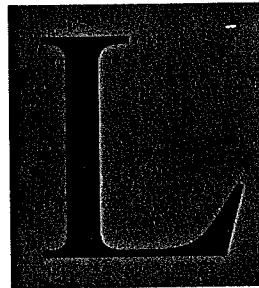


MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



Maine Department of Labor

LEGISLATIVE
REPORT

*Report on the Development of Plans to Improve
Enforcement and Reduce Accidents in the
Forest Products Harvesting Industry*

Acknowledgments

This report was prepared with the assistance of the following:

1. Working Group:

Workers' Compensation Board

John Rohde, General Counsel
Brad Howard, Planning & Research Associate

Maine Department of Labor, Bureau of Labor Standards

Michael V. Frett (Chair), Director
John Rioux, Director, Research & Statistics
David Wacker, Director, Workplace, Safety & Health

2. Interviews:

June 26, 2002
Michael St. Peter, Program Manager
Certified Logging Professional Program

August 1, 2002
William Freeman, Safety and Occupational Health
Manager Area Director (Maine)
USDOL, Occupational Safety and Health Administration

Development of plans to improve enforcement and reduce accidents in the Forest Products Harvesting Industry

Introduction:

The 120th Maine Legislature, Second Regular Session – 2002, pursuant to Public Law, Chapter 622, directed the Department of Labor to convene an interagency working group with the Workers' Compensation Board to: review enforcement efforts and develop accident-reduction systems in the forest products harvesting industry; consider ways to enhance data collection to assist in reducing accidents in the forest products harvesting industry; and to consider how enforcement and accident prevention can be of benefit in other industries and workplaces.

Between May and September of 2002, representatives from the Department of Labor and the Workers' Compensation Board met several times to review, discuss and consider relevant issues, factors and policies currently applicable to the forest products harvesting industry. In addition, the group heard solicited presentations from the federal Occupational, Safety and Health Administration and from the Maine-based Certified Logging Professional (CLP) program. Those presentations broadened the groups understanding of the enforcement and safety issues within the forest products harvesting industry. Below is the group's response to those matters.

The Issues:

I. Review of current policies and activities to enforce workers' compensation coverage requirements in the forest products harvesting industry.

The Workers' Compensation Board (the "Board") has programs currently in place to ensure that employers obtain workers' compensation coverage when required. It also administers a process that provides predeterminations of whether individuals are or are not employees who must be covered. The Board also has an effective system for identifying and penalizing employers that do not have required workers' compensation coverage.

(a) Coverage requirements under the Workers' Compensation Act.

The insurance coverage requirements in the Workers' Compensation Act (the "Act") for employers in the forest products harvesting industry are, with a couple of exceptions, the same as for all employers. Employers, with very few exceptions, are required to obtain workers' compensation coverage for their employees. To ensure that the Workers' Compensation Board (the "Board") can monitor compliance with this requirement, insurance companies must notify the Board every time they issue a new policy or change an existing policy. In addition, insurers are required to notify the Board, as well as the employer, 30 days prior to any cancellation of a workers' compensation policy.

An exception to the insurance coverage requirement pertains to independent contractors. Individuals and companies that hire independent contractors are not required to obtain workers' compensation coverage for the independent contractors. The Board administers a process

whereby workers and employers can apply for a predetermination of independent contractor status.

There are other categories of individuals who are not required to obtain coverage. These include sole proprietors and partners and certain relatives who work with the sole proprietors and partners.

(b) Tracking workers' compensation coverage.

As stated above, insurance companies are required to report new policies and changes to existing policies to the Board. The Board receives a large number of these reports each year. In 2001, the Board received 15,858 such reports. This information is sent to the Board's Coverage Unit and is entered into the Board's coverage database. Accurate information regarding coverage is extremely important to the Board's functions. It first of all facilitates the Board's effort to ensure that all employers that are required to have coverage do in fact have coverage. It is also necessary so that injury claims can be processed quickly and efficiently.

(c) The predetermination of independent contractor process.

As stated above, employers are not required to obtain workers' compensation coverage for independent contractors. This applies to employers inside and outside of the forest products harvesting industry. The Act establishes a procedure to apply for a rebuttable or, in some cases, conclusive, predetermination that an individual

is an independent contractor and not an employee. This procedure, while available to individuals in all types of employment, is frequently used by individuals in the wood harvesting industry. It is also voluntary; there is no requirement that an individual or company apply for a predetermination of independent contractor status.

There are two types of presumptions available. One, if it is granted, creates a rebuttable presumption that a worker is an independent contractor. A rebuttable presumption can be used as evidence in a workers' compensation case to prove that a worker is not an employee, and, therefore, not entitled to workers' compensation benefits. It can be overcome by evidence establishing an employment relationship.

The other type of presumption applies only to landowners who contract to have wood harvested from their property. A predetermination granted pursuant to this section creates a conclusive presumption that the wood harvester is an independent contractor. A conclusive presumption is only available to a landowner and the wood harvester with whom the landowner has a wood-harvesting contract. A landowner who receives a conclusive presumption, absent some type of fraud, cannot be held liable for workers' compensation benefits in the event of an injury.

The process of applying for a predetermination of independent contractor status is straightforward. If a conclusive predetermination is sought, the landowner (or the landowner's agent), and the wood harvester must file an Application for Predetermination of Independent Contractor Status to Establish Conclusive Presumption with the Board. If a rebuttable presumption is sought, an Application for Predetermination of Independent Contractor Status to

Establish Rebuttable Presumption must be filed by the applicant and the potential independent contractor with the Board.

Both the rebuttable and conclusive applications contain questions that mirror eight factors that the Board, by statute, must apply to determine if an individual is an independent contractor. These factors examine the relationship between the two parties to determine if they truly are independent of each other. If a conclusive predetermination is requested, a copy of the wood-harvesting contract between the landowner and the wood harvester must be submitted with the application. This is necessary because a conclusive predetermination cannot be granted unless the wood harvesting contract contains the following language: "The independent contractor will not hire any employees to assist in the wood harvesting without first providing the required certificate of insurance to the landowner."

As noted above, the application, if granted, creates either a rebuttable or conclusive presumption (whichever is appropriate). The presumption is valid for one year, or the length of the contract, whichever is shorter.

The predetermination process is important because it provides a means of establishing, in advance, whether or not an individual is an independent contractor. If the individual is, there is no need to obtain workers' compensation coverage. If the individual is not, then coverage must be secured.

(d) Certificate of Independent Status.

In 1999, the Legislature, responding to concerns raised by wood harvesters that the predetermination process required too much paperwork, created a certificate of independent contractor status process. This process permits a wood harvester to annually receive a certification that he or she is an independent contractor. Unlike the predetermination process, which is tied to a specific job, the certificate process is portable – the wood harvester can take it from job to job for the one-year duration of the certificate.

To receive a Certificate of Independent Status, a wood harvester must complete and submit an application that contains several questions that seek to determine if the individual is truly independent. This process is more difficult to apply than the application for a predetermination because, unlike those applications, there is no one to whom to compare the wood harvester. The decision must be based solely on the personal characteristics of the individual submitting the application.

The predetermination process is important because it provides a means of establishing, in advance, whether or not an individual is an independent contractor. If the individual is, there is no need to obtain workers' compensation coverage. If the individual is not, then coverage must be secured.

(e) Enforcing workers' compensation coverage requirements.

The Board's Coverage Unit and Abuse Investigation Unit have coordinated in a program to identify and penalize employers that have not obtained required workers' compensation coverage. This process, which used to be cumbersome, paper-intensive and slow, was significantly revamped several years ago. The revamped process electronically identifies employers that appear to have failed to secure required workers' compensation coverage by comparing the Board's insurance coverage database with the Department of Labor's unemployment database. By doing this, the Board can automatically generate a list of employers that are reporting employees to the Department of Labor but for whom there is no record of coverage at the Board.

The Board contacts each employer (by letter) to give the employer an opportunity to show proof of coverage or proof that the employer is not required to secure workers' compensation coverage. If it still appears that required workers' compensation coverage has not been obtained, the Board's Abuse Investigation Unit ("AIU") initiates penalty proceedings.

This process has significantly improved the Board's ability to quickly and accurately identify employers that have not obtained required coverage and applies to all employers, including those in the forest products harvesting industry. For instance, in calendar year 2000, the Board successfully pursued complaints against 302 employers that did not have required workers' compensation coverage. This resulted in the imposition of \$308,581 in penalties against these employers.

(f) Tracking policy cancellations.

With regard to policy cancellations, the Act requires insurance companies to give employers and the Board 30 days notice before cancellation of a workers' compensation policy is effective. When the Board receives notice that a policy has been cancelled, it can update its database. If the Board does not receive notice that a new policy has been obtained by the employer, the employer will be identified as being out of compliance with the coverage requirements of the Act by the program described above.

This has been further strengthened, in the forest products harvesting industry, by P.L. 2001, Ch. 622. Pursuant to this law, any person engaged in harvesting forest products is required to notify the landowners for whom they work and the employees that work for them, if their policy is cancelled. This is a more stringent requirement that is imposed on employers in other industries that are not required to provide notice to the employees if its workers' compensation policy is cancelled.

