

MAINE STATE LEGISLATURE

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A REPORT OF
THE COMMISSION ON SAFETY AND HEALTH
IN THE MAINE WORKPLACE

JUNE 2, 1992

HISTORY:

The Commission on Safety in the Maine Workplace was first established in 1985 as a part of that year's reform of the workers' compensation system. The Commission made its first report to the Governor and the Legislature in June, 1987, summarizing its activities and making six recommendations.

The Commission was permanently established in 1987 with a mandate to examine safety and health in the Maine workplace, identify initiatives and to promote and improve best-practice safety and health programs. In 1989, the Commission was given new responsibilities advising the Commissioner of Labor on the distribution of loans under the revised Occupational Safety Loan Program, administrated jointly by the Department of Labor and the Finance Authority of Maine. The title of the Commission was amended by 1991 Public Law Chapter 93 to include the word "Health".

The Commission receives staff support from the Department of Labor, Bureau of Labor Standards, and in addition to it's stated mandate in Title 26 MRSA Section 51, advises the Department on some of their occupational health and safety programs. Commission activities are funded through the Bureau of Labor Standards administration of the Safety Education and Training Fund.

ACTIVITIES:

The Commission has been very active since its last report. The primary activities of the Commission have been to assist in the development and implementation of the "Safety Begins with Me" plan, advise the Commissioner of Labor on applications to the Occupational Safety Loan Program, gather information pertaining to occupational safety and health issues in the state, and commenting on appropriate topics.

1. Program Development and Implementation.

Through the winter and spring of 1989 the Commission through its Chair participated in the development of the "Safety Begins with Me" plan which identified specific action steps that would expand awareness and resources relating to occupational health and safety issues, as well as assist the Department to better target its education and training efforts.

The plan development group also included Charles O'Leary, President of the Maine AFL-CIO, Jack Dexter, President of the Maine Chamber of Commerce and Industry, and was chaired by then Commissioner of Labor John Fitzsimmons. The group presented the plan to Governor McKernan in May, 1989.

The Commission then worked with the Department to assist in the implementation and review of the various aspects of the plan that were assigned to the Department of Labor. What follows is a brief summary of the major items.

***The development and implementation of a training program dealing with cumulative trauma and soft tissue injuries.**

A week long program was presented in November 1990 with 16 employers present with a combined work force of 5,360. Employers were invited based on a statistical review of workers' compensation data. The goal of the session was for each participating employer to develop a strategy to identify and reduce possible exposures and hazards in this area. Follow-up with each employer has occurred. From various discussions it was apparent that both the initial training and the ongoing follow-up have been instrumental in improving safety at member companies. Major components of the program have been integrated into other offerings such as the Maine Safety and Health Compact.

***The development and implementation of the Maine Safety and Health Compact, a voluntary membership association made up of small and medium-sized employers.** The Compact has been designed to provide technical assistance and support in the development and implementation of improved occupational health and safety policies and practices. To date 46 employers with a combined work force of 1,549 have been served in three separate programs. A fourth compact is scheduled for the fall in the area of health occupations. Previous offerings have centered on the manufacturing and construction industries. Follow up and analysis is a part of each program.

***Increase the efficiency and effectiveness of training offerings.** A mobile training academy has developed week long programs for compliance with the OSHA general industry and the construction standards. Additionally a Train-the-Trainer program, relating to hazardous communication program, has been developed. These programs have been offered at the Department's Hallowell facility as well as through out the State. The Department has also presented training on numerous occasions over the University of Maine's Interactive Television System.

***Increase awareness and availability of information and resources.** The Department has developed resources and listings for public use that will improve knowledge of occupational health and safety issues, compliance with mandated standards and, perhaps more importantly, best practices.

*The State as a model employer. A part of the "Safety Begins with Me" plan was the issuance by the Governor on May 15, 1989 of Executive Order 13 FY88/89. The Commission applauded the Governor's action which recognized the State's responsibility as an employer and its attempt to be a model employer in this area.

2. Occupational Safety and Health Loans

In 1987 the Commission assumed the statutory responsibilities of reviewing loan applications and making recommendations to the Commissioner of Labor. The Occupational Safety Loan Fund (OSLF) was established in 1985 by a one time assessment on the workers' compensation insurers. The program provides a revolving, low interest loan fund designed to enhance workplace health and safety. It was clear that the original conditions for the program did not provide enough of an incentive to obtain these loans and the Commission and Department worked to obtain more favorable terms. In 1989 substantial statutory changes were made which dramatically increased interest and activity in the program.

