again, they require more torque with each successive use. The cylinder valve / regulator connection is designed to be hand-tightened. If the crush gaskets are re-

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(continued from page 7) used, the need for increased torque may require using a wrench or other hand tool, which can deform the crush gasket and damage the cylinder valve and regulator. This can result in leakage of oxygen past the cylinder valve seat and across the nylon crush gasket. According to a forensic analysis supported by FDA and NIOSH, “flow friction” caused by this leakage of compressed oxygen across the surface of the crush gasket may produce enough thermal energy to spontaneously ignite the nylon gasket material.

Recommendations

FDA and NIOSH recommend the plastic crush gaskets never be reused, as they may require additional torque to obtain the necessary seal with each subsequent use. This can deform the gasket, increasing the likelihood that oxygen will leak around the seal and

ignite.

The following general safety precautions should also be taken to avoid explosions, tank ruptures and fires from oxygen regulators.

- Always “crack” cylinder valves (open the valve just enough to allow gas to escape for a very short time) before attaching regulators in order to expel foreign matter from the outlet port of the valve.
- Always follow the regulator manufacturer’s instructions for attaching the regulator to an oxygen cylinder.
- Always use the sealing gasket specified by the regulator manufacturer.
- Always inspect the regulator and CGA 870 seal before attaching it to the valve to ensure that the regulator is equipped with only one clean, sealing-type

washer (reusable metal-bound rubber seal) or a new crush-type gasket (single use, not reusable, typically Nylon®) that is in good condition.

- Always be certain the valve, regulator and gasket are free from oil or grease. Oil or grease contamination is widely known to contribute to ignition in oxygen systems.
- Tighten the T-handle firmly by hand, but do not use wrenches or other hand tools that may over-torque the handle.
- Open the post valve slowly. If gas escapes at the juncture of the regulator and valve, quickly close the valve. Verify the regulator is properly attached and the gasket is properly placed and in good condition. If you have any questions or concerns contact your supplier.

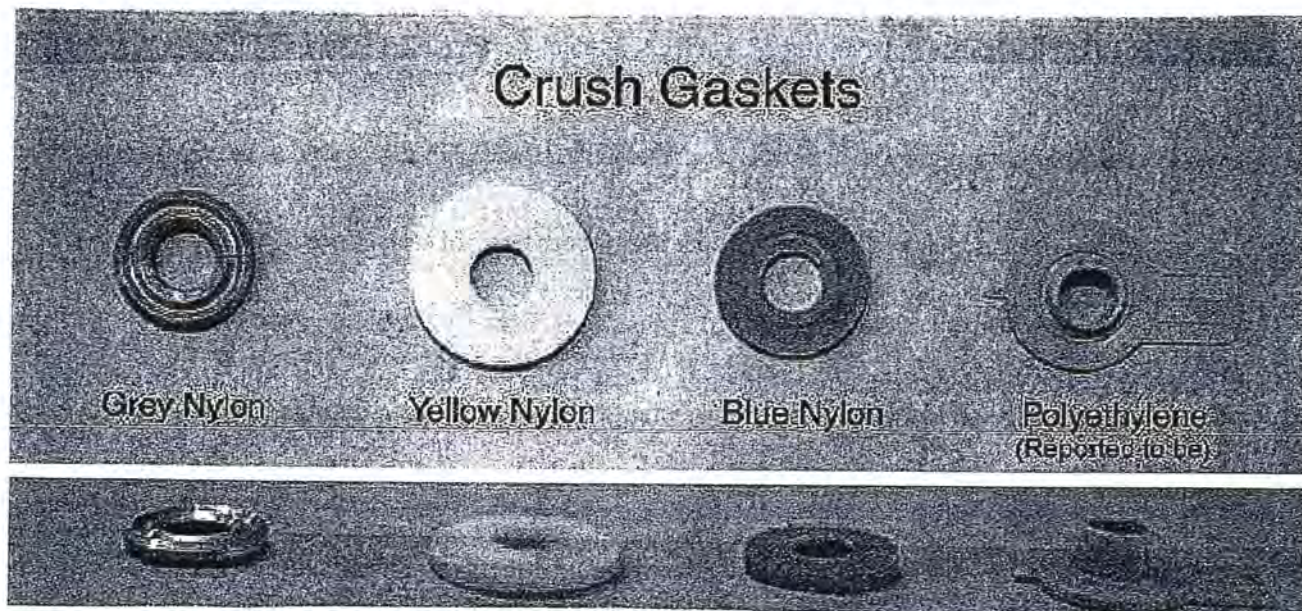


Figure 1.—Examples of crush gaskets available for CGA 870 type medical post valves.