II. Identify ways to enhance efforts to enforce the workers' compensation coverage requirements in the forest products harvesting industry, identify the agency responsible for enforcement activity and determine staff and other resources needed to enhance enforcement.

It is not clear from information that the Board has received that employers in the forest products harvesting industry are more likely to fail to obtain required coverage than employers in other sectors of Maine's economy. So, while additional resources would certainly help the Abuse Investigation Unit complete its required tasks, it may not be a wise use of additional resources to earmark them solely to concentrate on the forest products harvesting industry.

(a) Identify the agency responsible for enforcement activity.

The Workers' Compensation Board is the agency responsible for enforcing the coverage requirements for workers' compensation. As described above, by coordinating with the Department of Labor, and sharing the information available on each other's databases, the Board has been able to significantly improve its enforcement efforts.

(b) The scope of the problem.

It is difficult to determine the scope of any coverage problems in the forest products harvesting industry. While the Board has heard anecdotal evidence that there are a number of wood harvesters operating without required coverage, the Board does not receive many direct complaints about particular employers that have allegedly not obtained required coverage. Of the complaints the Board does receive about employers allegedly operating without coverage, few of them relate to the forest products harvesting industry.

It would be extremely difficult to get a handle on how many wood harvesters are operating without required workers' compensation coverage. A field investigation to determine the level of compliance with coverage requirements in the forest products harvesting industry would require an enormous investment of time and resources.

There are thousands of individuals working in the woods at any given time. Approximately 7,000,000 to 8,000,000 cords of wood are cut in Maine each year. The average wood harvester cuts a maximum of 1,500 cords of wood per year. Using these estimates, there could be up to 5,300 individuals in the woods performing harvesting operations at any given time. In addition, these wood harvesters are working on a huge number of wood lots. Approximately 70,000 to 80,000 wood lots across Maine subject to management by the Maine Forest Service at any given time. An individual wood harvester may have contracts to harvest wood from a number of sites at the same time. Depending on weather conditions, for instance, the wood harvester will move from woodlot to woodlot.

Furthermore, these wood harvesters operate in very different ways. Some wood harvesters work for large employers using heavy equipment to harvest wood. These individuals should be covered by a policy provided by their employer. Other individuals are independent contractors working by themselves or with a relative or partner who is also exempt from coverage. Of these

individuals, some will have workers' compensation policies, others will not. Of the individuals that do not have their own policies, some will have applied for either a Certificate of Independent Status or a predetermination that they are an independent contractor. Others will not.

As a result, it would not only be an enormous enterprise to find wood harvesters in the field, it would take further investigation to determine which wood harvesters are required to have coverage. The next step would be to check the Board's database to see if required coverage had been obtained in appropriate cases. If it had not, penalties would then be sought.

(c Determine the staff and other resources needed to enhance enforcement.

The Legislature has directed the Board to study possible steps to increase its enforcement efforts. Increased enforcement activities will likely lead to increased compliance with the coverage requirements in the Workers' Compensation Act.

The Board's current process for identifying and penalizing employers that do not have required workers' compensation coverage is working very well. Over the past few years, the Board has imposed hundreds of thousands of dollars worth of fines against hundreds of employers. This effort has certainly helped to ensure that employers are obtaining workers' compensation coverage when it is required.

(i) Require wood harvesters to post proof of coverage or proof that coverage is not required.

Even though the Board's enforcement effort is effective, it has its limitations. For instance, the Board's information gathering, with respect to coverage issues, is passive. In other words, the Board must wait for information to come to it because the Board does not have the resources to go into the field to investigate potential violations.

To address the problems that arise due to the passive collection of information, the Board recommends that the Legislature consider amending 39-A M.R.S.A. §401 to require wood harvesters to post, on land they are cutting, proof that they have obtained required workers' compensation coverage for themselves and their employees, or proof that they are exempt from obtaining workers' compensation coverage for themselves and any individuals working with them. The Board could then coordinate with another department that has rangers in the field with access to harvesting operations (such as the Maine Forest Service) to help identify wood harvesters that are operating without required coverage.

To accomplish this, a new section could be added to 39-A M.R.S.A. §401:

§401 3-B. Any person engaged in harvesting forest products shall post at the harvesting site in a clearly visible location proof that that person has secured required coverage for that person and that person's employees or proof that that person is exempt from obtaining workers' compensation coverage for themselves and any individuals working with them.

Under this scenario, if a ranger uncovers a possible violation, the ranger would report it to the Abuse Investigation Unit. It would then be the responsibility of the Abuse Investigation Unit to investigate and, if warranted, initiate penalty proceedings if the wood harvester was operating without required workers' compensation coverage.

(ii. Additional resources.

Adopting this solution will likely lead to an increase in referrals to the Board's Abuse Investigation Unit, further straining the Board's limited resources in the Abuse Investigation Unit. To handle the influx of cases, the Board will either need additional resources in the Abuse Investigation Unit, or will be forced to pull the Workers' Compensation Specialists off of other assignments to focus primarily on potential violations in the wood harvesting industry. (The Specialists investigate and, if warranted, file and prosecute petitions for penalties against employers that do not have required workers' compensation coverage. They are also responsible for enforcing all of the other penalty provisions in the Act, such as late filing of forms and late payment of benefits.)

Shifting the focus of the Specialists from their current responsibilities to the forest products harvesting industry will inevitably reduce enforcement of other provisions of the Workers' Compensation Act. For one thing, it will result in a lack of enforcement in other areas of employment (such as paving or roofing, *et cetera*). This would be an unwise use of the limited resources of the Abuse Investigation Unit because there is no indication that the forest products harvesting industry is particularly problematic in terms of not complying with insurance coverage requirements.

To increase its focus on the forest products harvesting industry, therefore, it would be necessary for the Board to hire additional staff in its Abuse Investigation Unit. At a minimum, two additional Workers' Compensation Specialists and a Staff Attorney would be required. This would result in an increase of approximately \$200,000 to the Board's personal services expenditures. While the additional staff could certainly be utilized, this additional expenditure, to focus solely on the forest products harvesting industry, may not constitute the most judicious use of these additional resources.

(d) Enhancing enforcement in the forest products harvesting industry without increasing resources.

The Board, in an effort to increase compliance with the Act, has participated in a number of programs over the years designed to educate individuals in the forest products harvesting industry of the requirements of the Workers' Compensation Act. These programs are sponsored by, among others, the Maine Forest Service and the Small Woodlot Owners Association of Maine. By participating in these programs, the Board is helping to ensure that individuals will be aware of the coverage requirements and the Board's enforcement efforts. This helps to ensure compliance with the coverage requirements of the Act.

The Board is also storing information related to the predetermination process in its database. This makes it easier for the Board to keep track of the number of applications and the individuals

who are submitting them. It also makes it possible to quickly determine if an individual has been granted independent contractor status.

The Board is also taking steps to increase enforcement of the requirement that insurance companies notify the Board of new policies or changes to existing policies. Board rules require notice within 14 days of a new or modified policy. However, due to a lack of resources at the Board, enforcement has been limited. Now, through the coordinated efforts of the Board's Coverage Unit, Monitoring Unit, and Abuse Investigation Unit, this requirement will be more strictly enforced. When the program is put in place, the Board will be able to electronically identify when proof of coverage notifications are filed late. In appropriate situations, penalties will be sought for the late filing. By ensuring timely notice of coverage inception or changes, the Board will be better able to monitor compliance with coverage requirements. This will include employers in the forest products harvesting industry.

Conclusion (I and II)

The Board currently has an effective system in place to ensure that all employers; not just those in the forest products harvesting industry, have required coverage. It is not clear that there is a widespread problem of employers in the forest products harvesting industry failing to obtain required workers' compensation coverage. Therefore, while additional resources in the Board's Abuse Investigation Unit would certainly be helpful, hiring additional staff to concentrate solely on the forest products harvesting industry would not constitute the best use of any additional resources.

III. Review available data on the types and causes of accidents in the forest products harvesting industry and identify ways to prevent such accidents and if data is unavailable or incomplete, identify ways to improve data collection.

Comparisons of statistics from 1990 to 2000 show impressive progress in the area of decreasing the number, rates, and overall costs of work-related injuries and illnesses in the logging industry. (SEE: Appendix A) However, these systems are incapable of telling us anything about injuries and illnesses that occur in non-formal working relationships, something that may very much be a factor in logging over this time period.

The Pan Atlantic/Ireland Group study commissioned by the Maine Department of Labor (MDOL), Bureau of Labor Standards in 1999, pointed to a number of workplace and economic changes in the Logging industry over the last three decades. These changes suggest a shift in the hazards and risks associated with the work and the incentives and motivations for accident prevention in this environment.

- The replacement of chain saws in especially the largest operations with mechanical cutting machines (feller-bunchers).
- The replacement of horses yarding logs out of the woods first with skidders and more recently with yarders.

- The movement away from rivers and towards trucks as the preferred means of log transport from the logging site to the logging processor or to other transportation.
- The emergence of the Certified Logging Professional (CLP) programs and the resulting emergence of logging as a profession.
- A divergence between large yarding operations in the Northern and small woodlot operations in the Southern part of the State.
- The movement from traditional employer-employee relationships between the loggers and the landowners and log processors as evidenced by the greater employment of separate companies and/or independent contractors in the logging process.