As of March 1992, 21 loans had been made totaling \$696,079.73. Loans are used for the purchase of equipment which improves occupational health and safety in the workplace. A listing of all loan recipients is attached in Appendix B.

The OSLF has begun to meet the potential for which it was originally planned for. Unfortunately due to the State's fiscal problems the OSLF lost a total of \$435,000 which was transferred to meet general fund short falls. These transfers effectively ended the loan program until employer payments replenish the fund.

3. Gather information on emerging safety and health issues

The Commission has gathered information from a variety of sources to increase its knowledge and ability to act effectively. A partial list of presentations before the Commission are included in the Appendix C.

4. Comments on proposed rules and regulations

The Commission responded to an invitation by the Occupational Safety and Health Administration for comments on proposed logging industry standards in June, 1990. This response is attached in Appendix D. The Commission is currently reviewing the proposed amendments to the federal Occupational Health and Safety Act presently before Congress.

5. Future Plans

The Commission is currently developing a work plan based on the following recommendations.

RECOMMENDATIONS:

1. Primary, secondary, and post secondary education curriculum and skill training programs must reflect a strong emphasis on safety and health.

Although some minimal progress has been made since the Commission first made this recommendation in 1987, there is still much to be done. The rationale for this recommendation follows.

- A. Occupational health and safety concerns exist in all workplaces and affecting all workers, labor and management alike.
- B. Oftentimes those educated and trained to design and manage our workplaces have minimal knowledge as to the occupational health and safety impact of their actions.
- C. Maine workers' compensation data clearly indicates a disproportional incidence of loss time injuries and illnesses to younger workers and workers within the first two years of employment with an employer.
- D. Inability to identify and abate hazards in a timely fashion only increases exposure.

2. The State, as the largest employer in Maine, must be a model employer regarding health and safety.

- A. The Governor's Executive Order 13 FY88/89 must be fully implemented.
- B. The State's management of it's workers' compensation system must be proactive to eliminate unnecessary hazards and reduce costs.
- C. Occupational health and safety concerns must be considered in the State's capital construction/repair plan, purchasing processes, bid evaluation, and employee orientation, evaluation and training programs.

3. The Department of Labor's programs should continue to target small and medium size employers with higher than average exposures and risks.

- A. Activities should provide employers with workable health and safety alternatives which can be integrated into regular operations as well as improve the quality of the workplace.
 - B. Clear and objective evaluation processes need to be developed and maintained for assessment and planning purposes.
 - C. Resources should be coordinated to the extent possible with priority going to activities that demonstrate higher needs.
 - D. Services should be developed and delivered based on possible exposure, actual incidence, and available resources to promote change.
 - E. Programs should be coordinated with other governmental and nongovernmental resources in order to avoid unnecessary duplication.
4. Dedicated resources such as the OSLF, the Safety Education and Training Fund (SETF) and federal funded programs identified to improve workplace health and safety should be omitted from further discussion related to the State's general fund problems.

The rationale follows.

- A. Inability to plan resources undermines program planning and delivery.
- B. Savings from reductions in these accounts have no impact on the general fund accounts unless specifically transferred. When savings from accounts funded by assessments on the workers' compensation system are transferred, the result is an increase cost to the State's workers' compensation system, a highly questionable public policy choice. Savings from furloughs and shutdowns for Department of Labor federally allocated positions have recently been recognized as counterproductive and those positions have been exempted from having to take additional days.

APPENDIX A
MEMBERSHIP

COMMISSION ON SAFETY AND HEALTH IN THE MAINE WORKPLACE

TERM

Wayne T. Brooks 4 Friar Lane Cape Elizabeth, ME 04107 Tel. (H) 767-3839	Represents Experts 2/18/91-2/18/95
James W. Evers S. D. Warren RFD#3 Home: RFD#4 Box 3388 Skowhegan, ME 04976 Waterville, ME 04901 Tel. (H) 453-2083 (W) 453-9301 ext. 5262	Represents Mgmt. 2/18/90-2/18/94
G. Paul Falconer 30 Hallowell Street Winslow, ME 04901 Tel. (H) 873-1776 or 397-3671	Represents Experts 7/29/91-7/29/93
Eugene V. Gendron ** Hanover Insurance Co. 8 Ashley Drive, PO Box 9001 Scarborough, ME 04070-5001 Tel. (H) 282-2510 (W) 883-1695 FAX 883-1026	Represents Experts 2/18/90-2/18/94 <u>**Send all correspondence to home.</u> 28 Greenfield Lane Biddeford, ME 04005
Edward F. Gorham 3 Maple Street Randolph, ME 04345 Tel. (H) 582-4493 (W) 947-0006 or (623-1220 Legislature)	Represents Labor 4/5/89-4/5/93
Richard J. Haines P. O. Box 155 Wayne, ME 04284 Tel. (H) 685-9637 (W) 783-2211 or 1-800-698-3267	Represents Experts 10/1/90-4/5/93
Charles A. Morrison, Vice Chair Dept. of Labor State House Sta. #54 Augusta, ME 04333 Tel. (W) 289-3788 FAX 289-5292	
Thomas F. Ryan Rt 4 Box 6570 Winslow, ME 04901 Tel. (H) 873-1254 (W) 784-2385 ext. 287	Represents Labor 7/29/91-7/29/95
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Gregory S. Tedford
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Represents Experts
7/29/91-7/29/95