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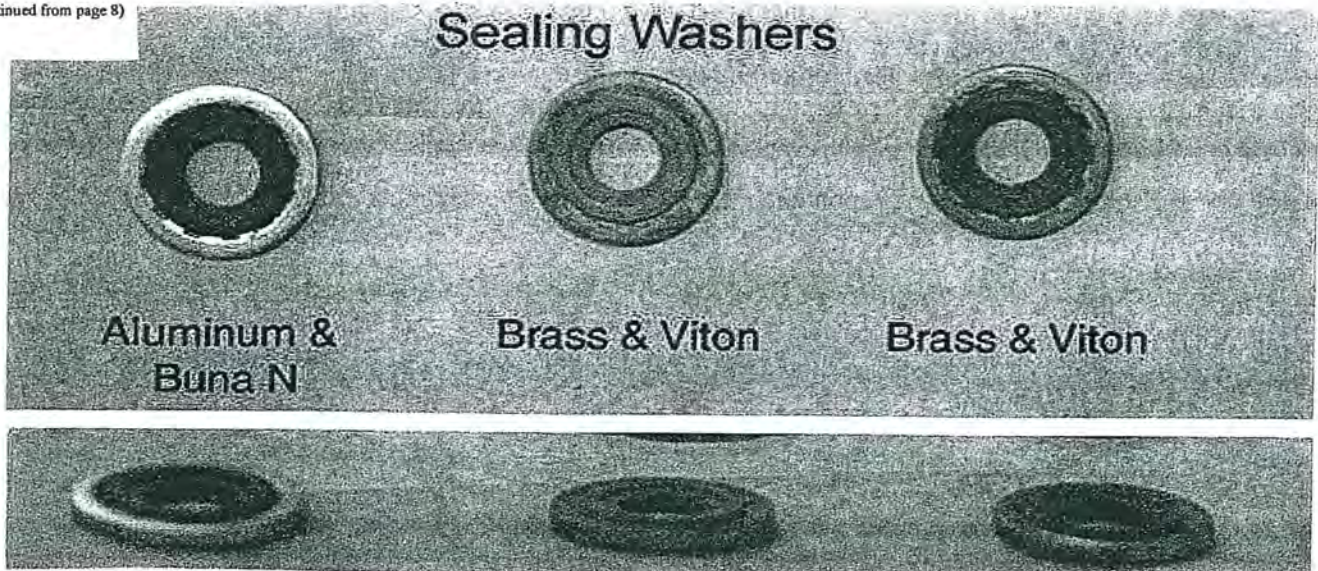


Figure 2. —Examples of some sealing washers available for CGA 870 Style medical post valves.

Reporting to FDA

FDA requires hospitals and other user facilities to report deaths and serious injuries associated with the use of medical devices. If you suspect that a reportable adverse event was related to the use of medical gas equipment, you should follow the reporting procedure established by your facility.

We also encourage you to report adverse events related to medical gas equipment

that do not meet the requirements for mandatory reporting. You can report these directly to the device manufacturer. You can also report to MedWatch, the FDA's voluntary reporting program. You may submit reports to MedWatch by phone 1-800-FDA-1088; by fax at 1-800-FDA-0178; by mail to MedWatch, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20850; or online at <http://www.fda.gov/medwatch/report.htm>.

Getting More Information

If you have questions about this notification, please contact the Office of Surveillance and Biometrics (HFZ-510), 1350 Piccard Drive, Rockville, MD 20850, fax 240-276-3356, or by e-mail at phann@cdrh.fda.gov. You may also leave a voice mail message at 240-276-3357 and we will return your call as soon as possible.

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2006 - 2007

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Our Deepest Sympathy

Our Sincere Condolences go to Fred Weidner's family and friends. Fred lost his fight with cancer on June 21st. He served on the WSO Board of Directors for three terms. He was ahead of the WSO Governmental Advisory and Research Division for the WSO. He was instrumental in getting WSO Certifications recognized in the state of New York. He also served as a WSO United Nations Representative, for several years. Fred will be deeply missed by all who knew and loved him.

