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## A Letter From Our Chairman

Peter Masias  
Corporate Director of Safety & Risk Management  
Green Bay Packaging



Welcome to 2015 —

What a start to an exciting year everyone! As we are gearing up for our May course and June conference, I am so excited about the line-up our great team has set up.

The Introduction to Industrial Hygiene Course will be held on May 5-6, 2015, at the TAPPI Training Facility in Atlanta, GA. Attend this two-day course and gain a solid introduction to industrial hygiene principles along with practical information on the identification, measurement and control of the primary IH hazards in the pulp and paper industry. This is a true introductory course, with no educational or job-related prerequisites. You may [Register](#) now and find additional information on our [website](#).

PPSA's 72nd Annual Safety and Health Conference will be held June 7-10 at the Hyatt Regency in Savannah, GA. [Registration](#) is open so please sign up and book your hotel room at the [Hyatt](#) or [Marriott](#) before it's too late! You may continue to check our conference [website](#) for the most updated information.

The Innovator Award is off to a great start. If you haven't applied for the Innovator Award, fill out the application [online](#) and send it to PPSA at [awestbrook@ppsa.org](mailto:awestbrook@ppsa.org). The innovator award is a chance to honor those who have developed a product or process that will help everyone work in a safer environment.

We are excited to welcome all of our new company members and vendors to PPSA. We hope you will find everything you are looking for at our conference and we look forward to meeting each of you.

Thank you for your ongoing support of PPSA, helping us to bring the industry home safe. We look forward to providing you with the most current up to date safety information throughout the year and hope to see you all at the course in May and the conference in June.

Thank You -

Peter G. Masias, CSP  
PPSA Board Chairman



## **2015 PPSA Annual Conference June 7 –10, 2015, Savannah, Georgia**

Employee engagement is an essential component for achieving safety excellence. To learn how to amp up employee engagement—and unlock your site's safety potential—the Pulp & Paper Safety Association (PPSA) invites you to its 72<sup>nd</sup> Annual Safety Conference, June 7-10, at the Hyatt Regency in historic downtown Savannah, Georgia.

This year's conference will focus on improved safety performance through employee engagement. The two-and-a-half day conference will feature expert speakers from within the safety community, as well as exhibits from vendors showcasing the latest innovations in personal and site safety.

We know it's critical to have committed leaders who set clear goals and expectations; but those goals and expectations must be delivered in a way that motivates, inspires and encourages. Engaged leadership empowers employees. This empowerment helps us feel, think and act in ways that do more than just ensure safe personal work habits: empowered employees can help their co-workers, site and company become injury-free.

At the PPSA [2015 Annual Conference](#), speakers will share reliable methods, tools and inspiration to help you increase employee engagement. Attendees will hear success stories from leaders who have empowered their employees to understand safety as a value, not merely as rules or requirements. You'll have the opportunity to network and collaborate with fellow executives, managers and front line employees who are safety leaders in our industry. The exhibit floor will host key vendors showcasing the newest tools, equipment and processes you need to be successful.

Be there for the spirited Innovator Award Competition, when this year's member finalists present their site's safety innovation. We will award sites that have achieved and sustained safety milestones, and one industry leader will receive PPSA's most distinguished honor: the Executive Eagle Award.

We look forward to seeing you in Savannah, GA - June 7-10, 2015.

## Getting to Know Our Members

### Interview with Bryan Hollenbach by Peter Masias

#### How long have you been in your current position?

*I have been with Green Bay Packaging for 11 ½ years and I have been Executive Vice President for 3 ½ years.*

#### In what way(s) does your current position influence your company's safety efforts?

*An important part of my role is to help set and communicate the overall direction and values of the company. Another key role is allocating resources towards that direction and values. Providing a safe workplace for all of our employees is a key value for Green Bay Packaging and my position allows me to communicate to all employees that Safety needs to be a prime focus for everyone across all divisions.*

#### Why is safety important to you?

*We have a great workforce at Green Bay Packaging. I can personally tell you that the key to our success is our employees; we strive to provide the best service and quality to all of our customers – the only way this happens is through dedicated employees. We owe these employees the right to do their job in a non-threatening, safe and clean facility in which people look out for one another. Safety is important to me because everyone of our employees should go home from work after their shift in as good a condition as they were coming in. It is our commitment to our employees.*