Charles Weeks, Chair
H. E. Sargent, Inc.
101 Bennoch Road Home: 194 N. Fourth St.
Stillwater, ME 04489 Old Town, ME 04468
Tel. (H) 827-3347 (W) 827-4435
FAX 827-6150

Represents Mgmt.
2/91-2/95

Governing Statute: 1985 Public Law Chapter 372, Sec. 51 & 63
Term: four years
Chair appointed by the Governor, Commissioner of Labor serves as
Vice-Chair.

8/91

APPENDIX B

OCCUPATIONAL SAFETY AND HEALTH LOAN PROGRAM

1.	C. V. Finer Foods, Winthrop, ME	\$50,000.00
2.	Duck Trap River Fish Farm, Lincolnville, ME	\$50,000.00
3.	Goodridge's Screen Printing, Coopers Mills, ME	\$ 9,382.95
4.	Graphite Technology, Inc., Van Buren, ME	\$47,652.00
5.	Harborside Graphics, Belfast, ME	\$50,000.00
6.	Christopher Wetherall, Bangor, ME	\$50,000.00
7.	J. R. Mains, Bridgton, ME	\$50,000.00
8.	Raymond M. Labbe, Brunswick, ME	\$17,195.78
9.	Masters Machine Co., Round Pond, ME	\$28,006.00
10.	Monroe Saltworks, Inc., Monroe, ME	\$42,379.00
11.	Performance Product Painting, Auburn, ME	\$15,000.00
12.	Portland Diversified Services, South Portland, ME	\$15,000.00
13.	R. F. Technologies Corp., Lewiston, ME	\$31,940.00
14.	Service Engineering, Bangor, ME	\$50,000.00
15.	Shaer Shoe, Auburn, ME	\$50,000.00
16.	Winthrop Water District, Winthrop, ME	\$ 6,420.00
17.	Wolf Construction, Limestone, ME	\$13,844.00
18.	H & H Boatworks, Inc., Sebasco Estates, ME	\$50,000.00
19.	Creative Work Systems, Saco, ME	\$ 4,355.00
20.	George R. Roberts Co., Alfred, ME	\$50,000.00
21.	Atlantic Labs, Inc., Waldoboro, ME	\$14,905.00

APPENDIX C

PARTIAL LIST OF PRESENTATIONS

- 9/13/88, Overview of BLS statistical programs, Bill Peabody, BLS
- 11/29/88, CMTC Occupational Health and Safety Center, Annee Tara, CMTC
- 1/4/89, Health and Safety in Maine, Bill Masters, US OSHA and John Hanson, University of Maine
- 5/9/89, Video "Put'er There", produced by Northern Maine Woods Foundation with partial support from BLS
- 6/13/89, Millinocket Regional Hospital Return to Work Program, facility staff
- 8/8/89, Executive Order update, Tim Smith
- 3/27/90, Warnco/ACTWU Safety and Health Program, Labor and Management representatives
- 2/26/91, State Government's Workers' Compensation System, Tim Smith
- 2/26/91, State Government's VDT Training Program, Robert Meixall
- 9/17/91, Maine Technical College Health and Safety Program, John Fitzsimmons
- 11/26/91, State Government's Workers' Compensation system, Isabella Tighe
- 2/11/92, Report: 1990 Occupational Injuries and Illness Data, Bob Leighton, BLS
- 3/17/92, Report: 1990 Characteristics of Work-Related Injuries & Illnesses, Janet Callahan, BLS

John R. McKernan, Jr.
Governor



Charles R. Weeks
Chair

Commission on Safety & Health in the Maine Workplace

TO: Gerard F. Scannell, Assistant Secretary of Labor for Occupational Safety and Health

IN RE: Logging Operations [Docket No. S-048], submission of written comments by Commission on Safety and Health in the Maine Workplace

These written comments are submitted by the Commission on Safety and Health in the Maine Workplace responding to PROPOSED RULES published in the Friday, May 11, 1990 Federal Register at page 19745. This Commission was created by 1987 Maine Public Law Chapter 559, Sections 3, 7, and 9 to advise the Governor, the Legislature, the Commissioner of the Labor, and other persons or groups on matters of occupational safety and health. The Commission's members are appointed by the Governor of the State; they represent business and industry, labor and subject matter experts.