The 20th Annual WSO's International Environmental and
Occupational Safety and Health Conference
May 14 - 16, 2007

Sheraton Denver Tech Center Hotel, Englewood Colorado (Denver Colorado)

Here are bio's of some of our speakers for our up coming Conference:

KEYNOTE SPEAKER: James P. "Perry" Huckabay, Ph.D.: Dr. Huckabay has thirty years of experience and leadership in developing and directing risk management, claims administration, loss prevention, safety and training programs for major insurance carriers and employers for both the private and public sector. He is the former Director of Workers' Health and Safety for the State of Texas and was instrumental in establishing the loss prevention division for the largest self insurance pool in the United States. Perry has had the opportunity to assist hundreds of employers and trained thousands of employee's in his career. As a nationally recognized speaker and trainer, Perry has presented to audiences across the country on such topics as; Methods Of Reducing Workers' Compensation Costs, Fleet Safety, Preventing Workplace Violence, Illusions - the Reality of Managing Your Risk, Preventing Sexual Harassment, Effective Claims Management, the Customer and Customer Service, Liability Prevention and many others. He holds the WSO-Certified Safety Executive (WSO-CSE) designation, is a member of the American Society of Safety Engineers, and is a licensed Claims Adjuster.

Frederick "Fritz" Budde, Ph.D.: Dr. Budde is currently the Program Director for the Environmental Compliance/Occupational Safety & Health Program at the Federal Air Marshal Service, a division of Immigration and Customs Enforcement of the Department of Homeland Security. He has been with the Air Marshals since May of 2004, having answered the call from senior officials at the service. Prior to that, he had been a Special Agent with the Federal Aviation Administration, specializing in the detection of WMDs (Weapons of Mass Destruction), and was active as a trainer and subject matter expert. He was liaison with the US Customs Service, and assisted in the development and deployment of radiation scanning devices and the development of a list of suspect chemicals and biological entities. Prior to training as a Special Agent with FAA Security, he was the Regional Occupational Safety & Health Manager for the Eastern Region of the FAA, encompassing seven states and the District of Columbia. Dr. Budde was active in the Transportation of Dangerous Goods, and has served on several committees, as well as having his own packing and consultation company. The last several years, he has served as the Chairman of the "Transportation of Dangerous Goods" committee for the World Safety Organization. Dr. Budde is currently producing a complete range of policies covering 35 areas of concern in the safety field, as well as establishing an Environmental Management System for the Federal Air Marshal Service. Dr. Budde's areas of expertise lie in Industrial Hygiene and Environmental Health, as well as the Dangerous Goods Regulations in all modes of transport. Dr. Budde is a member of the WSO Board of Directors.

Lt. Col. Marilyn Clark-Alston: Ms. Clark-Alston is a Lt. Colonel in the U.S. Air Force Reserves, and is the Commander of the 917th Mission Support Squadron at Barksdale Air Force Base, Louisiana. She is a Distinguished Graduate of the Grambling State University Reserve Officers Training Program, and entered active duty in 1976 after working a brief time for the Dow Chemical Company in Midland, Michigan. She served as an Accounting and Finance Officer before joining the Air Force Reserve. She is presently a Compliance Assistance Officer with the U.S. Department of Labor - Occupational Safety and Health Administration (OSHA), with responsibilities for the State of Arkansas. She holds a Bachelor of Science (Honors) in Business from Grambling State University, and a Master of Science in Education from Indiana Purdue University in Indianapolis, Indiana. Lt. Col Clark is a member of the WSO Board of Directors.

Dr. Jesse Grantham: has over 30 years of experience in welding, metallurgy and materials testing. His specialties include code consulting, accident reconstruction and failure analysis. Dr. Grantham has authored and co-authored numerous technical publications about welding processes, management, design and evaluation of welding structures. He has conducted research in the areas of underwater wet welding, safety, physics of welding, joint design and nondestructive testing. Dr. Grantham is a Registered Professional Engineer in 7 States and maintains an NCEES engineering registration. He is an AWS Certified Welding Educator & Inspector and an ASNT Level III in UT and MT. Dr. Grantham owns and operates Welding & Joining Management Group, West, an independent testing laboratory in Denver, Colorado. In-house certified laboratory capabilities allow him to analyze alloy compositions, mechanically test materials and nondestructively examine welds. WJMG is the only AWS accredited welder test facility in the Rocky Mountain Region, and is dedicated to providing solutions to improve product quality, and reduce cost and increase returns.