#### What was one experience that sticks out in your mind as the time when safety became important to you?

*I believe safety has always been important to me however there was one incident early in my career that clearly left an impression that we all have a personal responsibility for Safety. I was working for a Tissue Converting company and I was the plant manager. We had a 54" Kidder 4 color press and the operator was a large man – approximately 6'3; 265 lbs., 30 years old – who had worked on the press for at least 5 years. He was a great guy and a great operator. I was speaking to him and he was wiping down a roll with a rag as the press was jogging. I went to another part of the plant and a few minutes later the safety alarm went off. We went over to the press and the operator's entire arm, up to his shoulder was stuck between the rolls. We were able to stop the press and call the emergency units in. We had to pull him out of the press using the "Jaws of Life."*

*This happened because the operator's rag got caught between rolls and he went to grab the rag and it caught his finger. Thankfully, the operator recovered however he never would work on the press again and a few years later left the company to pursue a different career. The lesson is simple – we are all responsible for one another and we need to be aware of safety practices and hazards. If I would have told the operator to not clean the rolls while the press was running – no matter how slow – he would not have later been caught in the press.*

*Seeing someone caught in a press will make Safety important to anyone.*

#### What is your best piece of safety advice?

*Be Aware of Your surroundings; look out for each other and do not get comfortable. The most serious of accidents can happen when an employee who has worked on a machine for years gets comfortable with a machine and performs an unsafe act. The equipment does not give you a second chance after you are caught.*

*Continued on page 4*

Continued from page 3

### **What are some of your favorite safety tips?**

*It is critically important that Supervisors are involved in the Safety program first hand. They should be running the "Toolbox" meetings and discussing safety every day. It is also critical that employees look out for one another. Driving positive Safety peer pressure through the plant utilizing a program that includes both incentives and consistent discipline can be very effective. The key is to change behavior and behaviors are best changed with positive peer pressure.*

### **What one or two things do you think every employee can do to improve safety at their Company?**

*Get a good night's sleep prior to coming to work so they are aware at work. AWARENESS is the key.*

*Another key point is to watch out for each other and let a person know when they are committing an unsafe act. Many times, new employees specifically may be unaware of their surroundings and proper safety practices. A peer providing instruction may save a finger.*

### **How would you rate GBP's current efforts regarding safety?**

*I am a tough critic with high expectations. I believe we are getting better. We have some divisions that are World Class regarding Safety and I would put them up as a model for any plant. We have others that are focused but have been late in putting the required attention to Safety. I would say that our Safety Efforts and Awareness is at the highest level in our history and believe we are on the right path to becoming a model of safety in the future.*

### **What do you think the biggest hurdle is that we will need to overcome in order to improve our safety record?**

*Changing past practices and beliefs was and is always the tallest hurdle to drive positive change in safety and other areas. The concept that "safety is not my job, and that it is up to each employee to protect themselves," is always a difficult hurdle. A great safety culture is Behavior Based and requires Awareness throughout the entire organization and employees looking out for one another. Once everyone in the plant buys into this ... then there is the opportunity to move to a World Class Safety Operation.*

### **At the end of your career what impact do you hope your leadership has made on safety in the Pulp and Paper Industry?**

*I believe a person makes an impact one person at a time. If our employees believe that as a leader of the company I can be focused on growing the business, improving results, and planning our future while keeping SAFETY as our overall core value and something never to be compromised – that will have an impact on our company and others.*

**Bryan Hollenbach,  
Executive Vice President, Green Bay Packaging**



Bryan Hollenbach is the Executive Vice President of Green Bay Packaging Inc. Mr. Hollenbach is responsible for the company's containerboard mills, corrugated, folding carton and timber divisions, totaling 23 facilities in 10 states. He joined the company in 2004 as general manager of the Green Bay - Shipping Container Division. He has more than 20 years of paper industry experience.

Green Bay Packaging Inc., headquartered in Green Bay, Wisconsin is a family-owned company with operations in corrugated containers, folding cartons, recycled and virgin linerboard, pressure-sensitive label roll stock, specialty converting, timberlands and saw mills. It has plants in 14 states.