The first three changes would reduce the relative risks from falling trees and chainsaw cuts (there is much less direct handling and exposure to the risks involved), but increase the relative risks of vehicular/equipment contact. Looking at the overall Logging Industry statistics over time bears that out with changes in the rankings. For those now involved in fully mechanized harvesting the exposure to falling trees and contact with chain saws is greatly lessened versus the manual logging process. On the other hand, it is still there and the emphasis on the manual operations need to continue, but be supplemented with items relating to the use of vehicles and large machinery. There is a relative shift from the problem being human contact with trees and moving saw teeth, to there being greater human contact with big machines, falling from big machines, or having vehicular accidents with big machines

In operations that now use the CLP training program there are proven reductions in costs to the point that the state's Bureau of Insurance is able to grant separate rate structures for operations involving certified professionals. This program has reduced risks by effectively training and testing loggers in the layout, planning, and use of equipment in the woods environment. The program ensures that loggers know the danger they face in their work environment and how to control and minimize the risks that exposure presents.

It is interesting to note the divergent effect of the program. Customarily, Southern Maine leads its northern counterpart in technological development. In the instant case, however, the North is leading the South because the economies of scale driven by the woodlot size is such that mechanization makes greater economic sense in the larger northern wood lots. It also means that, for purposes of intervention techniques, we have to be aware of the two methodologies for harvesting wood and that training programs may have to be altered to suit both groups. A one-size-fits-all approach would most likely be more complicated and might fail to motivate either group.

The last bullet-point from the above Pan Atlantic report is significant in terms of changing safety controls and intervention effectiveness because the classification of "independent contractor" or "owner-operator", is not characteristic of an "employer" as traditionally defined under the Workers' Compensation Board and the Maine Department of Labor. It should be noted that all else being the same, such a change in the employer-employee relationship, shifts the costs and incentives for prevention measures away from the land-owners/logging processors and onto the workers and/or others. In cases where the loggers are owner-operators or independent

contractors, the costs of any injuries and illnesses are not likely to be recovered in the price of the logging product or service.

On the plus side...

- The Maine OSHA-recordable incidence rates are less than one-third what they were in the past.
 - The Days Away From Work incidence rate for the Logging industry group is 3.9 cases per 100 workers in 2000 versus 13.0 in 1990. This represents a 70-percent decrease.
 - The Lost Workday Case Rate for the logging industry is 4.0 cases per 100 workers in 2000 versus 13.6 in 1990—also a 70-percent decrease.
 - The Total Recordable Case Rate is 6.4 per 100 workers in 2000 versus 20.1 in 1990, a 68-percent decrease.
- The Number of Workers' Compensation First Reports of Injury or Illness cases are much lower in number:
 - There were no fatalities in Maine in Logging in 2000 versus 6 in 1990.
 - There were 103 Lost Time cases in Logging in 2000 versus 406 in 1990.
 - The Cost of all Logging cases was \$1,488,601 in 1999 versus \$5,507,166 in 1990.

On the negative side...

- While the Maine OSHA-recordable incident rates have all dropped, the most critical measure, the federal OSHA "Days Away From Work" rate, is still higher than the All Private Industry rate in Maine. Intervention efforts are, therefore, important to bring down the overall combined effect of the "Days Away From Work" and "Days of Restricted Work Activity" incident rates. Together, those rates provide a more accurate reflection of any actual reduction in worker injuries. The Days Away From Work incidence rate for the logging industry group is 3.9 in 2000 versus the All Private Industry rate of 2.7 for the same year. The two indicate that incidents are down, but that once an injury occurs it is more serious than in overall industry rates.
- The average cost of a case appears to be climbing. The reason for this may not be related to incidents but rather, to case management and changes in the reporting systems.
- The Pan Atlantic study estimates there are between 3500 and 3600 people involved in logging in the state of Maine. Still, we record only 2560 of those our employment data. This means there may be 35 percent to 45 percent of the logging activity outside of the reporting systems. This may equate to a greater proportion of data missing from the several injury and illness reporting systems, depending on whether or not the "missing group" suffers injuries similar to those experienced by the group that is reported.

So, one big issue in the area of statistics is what might be done to gain reports from the missing segment? Hospital admissions data lacks items asking the patient if the injury or illness they are admitted for is related to work or earning a living. The question(s) would have to be carefully worded so that we are likely to include those who are owner-operators or independent contractors as well as those in a traditional employer-employee relationship. As the admissions reporting system is, we can only look at the general population as a whole and not discern work-relatedness. Those that fall into the formal work category we can report on using the Workers' Compensation system. With this element added to the admissions data, we could study hospital

admissions data and break down work-relatedness along a broader definition than is currently possible. Ideally we would ask two questions, one of which determines if a formal work-relationship exists (and the Workers' Compensation system will record the incident as well), and the second which will determine if the person is not in a formal work relationship, but was earning a living at the time in an alternative relationship. Also helpful would be the nature of the work involved, so we could tell if the situation was in logging, construction, or some other area of work.

Recommendations:

- The Bureau of Labor Standards will examine its logging outreach programs and determine changes that may be made to accommodate the shifts in the logging industry. Following any changes made, the Bureau will enhance its Logging-specific training to include items relative to working around vehicles such as promoting good yard layout, enhanced-visibility clothing, adequate mirroring, and backup-indicators on vehicles.
- If information is desirable on work-related Logging injuries that fall outside the formal employer-employee relationship, then questions need to be added to hospital and other health information gathering systems that relate admissions to work-relatedness and that identify the nature of business. The Bureau of Labor Standards can then arrange with the health data collection agencies to receive and integrate this information with the Workers' Compensation Injury information, providing a more complete picture of incidents relating to earning a living.

IV. Work with the forest products harvesting industry to create incentive-based systems to enhance efforts to reduce the frequency and severity of accidents in the industry.

In the State of Maine, the federal Department of Labor (USDOL), Occupational, Safety and Health Administration (OSHA) and the Maine Department of Labor, Bureau of Labor Standards (MDOL/BLS) Workplace Safety and Health Division (WSHD) have an established program for identifying ways to reduce and prevent injuries and illnesses in the forest products harvesting industry.

On October 5, 2000, USDOL/OSHA established a Local Emphasis Program (LEP), which it continues to enforce. (See Description Below) The program is directed to all loggers within the State of Maine. This LEP also provides an opportunity for the OSHA Compliance Officer to inform employers of compliance assistance, available through the Maine DOL/BLS Workplace Safety and Health Division.

The Workplace Safety and Health Division has conducted several consultation visits with the wood harvesting industry. The Division has also developed a four-hour chainsaw safety program. In addition to on-site consultation, Division consultants provide training on and off-site training. The off-site programs are offered throughout the year and include:

- Consultation services (on-site);

- The OSHA 10 and 30 hour course: 29 CFR 1910 General Industry;
- The OSHA 10 and 30 hour course: 29 CFR 1926 Construction,
- Supervisor safety training programs; and
- Educational programs (four and eight hours) on various safety and health training.

USDOL/OSHA will continue to exercise its private industry enforcement authority. MDOL/BLS Workplace Safety and Health Division through its SafetyWorks! program, will continue to offer a wide range of safety and health services to both private and public sector employers. These services are described in the attached brochure.

The working group considered but could not identify any incentive-based systems, which it could offer to enhance efforts for reducing the frequency and severity of accidents in the forest industry. It is generally held that the concept of workers compensation insurance was intended as an incentive-based system for accomplishing a reduction in accidents. Employer rates rose or were lowered on the basis of injuries and accidents within their business. However, with the expanded introduction of the independent contractor and self-insured employer, the employer/employee-based relationship has dwindled in number and with it, a decrease in incentive-based initiatives for reducing accidents. Still, the group met recently with representatives of the industry who are reviewing plans for bilingual safety training for forestry workers. It is believed that employers will be attracted to and support this training, as it will bridge a common language barrier and reduce accidents and injuries by increasing safety consciousness among all workers within this segment of the forest products harvesting industry. The Maine Department of Labor, Bureau of Labor Standards is working with the industry, exploring ways in which it can be of assistance to those efforts.

V. Consider how enforcement efforts and accident prevention in the forest products harvesting industry may be extended to enforcement and safety in other industries and work places.

The best enforcement efforts and consultation efforts are done through cooperative compliance programs. These are programs set up with representatives from various industries, together with state and federal enforcement and consultation services. The cooperative approach to compliance allows employers to work with consultants from SafetyWorks! During the period of consultation, absent any complaint, workplace death or serious injury, the employer is excused from state and federal enforcement efforts. Following the conclusion of those consultation efforts, the facility is reinstated on the enforcement list.