Mr. Jess F. Kraus: started 3E at 27 years of age in 1988. Identifying a need for full-service solutions to companies' hazardous materials information management. Mr. Kraus set to work building 3E from the ground up with the help of his wife and brother. For sixteen years he served as President and Chief Executive Officer. Under his leadership, 3E grew from a two-person shop run out of his home to a NASA-style "Mission Control Center". In 2004, he assumed the role of President of 3E Solutions, where he continues to focus his entrepreneurial skills on market expansion and customer relationships by spearheading all strategic relationship activities, M&A strategy and new business development for the company. A graduate of The University of California San Diego, Mr. Kraus holds degrees in mathematics and chemistry. An environmental engineer by training, he joined General Dynamics in 1985 and was responsible for managing pollution control programs for three divisions. The impetus of 3E came from a desire to blend environmental and ecological engineering into a comprehensive on-demand service to offer corporate America, hence the three E's.



World Safety Organization's News-Letter

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A Construction Site: Control Creates Safety Responsibility

submitted by: President/CEO Stephen A. Estrin WSO-CSM/CSSD(SL), Vice President/CFO Karen Stadler-Estrin WSO-CSM/CST of Stephen A. Estrin & Company., Inc., Sarasota, Florida

The multi-employer jobsite is the norm of the construction industry and therefore, Prime Contractors, General Contractors and Construction Managers are ultimately dependent not only on their employees, but those of their subcontractors performing the trade labor necessary to complete the project on time, within budget and accident free. Prime and General Contractor, Construction Manager, Subcontractor and Employees are all in the enterprises of constructing the project together and therefore, there exists a mutuality of interest. They all want the project to succeed because they all have a stake in its success. To succeed, **NO HARM** can come to any employee.

Jobsite/Employee Safety Responsibility:

The extent of jobsite/employee safety responsibility under the OSH Act and the Safety and Health Regulations For Construction, 29 CFR 1926, revised, are extremely broad and encompassing. However, neither the OSH Act nor 29 CFR 1926, revised, specifically addresses the issue of a Prime/General Contractor's and/or a Construction Manager's responsibility for the safety of workers other than their own employees. This recently changed only for steel erection with the adoption by OSHA of the new and vastly expanded Safety Standard For Steel Erection, 29 CFR 1926, Subpart R, effective January 18, 2002. The new regulation introduced the controlling contractor, who by definition was the

Prime/General Contractor or Construction Manager and established certain specific safety responsibilities to that contractor above those of the steel erector subcontractor. This concept was an extension of the little known and less understood OSHA Multi-Employer Worksite Doctrine articulated by the Occupational Safety and Health Review Commission (OSHRC) first in 1975/1976 in their decisions in Anning-Johnson Co., Docket Nos.: 3694 and 4409 and Grossman Steel and Aluminum Corp., Docket No.: 12775, and in 2000, in The Haskel Company, Docket No.: 99-2191 and in OSHA Directive CPL 2-0.124.

OSHA's Multi-Employer Worksite Doctrine: It is true that the OSH Act and all but Subpart R of the 29 CFR 1926, revised does not specifically address the issue of a Prime/General Contractor's or Construction Manager's responsibility for violations of 29 CFR 1926, revised on a construction project. The Courts and the OSHRC have attempted to resolve this, finding its support in the broad remedial purpose of the OSH Act's General Duty Clause, 29 U.S.C. § 654(a) (b), which assures all employees a workplace free of recognized hazards capable of causing serious injury or death. This places a **focus on the workplace**, not the construction worker/employee, in terms of accident prevention. Therefore, once the Prime/General Contractor or Construction Manager can be shown to be responsible

for ensuring compliance with 29 CFR 1926, revised, they are obligated to protect every construction worker/employee on the jobsite. This is consistent with Congress' intent for the OSH Act, the prevention of workplace accidents and thereby employee injuries.

Furthermore, the U.S. Court of Appeals in Secretary v OSHRC (Underhill Construction Corp.), 513 F. 2d 1032 (1975), addressed and clarified the issue of the applicability of the OSH Act, General Duty Clause, 29 U.S.C. 654(a) (2) to an employer's responsibility to provide for the safety of workers who are not their employees, but work on the same construction project. The Court found that the General Duty Clause of the OSH Act sets forth a specific duty to comply with 29 CFR 1926, revised, which is in no way limited to situations where a violation of the regulation(s) is linked to exposure of payroll employees to the hazard. It is a responsibility over and above the general duty to protect payroll employees from serious injury or death.

Continuing, the 8th Circuit Court of Appeals in Marshall v Knutson, 566 F. 2d 596 (1977) concluded that an employer who has control over an entire worksite must take whatever measures are necessary to ensure the safety of all workers, not only their direct employees based upon their supervisory capacity.