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***We are proud to present this years Pulp & Paper Safety Association's Annual Safety Conference speakers. We take great care in selecting speakers both from within our great industry as well as highly respected motivational, technical and credible speakers from within the safety and leadership community. It is our privilege to introduce to you our conference keynote, Joe Estey.***



**Conference Keynote**  
**Joe Estey**

For nearly two decades, Joe Estey has assisted individuals and organizations as a Human Performance Improvement specialist. Currently, as the national manager for Safety Engineering and Training Services for Advanced Technologies and Laboratories (ATL Intl), he is charged with creating innovative solutions to complex problems facing some of our country's highest hazard and complex industries including fossil generation and nuclear power plants, forestry and paper production facilities, mining and manufacturing projects. In 2013, ATL was honored as one of America's Five Safest Companies by EHS Magazine. Most importantly, however, Joe has been married to his high school sweetheart for 36 years, and the greatest lessons he has learned about enjoying and valuing life come from spending time with his son, daughter, their spouses and three high energy grandsons.

**Session Title: Safety Transformation: Engaging the Head and Heart**

Modern day analysis of today's events read just like yesterday's newspaper—rarely do we learn anything new from a tragedy and even more rarely do we do anything different to keep the next one from occurring. There's an old saying: "If you find out the horse you're riding on is dead, it's time to quit whipping it and get another horse". Real transformation requires real effort on issues that matter equally to those responsible for leading organizations as well as those responsible for performing the work. Engagement is more than a slogan, it's a defined process that must fully involve the head and heart of each of us who are accountable for ensuring everyone goes home without injury.

***Joe is not only kicking off the conference Monday morning with an emphasis on our conference theme, but he will also be conducting a leadership workshop on leading to develop a culture of engagement. This workshop is limited to 50 attendees and will consist of a deeper hands-on dive into the power of engagement. The targeted audience are key leaders (Operational VP's, facility GM's and department supervisors) who not only influence a broad employee base but rely on a committed and 'engaged' team to be successful. To ensure a seat in this workshop, contact Ashley Westbrook at [AWestbrook@ppsa.org](mailto:AWestbrook@ppsa.org).***

**Session Title: Leading a Successful Safety Culture**

"Culture is to our organization what character is to our personality—it is best evidenced by what you're doing when no one is looking". Safety cultures develop from intentional acts and deliberate practices. Likewise, leadership, communication, engagement and teamwork are not natural traits, they are skills that have to be learned, modeled, practiced and continuously developed. During this highly interactive workshop, participants will explore best and worst safety leadership practices, discuss how to move an organization from a Safety I to a Safety II culture and how to create the conditions that lead to engagement and accountability.

**— THE 72<sup>ND</sup> ANNUAL —  
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**Learn more about our conference speakers!**

**Conference Keynote - Joe Estey**



Manager Corporate Safety  
Engineering and Training Services  
and Advanced Technologies and  
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**Session Title: Industry Leaders and The Power of Engagement**

During this session you will hear from successful leaders from within our industry. Leaders who understand the value of employee engagement are successful at building cultures that achieve safety excellence. You will hear key strategies as well as challenges that each leader has had in their journey to sustaining world class results. At the end of the session, the speakers will form a question/answer forum and conference attendees will be able to ask questions and receive the panels joint perspective on the topic.

**Bob Grygotis**

Vice President, Mill Manager Ashdown  
Paper Mill, Domtar

**Matt Peerboom**

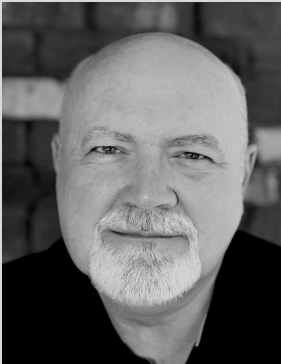
Vice President, Container Division Western  
Region, KapStone

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**Matthew Kanneberg, 1st Vice Chairman, Director of Safety & Health, Paper Solutions, RockTenn**

Matt has had a 20 year career in the pulp and paper industry. He has been in occupational safety and security management positions for public, construction and general industry locations. He has a BA in Business Management, former Emergency Medical Technician and Fire Fighter, and numerous safety related certifications. He has held board positions as Disaster Chairman for a chapter of the American Red Cross, Chairman of the Franklin Center for the Arts and local chapter member of the American Society of Safety Engineers, as well as current member of TAPPI and PPSA organizations.