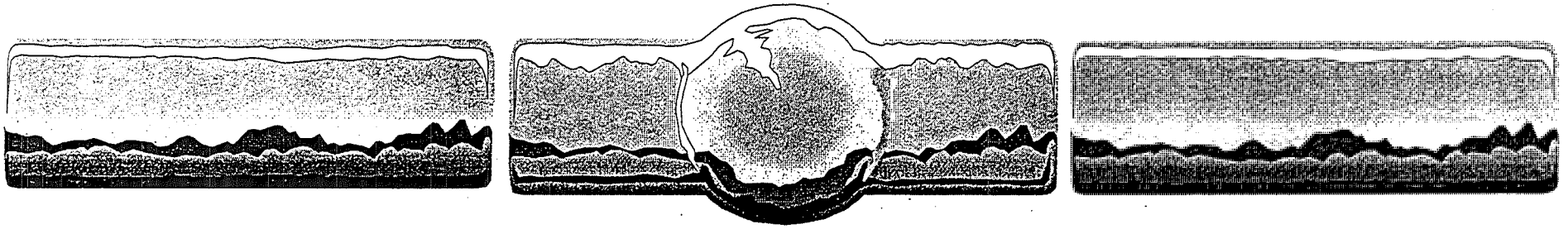
Cooperative compliance programs provide an opportunity for the employer to work with SafetyWorks! and make any needed changes, without being under the immediate threat of enforcement and possible penalties. Any funds expended can then be used for corrective measures. (SEE: Appendices B and C)

VI. Legislative Action.

In addition to the findings and recommendations contained within the body of this report, the group was also asked to provide implementing legislation regarding enforcement, accident prevention and other issues. The working group acknowledges that any attempt to implement legislation should not be lightly undertaken. Further, we believe that existing circumstances should demonstrate a clear call for such measures. Our review of the instant issues however, did not identify any area in immediate need of legislative action. This should not be viewed as suggesting that legislative action be entirely disregarded. Rather, since this report will go to two legislative committees, it was the working group's opinion that each committee should be afforded an opportunity to review the report, under the unique expertise from within its area of oversight, and then render its opinion on any need for immediate legislative action. Those opinions can then guide any needed follow-up.

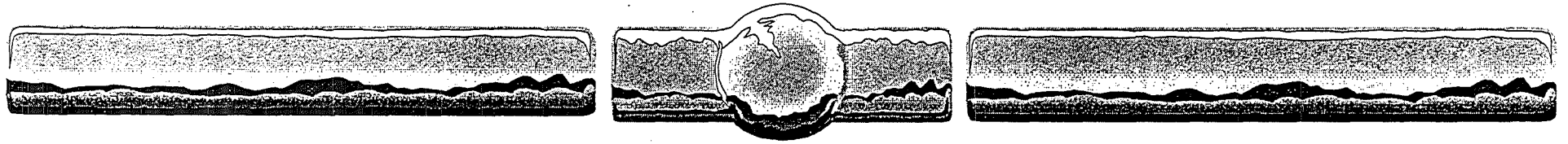
Respectfully submitted: January 15, 2003

Appendix A

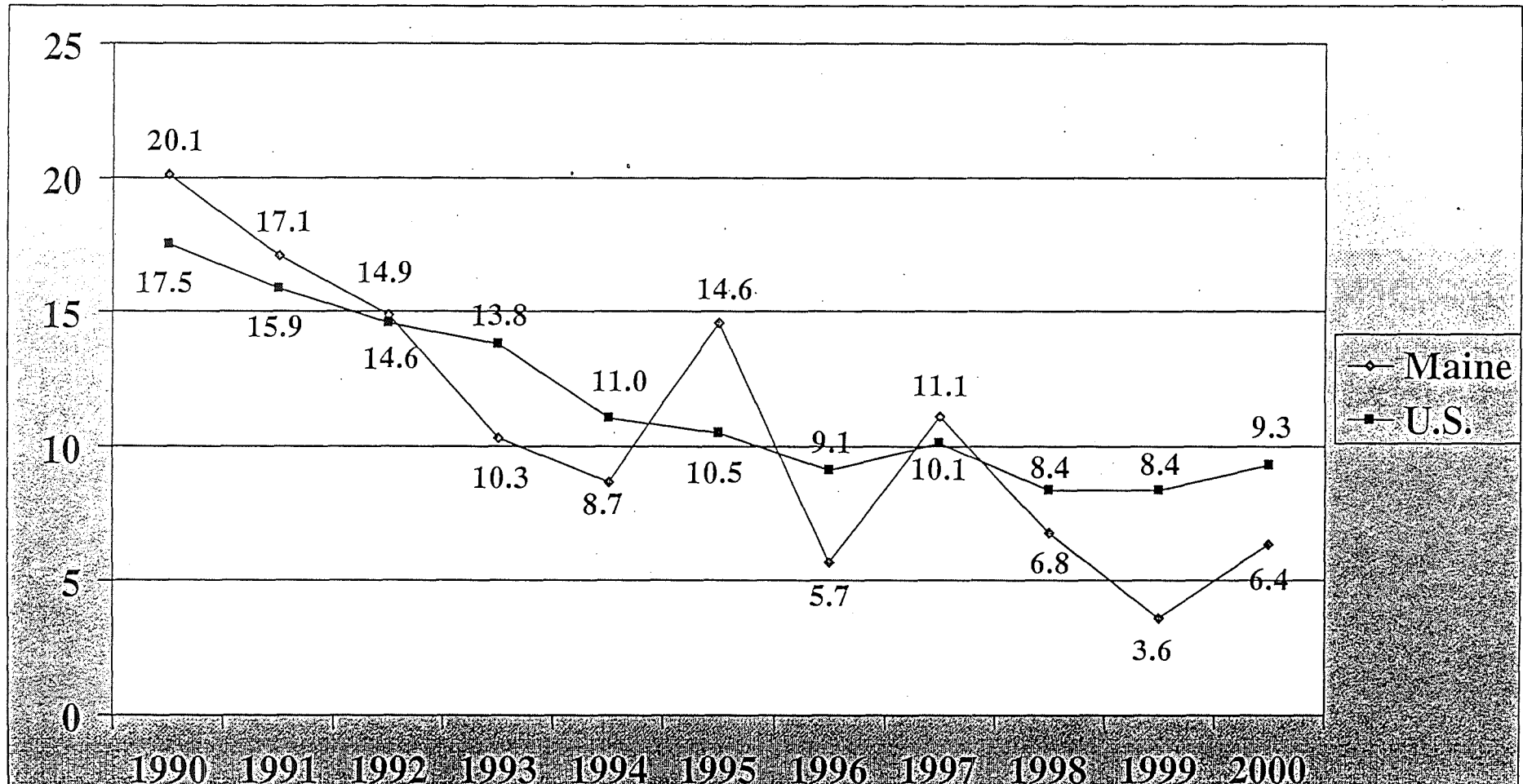


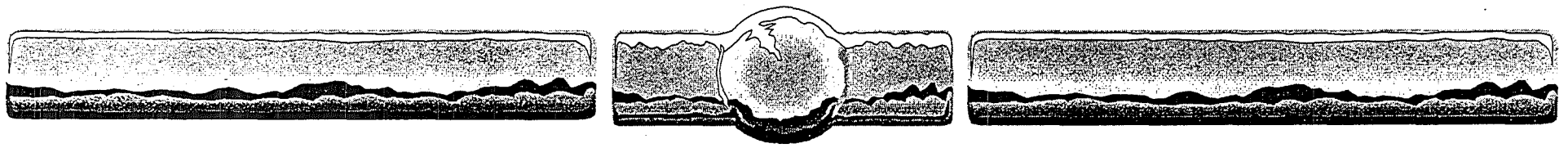
Logging Industry – OSHA Recordable Injury and Illness Incidence Rate Data