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(Continued from page 1) Building upon the decisions of the Federal Court(s) of Appeals and their own decisions, in 2000 in their ruling in The Haskell Company, the OSHRC stated that to establish a violation under their Doctrine, a Prime/General Contractor or Construction Manager must be shown to have known, had actual knowledge, or with the exercise of reasonable diligence could have determined, the existence of the hazardous condition, Constructive Notice. Reasonable diligence was found by the OSHRC to be "adequate supervision of employees and the formulation and implementation of training programs and work rules designed to ensure that employees perform their work safely".

A few years earlier in 1997, the OSHRC in R.P. Carbone Construction Co., OSHRC Docket No.: 96-1302, concluded that; "There is a presumption that the general contractor has sufficient control over its subcontractors to require them to comply with the [OSHA] safety standards and to abate hazardous. The significance of this and The Haskell Company decision are that they clearly establish that as a matter of OSHA Law, the Prime/General Contractor and/or Construction Manager in responsible charge of the work is always the **Controlling Employer** for jobsite/worker safety, regardless of the contractual relationship or reliance on the subcontractors to comply with 29 CFR 1926, revised and to abate hazards on the project.

OSHA, to clarify their multi-employer citation policy, enacted Directive CPL 2-0.124 effective December 10, 1999 which set forth the standards for the four types of employers found on a construction project; these being the Hazard Creating, Exposing, Correcting and Controlling Employers.

The Controlling Employer: The Controlling Employer is defined by OSHA as the employer on the project who has general supervisory authority over the project, including that ability to correct safety and health violations itself or require subcontractors to correct them. Control can be established by contract or, in the absence of a written agreement

having safety provisions, by the exercise of control in practice. This does not mean that a General Contractor, etc., who neither has a contract with an owner but contracts with subcontractors, is not a Controlling Employer if that General Contractor, etc. has no physical presence on the project. Control is established by virtue of the fact that the Prime/GC/CM pays the subcontractors for the work they perform, which permits them to force compliance with 29 CFR 1926.

Regarding the actions that must be taken by a Controlling Employer, the Prime/GC/CM must exercise reasonable care/diligence to prevent and detect violations of 29 CFR 1926, revised on the project. However, OSHA has established that the extent of the measure that the Prime/GC/CM must take to meet their duty of reasonable care is less than that which is necessary by the Hazard Exposing and Creating Employers with respect to protecting their own and other trade employees.

The Reasonable Care Standard: The factors which determine if a Prime/GC/CM has met his standard of care to ensure the project is free of recognized hazards capable of causing serious injury or death include; quoting CPL2-0.124 are:

- a. The scale of the project;
- b. The nature and pace of the work, including the frequency with which the number or types of hazards change as the work progresses;
- c. How much the controlling employer knows both about the safety history and safety practices of the subcontractor it controls and about that subcontractor's level of expertise;
- d. More frequent inspections are normally needed if the controlling employer knows that the subcontractor has a history of noncompliance. Greater inspection frequency may also be needed, especially at the beginning of the project, if the controlling employer had never before worked with this subcontractor and does not know its compliance history;
- e. Less frequent inspections may be appropriate where the controlling employer sees strong indications that

the other employer has implemented effective safety and health efforts. The most important indicator of an effective safety and health effort by the subcontractor is a consistently high level of compliance. Other indicators include the use of an effective, graduated system of enforcement for non-compliance with safety and health requirements coupled with regular jobsite safety meetings and safety training.

Meeting OSHA's Reasonable Care Standard: Enter the **COMPETENT PERSON**. This employee does not meet the common meaning of being an individual who is fully capable of performing his trade labor in a competent way. Rather, OSHA's competent person is defined at 29 CFR 1926.32 (f) as:

- one who is capable of identifying existing or predictable hazards in the worksite or working conditions which are unsanitary, hazardous or dangerous to employees, and
- one who has the authorization to take prompt corrective measures to correct them.

Obviously, the scope of responsibility and accountability for jobsite/worker safety of this competent person is broad and all-encompassing, and under the OSHA regulations, each employer must designate its own competent person. It is therefore absolutely essential that such employees truly be construction safety competent, especially as it relates to a Prime/GC/CM meeting OSHA's reasonable care standard on the multi-employer worksite.

It is well settled that even if a contract exists, that the Prime/GC/CM cannot contract away its ultimate responsibility for overall jobsite/worker safety to its subcontractors. These entities normally have the responsibility to assure that their subcontractors fulfill their OSHA obligations to ensure that safety of their employees with affects the entire project. Therefore, OSHA expects that Prime/CG/CM on a project to take the steps necessary to satisfy themselves that their subcontractors perform their work safely, and this is done pursuant to the requirements of §1926.20 (b) (2).

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