The Maine Department of Labor assisted in preparing these comments.

1 - TRAINING

The Commission approves and supports the proposed training requirement: at time of initial assignment prior to starting to work; at least annually thereafter; and when changes-of any character-bring new or additional hazards.

Delay in the effective date of the training requirement is not thought to be necessary. At this moment it can be assumed there will be training requirements in the standard, the interval from now to the effective date of the completed Logging Operations standard will provide ample opportunity for preparing the training program.

A performance-oriented training requirement is to be preferred. It permits designing the training program in light of prevailing local conditions. Designing such program will, as such, be training experience. A performance requirement is particularly appropriate in skills training. There are sought after outcomes-behavioral objectives. The test of the validity of the program is: Can the trainee upon completion of training satisfactorily and safely, as regards him/herself and others, perform the tasks, operate the equipment for which trained?

The extent of training appropriate for the newly hired-experienced logger should be determined by: Was the experience in conditions and circumstances similar to those prevailing in the new workplace; how long has it been since he/she underwent a training program; and, what degree of competence is the new

hire able to demonstrate in performing the tasks, or operating the equipment of the new workplace.

2 - PERSONAL PROTECTIVE EQUIPMENT

The Commission approves and supports the dual requirements that 1) "the use" and 2) "of the proper protective equipment"--be ensured by employers. Employers should be required to pay for gloves, boots, helmets. Only if the employer pays for these items of protective equipment can the quality of the equipment, its design, selection and use as required by standards, its care and maintenance, and its replacement when damaged or worn out--be controlled.

3 - LEG PROTECTION

The Commission approves and supports the requirement of protection covering each leg of chain saw operators from upper thigh to boot top or shoe top.

Standards which specify the strength to be designed and built into leg protection are to be preferred. The integral strength of chaps can be more readily determined at the manufacturing stage than at any given later time.

Leg protection should extend to the boot top or the shoe top. This part of the leg is most susceptible to injury by the chain saw.

Contentions of heat, humidity, discomfort are common as to many different protective devices. The hazards protected against are more severe than the discomfort.

4 - FIRST AID

All supervisors and one member of each crew should have first aid training. CPR training is not thought to be usefully required.

5 - VISUAL AND AUDIBLE CONTACT

It is to be acknowledged that in some surroundings and some crew size visual and audible contact might be difficult, but such contacts are very important to employee safety and rescue of an injured employee. Visual and audible contact should be provided for when planning undertaking the work.

6 - CHAIN SAW PROTECTIVE DEVICES

The present machine guarding standard applies to chain saws and requires point of operating guarding, agreed. Chainbrakes are the most effective protective device and should be specifically required by the standard.

7 - OPERATOR'S MANUAL

Performance language should be used. The objectives are: Manuals should be obtained from manufacturers (they are readily available), the contents should be incorporated in training programs, the manuals should be stored where their condition is protected and where available for some specific reference, and for more extensive use in training.

8 - RIDERS

Anyone who in addition to the operator rides the equipment at work is at risk the same as is the operator, and should be provided seating and protective equipment the same as the operator.

However, in training an instructor may ride the equipment along with the operator-trainee. Training should be carried out in terrain and surroundings which minimize the risk but yet impart to the trainee a sense of the reality of actual work. Protection for the instructor should be devised-at least safety belt.

9 - EQUIPMENT PROTECTIVE DEVICES

Rollover protective structures and falling object protective structures should be standard fixtures on all logging equipment. Retrofitting should be required but on some reasonably spaced time table. The need is not apparent to require retrofitting on older machines which may not be put to rollover or falling object risk.

Incorporating the listed standards by reference is opposed as singularly inappropriate. There is a quality in OSHA standards which rises from careful drafting and public reaction which is taken into account that may be absent from standards of a source outside OSHA.

10 - MANUAL FELLING

Performance language should be applied here. Specification of what cut to be used in certain conditions and what cut in other conditions, and what exceptions as permissible owing to tree and site factors would make the standard uselessly complex. The performance requirement should be the cut which in the circumstances causes the least risk. Manual cuts the different cuts in different conditions, the hazards and minimizing the risk should be included and emphasized in training programs.

Respectfully submitted,

Commission on Safety and Health in the Maine Workplace by *Wayne T. Brooks*,
member.