Maine vs. the United States
1990-2000

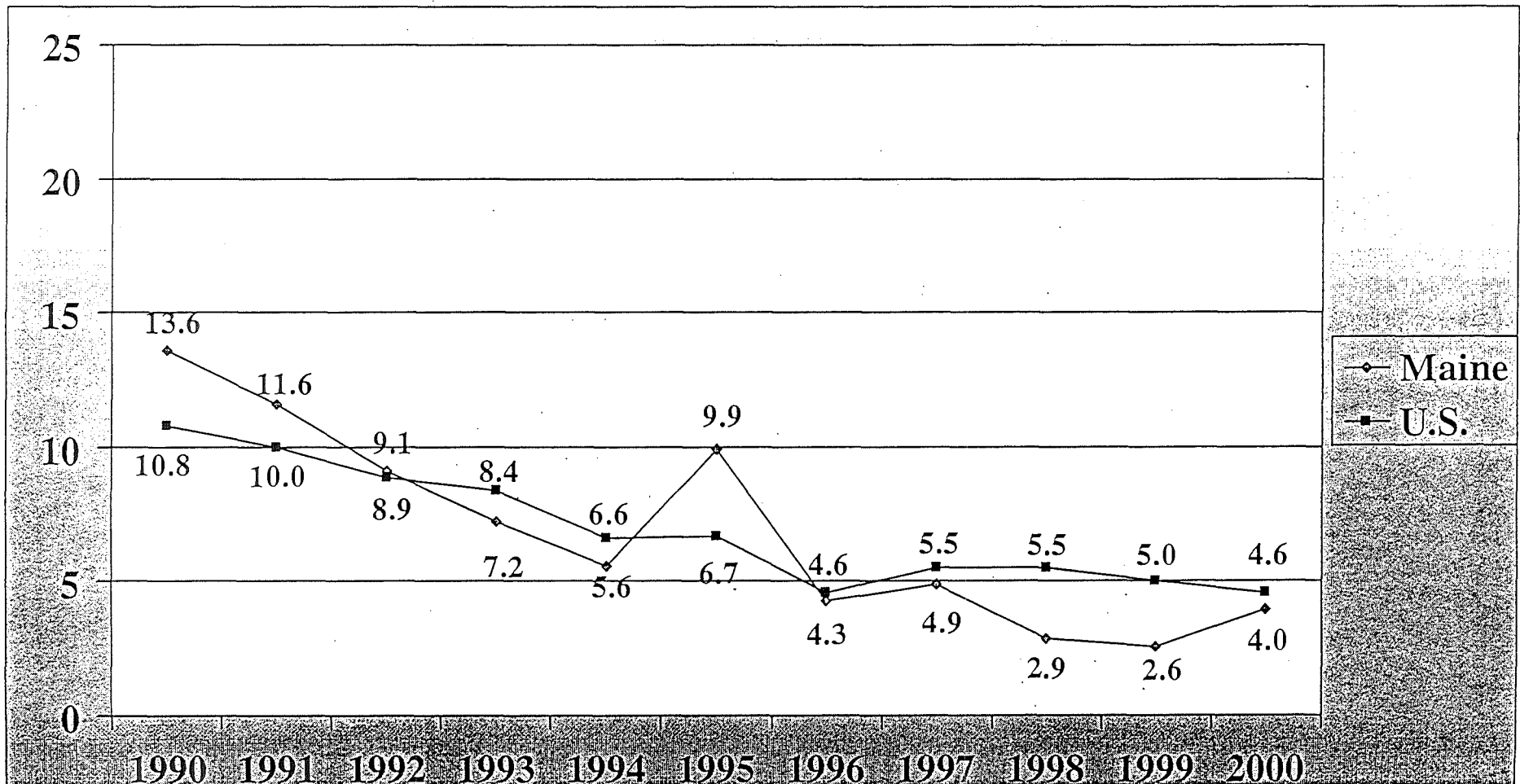


Logging Industry – Total Recordable Injury and Illness Rate – 1990-2000

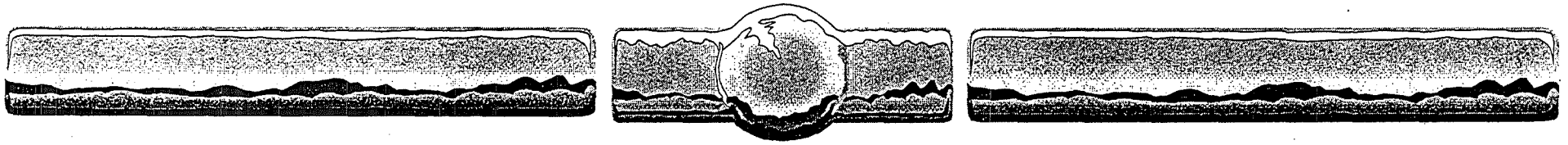




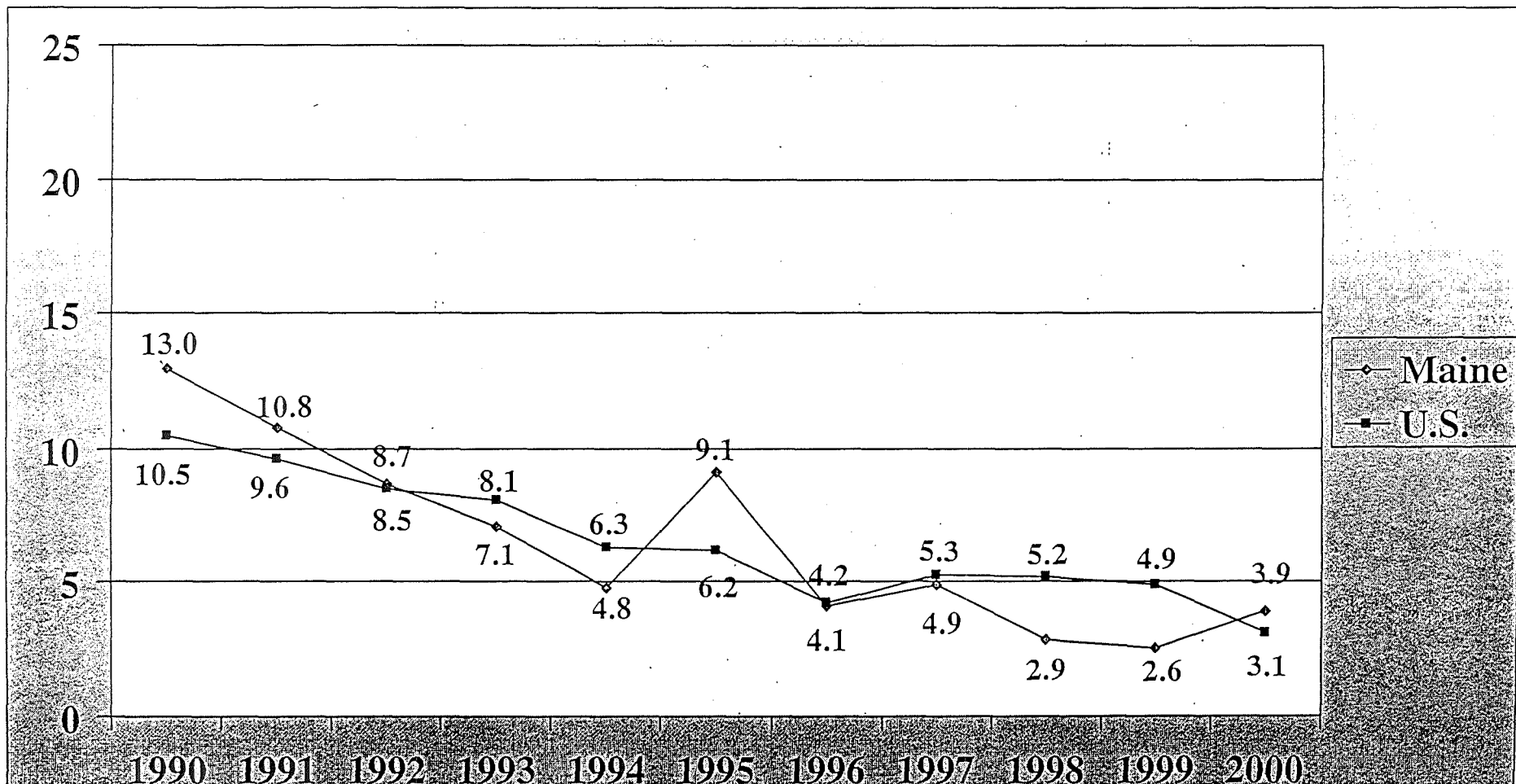
Logging Industry – Lost Workday Injury and Illness Rate – 1990-2000



Source: Maine Bureau of Labor Standards



Logging Industry – Days Away From Work Injury and Illness Rate – 1990-2000



Source: Maine Bureau of Labor Standards

Appendix B

[HOME LEP](#)



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2-1.2A

EFFECTIVE DATE: October 5, 2000
Revised April 18, 2002

SUBJECT: Logging Industry Local Emphasis Program (LEP) for the State of Maine.

REGIONAL IDENTIFIER: Region 1

ABSTRACT

Purpose:

This instruction establishes and implements a local emphasis program (LEP) for the purpose of conducting inspections of logging industry activities within the state of Maine. The employers to be targeted are mostly in the logging industry (SIC Code 2411).

References:

OSHA Instructions:

- A. CPL 2-0.102A, November 10, 1999; Procedures for Approval of Local Emphasis Programs (LEPs).
- B. CPL 2.103, September 24, 1994; Chapter I, Section B(1), through B(4) Field Inspection Reference Manual(FIRM).
- C. CPL 2.251, January 4, 1995; Scheduling System for Programmed Inspections.

Cancellations:

None

State Impact:

None

Action Offices:

Bangor Area Office and the Portland District Office of Maine

Originating Office:

Bangor Area Office, Bangor, Maine

Contact:

C. William Freeman III, Area Director
Bangor Area Office

US Department of Labor-OSHA
207 Harlow Street, Room 211
Bangor, Maine 04401

By and Under the Authority of
K. FRANK GRAVITT
Regional Administrator

Executive Summary

Logging industry workers are exposed to safety hazards which often lead to serious physical harm and death. The intent of this local emphasis program is to target, schedule, and inspect employers in the logging industry and to encourage employers to take steps to correct these hazards, thereby, reducing potential injuries and death.

Significant Changes

This instruction removes any requirement for employers to develop a comprehensive safety and health program as part of a partnership agreement under this LEP.

TABLE OF CONTENTS

- I. Purpose.
- II. Scope.
- III. Reference.
- IV. Expiration.
- V. Background.
- VI. Objectives.
- VII. Action.
- VIII. Recording in IMIS.
- IX. Measurements.
- X. Evaluations.

Appendix A-Letter to Employer

Appendix B-Partnership Application

Appendix C-Letter to Employee's Representatives

Appendix D-Letter Employees

INDEX

I. **Purpose.** This instruction establishes and implements a local emphasis program (LEP) which ties in the entire logging industry by involving landowners, loggers and employees. (Where the landowner is remote and not active in the logging operations taking place, but instead relies upon a land manager, OSHA will view the land manager in the same context as a landowner for purposes of this program.) It will have the effect of putting all participants on the same level playing field and should achieve a reduction in the severity and number of injuries and fatalities occurring in this occupation. It will utilize an approach which encompasses training and education and on-site safety audits by all parties. The LEP is needed to enable OSHA to deal with the unique relationship between loggers and landowners and their co-dependence. It establishes OSHA's programmed safety inspections of establishments engaged in logging activities (SIC Code 2411) pursuant to the provisions contained in the Field Inspection Reference Manual (FIRM).

II. **Scope.** This instruction applies within the state of Maine.

III. **Reference.**

- A. OSHA Instruction CPL 2-0.102A, November 10, 1999 Procedures for Approval of Local Emphasis Programs (LEPs).
- B. OSHA Instruction CPL 2.103, September 26, 1994, Field Inspection Reference Manual (FIRM), Chapter I Section B(1) through B(4).
- C. OSHA Instruction CPL 2.25I, January 4, 1995, Scheduling System for Programmed Inspections, Appendix C.
- D. OSHA Instruction CPL 2-0.51I, October 15, 1997 Enforcement Exemptions and Limitations under the Appropriations Act.
- E.2 9 Code of Federal Regulations part 1910.
- F. International Labor Organization, Encyclopedia of Occupational Health and Safety, Fourth Edition, Volume III, Jeanne Mager Stellman, PhD, Editor-in-Chief.

IV. **Expiration.** This instruction expires on September 30, 2003.

V. **Background.**

Employees involved in logging industry work are exposed to safety hazards which often lead to serious physical harm and death. The Bangor Area Office and the Portland District Offices have investigated a total of 35 logging fatalities since October 1987. The working population for manual tree harvesting operations within this state has ranged from a high of 4,000 in 1987 to the current population of 2,900. While the working population has declined by about 25 percent, the number of claims for Worker's Compensation have decreased by

approximately 50 percent. This can be directly related to our enforcement related activities and the employer's efforts to come into voluntary compliance. However, the need still exists for this program to continue. The causal factors for the deaths continue to be the most frequently cited standards indicating that a change in work attitudes and habits is required and can only be achieved through a balanced enforcement, training and partnership effort. The current general industry scheduling procedures do not give the logging industry the attention which it requires. Statistically, in terms of fatality rates, according to the U.S. Dept. Of Labor Bureau of Labor Statistics, it is the second most hazardous industry in the nation.

In keeping with OSHA's goal of getting results and improving performance, we are revising the LEP to offer all stakeholders in the logging industry an opportunity for partnership. More and more small employers have been subcontracting with land owners and other large logging contractors and these small employers may lack the safety knowledge necessary to perform their tasks safely. Therefore, in order to significantly impact the industry, it is necessary for OSHA to encourage the support of the large landowners. Those who traditionally employ logging contractors will be asked to contribute their talents, knowledge, and resources to assist the small contractors working on their lands. The support we are seeking would assist small logging contractors in the development and implementation of their safety and health programs, training and hazard auditing processes.

The total case rate for logging operations with ten or fewer employees accounts for 90 percent of the logging industry's worker compensation claims. The comparable rate for all employers with ten or fewer employees accounts for 33 percent of the total worker compensation claims for all industries.

Due to the unique and potentially life threatening hazards presented by this industry, a local emphasis program (LEP) in this area is deemed appropriate for all logging employers.

VI. **Objectives.**

- A. To reduce work related fatalities, injuries and illnesses in Maine's logging industry.
- B. To enable the Bangor Area and Portland District Offices to focus their resources in an industry which continues to experience the second highest injury and illness rates in the nation.
- C. To enable the Bangor Area and Portland District Offices to focus their resources on the conditions and work practices which have contributed to fatalities as well as serious injuries in the logging industry.
- D. To motivate employers to change the work practices and culture within the industry and to deal with the hazards as well as the injuries and illnesses they are experiencing.
- E. To motivate the major landowners who utilize the majority of the small logging contractors to take an active part in promoting safe logging practices. Through the application of their experience, knowledge and resources, the landowners can significantly effect the outcome of this effort.

VII. **Action** The following procedures will be utilized to notify affected employers about the program:

- A. The Area Office will generate a **Primary Inspection List** of all known employers involved in logging operations and the major landowners within the state. These lists will be compiled from several sources to include the following: State of Maine Secretary of State, State of Maine Bureau of Land Management, large land owners known to the Area Office as being engaged in wood harvesting operations, training

organizations, industry associations, employee associations and organizations and our own resources.

- B. All logging employers will then be notified by mail (See Appendix A) of this Program and will be offered a choice between partnership and traditional enforcement. This notification will include an explanation of the benefits and responsibilities of partnership and its advantages over traditional enforcement. All landowners and logging contractors who are employers on the list will be inspected over the course of the two year duration of this program.

1. **Partnership.** An employer can demonstrate his or her choice of partnership by **notifying the Area Director (completing the Partnership Application, see Appendix B) of their choice within 21 days of receipt of their letter of notification** and implementing the following:

- a. Agree to immediately conduct complete and comprehensive safety and health audits of their logging operations and activities and maintain written documentation of all findings. This audit will, primarily but not exclusively, focus on the following areas:
 - Ensure that the following practices are not found within their logging operations: setback trees, setting trees back as a logging method, working near standing dead trees, stubs, widow makers, lodged trees and spring poles.
 - Felling techniques are proper providing no bypass notching, properly placed back cuts, adequate hinge wood, and a retreat path.
 - Adequate separation of logging operations (maintaining audible/visual distances).
 - Machine operations to insure that the following are maintained:
 - Safe distance
 - Operator cab enclosures/seat belt
 - Set parking brakes, ground movable elements when dismounted
 - Safe operations on slopes
 - Machine maintenance procedures to include Lock Out/ Tag Out when required
- b. Focus on and immediately correct the hazards and deficiencies found during the audit.
- c. Request and acquire the company's injury and illness profile that is available from the Maine Bureau of Labor Standards. (A single page information sheet on where and how to request this data will be included in the notification package.)

2. When OSHA identifies an employer as a partner in accordance with the elements as specified in paragraph VII.B.1.a., then OSHA will utilize its resources to:

- a. Provide compliance assistance to employers in developing their Comprehensive Safety and Health Program through the utilization of a comprehensive package of materials that focus directly on safety and health in the logging industry. The material will provide guidance and simplify the process for the smaller employer. This information includes samples of; Hazard Communications Program; Bloodborne Pathogens Program; Lock-out/Tag-out Program; a simplified version of the partnership process which will be very useful to the very small employer and recommendations for all employers and landowners regarding safe work practices in the logging industry.
- b. Assist the employer, supervisors and employees with training. This will be accomplished in conjunction with industry stakeholders, and the State of Maine Bureau of Labor Standards Consultation Services.
- c. Further, the inspection process utilized for employers and landowners who choose partnership will be to focus on those hazards which are the leading causes of fatalities, injuries and illnesses in the industry (see paragraph VII.B.1.a. above).

3. Traditional Enforcement. Employers who do not notify the Bangor Area Director that they have chosen partnership or who choose traditional enforcement, will receive a comprehensive inspections which will be randomly scheduled. Inspections will be conducted according to paragraph VII.D.1. below.

C. The Bangor Area Office will notify the affected employee representatives, if any, of the employer's notification of inclusion in this program (See Appendix C). OSHA will provide to the employer a letter to employees for posting at the work place. (See Appendix D)

D. Inspection Process

1. One list will be compiled. The inspection will consist of those employers who did not notify the Area Director (within the 21 day notification period) that they wanted to participate at the "Partnership" level and employers who notified the Area Director and chose Partnership. Establishments will be selected and scheduled for inspection in accordance with OSHA Instruction CPL 2.25I, Scheduling Systems for Programmed Inspections. All employers on both lists will be inspected during the course of this program.

- a. **Partnering Employers.** Inspections focus on the hazards most often contributing to fatalities and serious injuries such as: felling techniques, struck by, caught in or between hazards, i.e., widow makers, lodged trees, standing dead trees and safe working distances, personal protective equipment and chain saw safety.
- b. **Non-Partnering Employers.** Inspections will be comprehensive in scope and include all crews of the employer. Upon initiation of the inspection, the past relationship of the landowner with the logging contractor will be reviewed.

2. Should we encounter employers who have not been given an opportunity to make a choice, a comprehensive inspection of that location will be conducted. If citations are issued, the employer will be offered partnership as part of an informal settlement agreement.

3. If an employer refuses entry on a scheduled emphasis inspection initiated in accordance with this notice, a warrant shall be sought.

4.Re ports of imminent dangers, fatalities, catastrophes, referrals, and formal complaints in the industries covered by this LEP will continue to receive inspections scheduled in accordance with OSHA policies as found in the Field Inspection Reference Manual. Under this LEP, the scope of inspections initiated as a result of a referral, complaint, accident, fatality, or a catastrophe will normally be expanded to include a comprehensive inspection of the facility, unless the establishment has had a comprehensive safety and health inspection within the previous 24 months, or has partnered with OSHA. The inspection will then focus on those hazards which are the leading cause of fatal injuries and illnesses. (See paragraph VII, B.1.a).

VIII. **Recording in IMIS.** Current instructions for completing the appropriate inspection classification boxes (items 24 and 25) on the OSHA-1, shall be applied when recording inspections conducted under this LEP: The OSHA-1 for a programmed inspection conducted under this LEP shall be marked "Planned" in item 24h and "LOGGING" shall be recorded in the blank space of item 25c.

Where "Program Related" inspections are conducted, they will be so indicated on the OSHA-1. In addition, complaints, and referrals from police departments or fire departments are to be recorded as unprogrammed inspections.

IX. **Measurements.** The results of this local emphasis program will be measured by the following benchmarks: A reduction in the number of fatalities and the number of serious injuries and illnesses as reported to the State of Maine Bureau of Labor Statistics; the degree of employee involvement; the number of employers who qualified for "Partnership;" the percentage of employers who were found in compliance during our inspections; the number of landowners we contacted and the percentage of those who were working in partnership with OSHA to meet the goals of this LEP; and comments regarding the program and its results, as provided by the stakeholders and the employers and employees in the program.

X. **Evaluation.** Annual evaluations of the program will be submitted by the Bangor Area Director. This evaluation will be forwarded to the Regional Administrator, no later than October 31 for each fiscal year the program is in effect.

APPENDIX A

Sample Letter to Employer

Date:

Employer/Address

Dear (Employer):

Your company has been placed on OSHA's Primary Inspection List under OSHA's new logging local emphasis program entitled "Safe Logging 2000." Its goal is to reduce fatalities, injuries and illnesses and to identify employers who are "proactive" and willing to work with the Agency in the spirit of cooperation rather than experience the traditional style of enforcement.

With this purpose in mind, we want to inform you of OSHA's new logging safety and health program in Maine. This program is intended to reach all logging employers and employees, employee representatives, as well as landowners who engage in service contracting/purchase wood agreements with contractors and subcontractors. It provides the opportunity for choosing between a "partnership program" or "traditional enforcement." Please review this letter and then, if you choose to partner, please review the material we have included.

As you know, employees involved in logging are exposed to safety and health hazards which often

lead to serious physical harm and death. The conditions which cause the majority of these accidents and injuries continue to exist. This program's focus will be to address these hazards. The Bangor Area Office and the Portland District Office have investigated a total of 35 logging fatalities since October 1987. While the number of claims for worker's compensation has decreased in recent years, a significant number of disabling accidents still occur. The reductions in claims can be directly related to the voluntary efforts of many stakeholders in the logging industry in Maine as well as OSHA's compliance assistance and enforcement efforts. However, according to the U.S. Dept. of Labor Bureau of Labor Statistics, logging remains the second most hazardous industry in the nation in terms of fatality rates and crippling accidents.

In keeping with OSHA's goal of getting results and improving performance, we are initiating a program that offers all stakeholders in the logging industry an opportunity for partnership. More and more small employers have been subcontracting with land owners. These large logging contractors and small employers may lack the safety knowledge necessary to perform their tasks safely. The total case rate for logging operations with 10 or fewer employees accounts for 90 percent of the logging industry's worker compensation claims. The comparable rate for all employers with 10 or fewer employees accounts for 33 percent of the total worker compensation claims for all industries.

Therefore, in order to significantly impact the industry, it is necessary for OSHA to encourage the support of the large landowners. Those who traditionally employ logging contractors will be asked to contribute their talents, knowledge, and resources to assist the small contractors they have working on their lands. The support we are seeking would enable small logging contractors to receive assistance from landowners in the training, and hazard auditing processes.

We have established a list of all known logging employers working in the state of Maine. Employers who choose partnership will receive a random inspections which focus on critical areas such as: felling techniques, struck by, caught-in or between hazards, widow makers, lodged trees, setback trees, standing dead trees, safe working distances, personal protective equipment and chain saw safety. By choosing partnership, you will receive assistance with training supervisors and employees. Employers who do not choose partnership will be randomly selected for a comprehensive inspection.

You can demonstrate your choice of partnership by completing the enclosed **Partnership Application** and mailing it to this office **within 21 days**. By completing this application you will agree to conduct a complete audit of the work place.

We are encouraging major landowners to help small logging contractors develop and implement safety and health programs which will help reduce injuries and illnesses in Maine's logging operations. If you are a contractor/subcontractor, you should contact the land owner with whom you have contracted to determine their level of participation in this program and what support they are willing to offer you in your safety and health efforts.

I look forward to working with you and hope that you will see this new program as an opportunity for you to choose "YOUR OSHA." We are available to discuss any of the above. Please call me at (207) 941-8177.

Sincerely,

C. William Freeman, III
Area Director

Attachments:

1. Letter for you to post for your employees (Appendix D)
2. Interpretations of Logging Safety Standards
3. How to obtain your Injury and Illness Profile
4. Logging Contractor's Work Rules

5. Logging Contractor's Hazard Communication's Program
6. Logging Contractor's Lock Out/Tag Out Procedure
7. Logging Contractor's Safety and Health Program
8. Owner/General Contractor and Sub-Contractor Cooperative Safety and Health Plan Outline
9. Logging Safety Training Resources
10. Simplified Process i.e. Safety & Health Program
11. Partnership Application (Appendix B)

APPENDIX B

PARTNERSHIP APPLICATION

SAFE LOGGING 2000

Employer Name: _____

Employer Address: _____

We have reviewed and evaluated the information sent with the notification of our inclusion in OSHA's "Safe Logging 2000" local emphasis program. We agree to participate in the program and apply for Secondary Inspection List status.

We understand that if we have any questions regarding the program we should contact the Bangor Area Director for assistance and clarification.

Signature of E.E.O., Owner or Senior Manager. Date

NOTE: If you chose partnership this application must be returned to the OSHA office in Bangor within 21 days of your receipt of the program notice mailed to you.

APPENDIX C

Sample Letter to Employee Representative

Date

Employee Representative/Address

Dear Employee Representative:

Enclosed is a copy of a letter of notification which has been sent to (INSERT NAME OF EMPLOYER) whose employees you represent informing them of OSHA's new logging safety and health program. This new OSHA program provides the employer with the opportunity to qualify for "partnership" with OSHA.

You should carefully review the letter of notification and a copy of our program directive which outlines how this new program will function. The goal is to significantly reduce work place injuries and illnesses and to establish programs in the work place that will sustain and improve safety and health.

As the employee representative, you have the right to participate in all phases of this program as described in our program directive. The employer has been requested to afford employees an opportunity to participate in the program and they will be required to demonstrate this during any OSHA inspection.

It is our sincere hope that you and your membership will participate in this worthwhile program. With your participation, the likelihood of success in improving safety and health in the work place will be increased.

If you have any questions regarding the program, please feel free to contact me, or John Barry, in the Bangor Area Office at (207) 941-8177.

Sincerely,

C. William Freeman, III
Area Director, Bangor Area Office

Attachments:

1. Letter to Employer (Appendix A)
2. CPL Logging Emphasis Program

APPENDIX D

Sample Letter to Employees

Date

Employee/Address

Dear Employees:

Your employer has been given the opportunity to participate in the new logging safety and health program being offered by OSHA. This program gives employers the choice of becoming a "partner" with OSHA or dealing with the Agency in the traditional enforcement manner.

We have requested that your employer offer you the opportunity to become involved in every aspect of the new program. As employees, you have a great deal to gain from a work place that operates in a safe and healthy manner. You also have the experience and knowledge that can help your employer develop the best program possible.

It is our sincere hope that you will participate in this worthwhile program. With your participation and involvement, the likelihood of success is increased.

If you have any questions about this program, please call me, or John Barry in the Bangor Area Office at (207) 941-8177.

Sincerely,

C. William Freeman, III
Area Director
Bangor Area Director

INDEX

Background

Elements of Partnership

Employer Notification

Employee Notification

Employee Representative Notification

Evaluation

Inspection List Development

Letter to Employer

Letter to Employee Representative

Letter to Employees

Measurements

Objectives

Partnership

Purpose

Recording in IMIS

Scope of Inspections of Partners

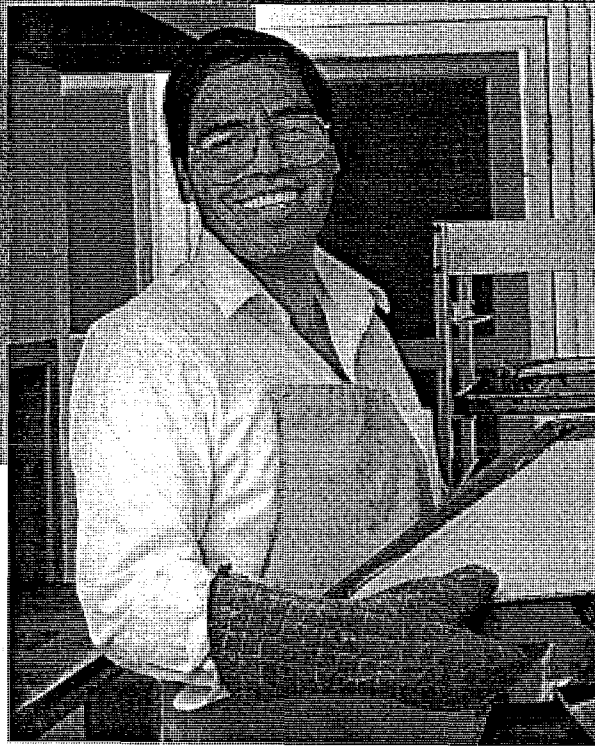
Scope of Traditional Enforcement Inspections

Selection of Employers

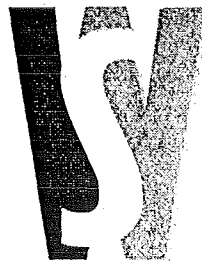
[☐ OSHA Directives - Table of Contents - PUBLIC WEBSITE](#)

Appendix C

Workplace Safety and Health Consultation



WHETHER YOU ARE STARTING OR STRENGTHENING
A SAFETY PROGRAM, AN EXPERIENCED SAFETY
& HEALTH PROFESSIONAL CAN HELP YOU
IDENTIFY PROBLEMS AND SOLUTIONS.



SafetyWorks!

MAINE DEPARTMENT OF LABOR

FREE AND CONFIDENTIAL

At your request, and at no cost to you, specialists from the Maine Department of Labor SafetyWorks! program can visit your workplace and advise you on safety and health matters. We can assist you in preventing accidents and avoiding penalties—which translates into improved productivity and profitability, fewer injuries and illnesses, enhanced employee well-being, and reduced workers' compensation costs.

SafetyWorks! is not OSHA and cannot issue fines or citations to private companies.

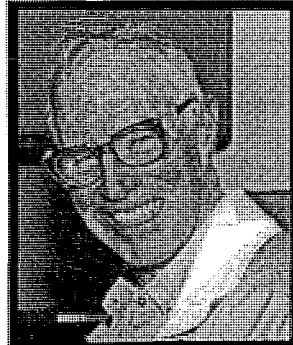
We can help you:

- develop a safety program
- solve a specific problem
- identify and eliminate hazards
- apply for low-interest loans for safety equipment
- find additional resources
- train employees



Who provides the service?

Consultations are provided by professional occupational safety engineers and health specialists experienced in working with diverse industries. They will use their expertise to identify hazards and help you eliminate or control them.



Who is eligible?

Any employer in Maine can request services. Priority is given to small employers, new employers, and employers in high hazard industries.



Can SafetyWorks! fine a company?

No. SafetyWorks! is not OSHA and cannot issue fines or citations to private companies. If an employer refuses to correct a hazard that poses a threat to the life, safety or health of employees, a referral to OSHA may be made. In more than 20 years and many thousands of consultations, only one employer has been referred.



What is the employer's obligation?

There is no cost for any SafetyWorks! services. The only obligation of the employer is to correct in a timely manner any serious job safety or health hazard found during the consultation.

What is the procedure?

An employer can request services by calling 624-6400 or toll-free 877-SAFE-345 (877-723-3345). A Customer Service Representative will take the request. A consultant will call you to schedule a convenient time for the visit or you can use the reply card in this pamphlet to request a consultation.

Upon arrival at your workplace, the consultant will meet with you to explain the procedure and listen to your concerns. To better understand your situation, he or she may ask to look at your injury and illness log, safety committee meeting minutes, and/or written safety programs.



The consultant may suggest that an employee participate in the visit. The consultant may also ask to speak with employees — their input can help identify hazards and solutions that might otherwise be overlooked.

Together, you (or your representative), the employee representative, and the consultant will examine conditions at the workplace. Based on your request, the consultant will either conduct a comprehensive survey or address specific problems. The consultant may take air samples or conduct noise monitoring.

If the consultant finds a serious hazard that poses an immediate danger to employees, he or she will advise you to correct it immediately or to restrict the area.

Following the walkthrough, the consultant will discuss problems identified and possible solutions. He or she will work with you to develop a plan to control any serious hazards found. As part of the plan you may be asked to confirm when



the hazards have been corrected. The consultant may offer suggestions for establishing or strengthening your safety and health program, including: employee training, safety and health committees, sources of additional technical assistance, or other ways to promote workplace safety and health.

The consultant will send you a written report with the findings and recommendations. He or she may call you to check on your progress in correcting any unsafe conditions found during the walkthrough. Of course, you may contact the consultant for additional assistance at any time.

How SafetyWorks! consultants have helped Maine organizations

A consultation at a manufacturing plant saved 80 employees from potential electric shock or electrocution. During a general safety survey, SafetyWorks! tested electrical equipment and found 50 to 60 ungrounded outlets. The consultant recommended that a master electrician be brought



in immediately to make the repairs. Without question, if someone stood on a wet floor and worked with the ungrounded equipment, that person could have been electrocuted. The manager appreciated the opportunity to correct a serious problem before someone got hurt.

A construction contractor asked for help with back injuries. By reviewing injury records the consultant zeroed in on the situations that were causing the injuries. She discovered dump truck drivers had the



most back injuries. Knowing that, she could help the employer design a program that would work for the company. The SafetyWorks! consultant helped reduce injuries and costs.

SafetyWorks! consultants approach indoor air quality problems like detective work. By examining the physical space and the ventilation system and



talking to employees in an office building, a consultant was able to make realistic low-cost recommendations to improve conditions in one office building. Sometimes the solutions are simple.

In this situation the problems improved after employees were moved to different areas of the building.

At the suggestion of his insurance carrier, the owner of a small wood shop asked SafetyWorks! for a general safety and health consultation.

The consultant found excessive noise levels and overexposure to wood dust, typical conditions in this type of shop. The consultant recommended exhaust ventilation to reduce wood dust exposure and told



the owner about low interest loans available for safety improvements. He also recommended a hearing conservation program and, at the owner's request, trained the employees on hearing protection. The consultant provided a full range of SafetyWorks! services: industrial hygiene sampling, recommendations for controlling problems, training, and resources for additional assistance.

Interested?

Call 624-6400 or toll-free
877-SAFE-345 (877-723-3345).
TTY 800-794-1110.

A Customer Service Representative will take your request.

A consultant will call you to schedule the visit.

Or you can use the attached card to request a consultation.

Occupational Safety Loan Program

The Maine Department of Labor, in cooperation with the Finance Authority of Maine (FAME), provides lower cost financing to help businesses in Maine make workplace safety or health improvements. Loan proceeds may be used for a variety of purposes, including the purchase, improvement, installation, or erecting of equipment which reduces hazards and promotes health and safety in the workplace. For more information, call 624-6400 (TTY 800-794-1110).

Consultation Request

Please print or type

Your name _____ Title _____

Company _____

Address _____

Location for consultation (if different than address)

Phone _____ Fax _____

E-mail _____

Type of business _____

Number of employees at this location _____

How can we help you? (Check all that apply)

- ☐ General safety/health consultation
- ☐ Air sampling
- ☐ Noise monitoring
- ☐ Ergonomic assessment (including computer workstations)
- ☐ Consultation on specific process or work area.
Please describe: _____

☐ Other. Please explain: _____

Please return by mail or fax to:

SafetyWorks!
45 State House Station
Augusta, ME 04333-0045
Fax (207) 624-6449

A consultant will call you after we receive your request.

please send to:

SAFETYWORKS!
Maine Department of Labor
45 State House Station
Augusta, ME 04333-0045

or Fax to 624-6449

SafetyWorks! Consultants will:

- Help employers identify hazards in the workplace
- Suggest options for solving a safety or health problem
- Identify additional sources of technical assistance
- Provide a written report summarizing the findings of the consultation
- Help establish or improve workplace injury and illness prevention programs
- Help develop and conduct safety and health training for employees

SafetyWorks! Consultants will NOT :

- Issue citations or propose penalties for violations of OSHA standards
- Charge for services
- Guarantee that a workplace will pass an OSHA inspection
- Reveal trade secrets or release information on specialized processes or operations

Other Services from SafetyWorks!

- Safety training on-site or at central locations
- Video lending library
- Low-interest loans for safety equipment
- Answers to your workplace safety and health questions
- Quarterly newsletter

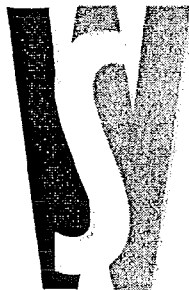
SafetyWorks! services are made available through a mix of state and federal funds.

The Maine Department of Labor provides equal opportunity in employment and programs. Auxiliary aids and services provided upon request.

What SafetyWorks! customers say:

SafetyWorks! consultants visit hundreds of companies each year. Here is what customers have said about the help SafetyWorks! gave them:

- *"As a small business owner, your employees are nearly family and I certainly want every avenue of safety in place for my workers. SafetyWorks! has indeed helped our company improve on our safety and on behalf of everyone...we thank you."*
- *"We are grateful for the help we received from SafetyWorks! and your interest in making my company a safer place for our employees."*
- *"This program has already helped us to keep our business and employees safer."*
- *"As a company who has an ongoing interest in running a safe, OSHA-compliant workplace, we greatly appreciate the guidance and training we have received through the SafetyWorks! program."*



SafetyWorks!

MAINE DEPARTMENT OF LABOR

For more information about SafetyWorks!
consultations or to request services, call

207-624-6400 or toll-free

877-SAFE-345 (877-723-3345).

e-mail: webmaster.bls@state.me.us

website: www.state.me.us/labor/blsmain.htm

TTY: 800 794-1110