**Dave Weber, CSP  
SafetyAwakenings.com Founder & Owner**

Dave Weber is the Founder of Safety Awakenings LLC, a premiere open source occupational safety and health website on the internet today. Dave is also recognized as an authority on "Safety Apps". He regularly makes conference presentations and writes articles on the subject. He is also the founder of the LinkedIn group "Free Safety Resources." He began his career as a Safety Consultant for a number of years. He then moved on to OSHA where he was a Safety Inspector & Industrial Hygienist where he conducted thousands of OSHA safety inspections and industrial hygiene compliance surveys. While working at OSHA he was also an Assistant Professor for the College of Engineering at South Dakota State University. Next he was part of Liberty Mutual's Home Office Loss Control Staff where he held a number of position over the course of 10 years. He then moved on to different positions in Safety Management before founding Safety Awakenings. He is a certified Safety Professional (CSP) – license #5412 and a Certified Six Sigma "Green Belt".

**Thomas E. Evans, Training Logic Inc.**

Thomas founded Training Logic Inc. on the belief that business results are available through people. He has 30 years of training experience. Thomas started his training career as an instructor for the Dale Carnegie Training Systems in 1982 and was employed as the National Training Manager with Willamette Industries, Inc. in 1988. In August 2002 he opened Training Logic, Inc. and started building a team of professional trainers which has worked with many pulp and paper organizations across the Nation such as: Weyerhaeuser, Boise Cascade, Domtar, International Paper, Graphic Packaging, RockTenn, etc. While offering many topics in the area of; Leadership Development, Sales, and Communications training Thomas and his team of professional trainers are extremely proud of the safety results they have helped many organizations achieve .

*Continued on page 9*



**Shawn M. Galloway**  
**President and Chief Operating Officer – ProAct Safety, Inc.**



Shawn M. Galloway is the President of ProAct Safety and coauthor of several books, his latest is the bestseller *STEPS to Safety Culture Excellence*. Shawn has consulted with hundreds of organizations within every major industry to achieve and sustain excellence in performance and culture. He has been listed in National Safety Council Top 40 Rising Stars, EHS Today Magazine's 50 People Who Most Influenced EHS and ISHN Magazine's POWER 101 – Leaders of the EHS World. In addition to the books, Shawn has authored over 300 podcasts, 150 articles and 100 videos and is the host of the highly acclaimed weekly podcast series, Safety Culture Excellence and a columnist for several magazines.

**Eric E. Hobbs, Partner—Michael Best & Friedrich LLP**



Eric E. Hobbs is a partner in the Milwaukee office of Michael Best & Friedrich LLP. His practice centers on labor and employment law, with an emphasis on occupational safety and health matters, among others. In such matters, he represents employers of all sizes in a variety of industries, from service to heavy manufacturing, and including pulp and paper, foundry, bakery, temporary staffing, and others. He appears regularly before the United States Occupational Safety and Health Review Commission and before equivalent state-plan tribunals from coast to coast.

Mr. Hobbs serves as counsel to and speaks regularly for employer groups and associations around the country. He is a member of the State Bar of Wisconsin and the Milwaukee and American Bar Associations, and he is Immediate-Past Employer

**David Bowman, CEO**  
**Knowledge Vince, LLC**



David has over 25 years of industrial experience with a strong focus on operations, maintenance, safety engineering, and organizational alignment. David served in the United States Marine Corps and has held various leadership roles with R&R Marine Maintenance, Chevron, Chevron-Phillips, and Entergy. David started Knowledge Vince, LLC and is the Chief Executive Officer. David is a subject matter expert in Human Performance and led those efforts for Entergy Corporation for over 12 years. David has a proven track record in organizational effectiveness and alignment which led Entergy to its best record in the history of the company in 2013. David gained his experience and knowledge in the petrol-chemical, nuclear power, fossil fuel generation, utility transmission and distribution industries. David has a Bachelor of Science in Safety Engineering. David is an effective leader and dynamic speaker. He can engage audiences at any level and is ready to help any organization achieve their full potential. David believes you can have safety, reliability, and quality if you seek to eliminate errors.

**Dr. Robert Cannon, SafeStart Consultant**



Over the past 30 years Robert has provided safety management and injury prevention training to an extraordinarily diverse variety of industries. He has worked with the entertainment sector (theatre, dance, TV / film and animation production), manufacturing, materials distribution, transportation and the service industry (hotels, financial institutions, banking and legal offices). He has lectured and taught in high schools, colleges and universities and has been a guest speaker at conventions and association meetings. His graduate degree is in work physiology with research published in the Journal of Applied Physiology. Robert has also contributed several injury prevention articles in various magazines including Runner's World.

He has extensive experience in designing kinetic learning modules that are unique and customized to the specific needs of the worker or athlete. He ensures that the individual understands how to perform their tasks using the best technique for their particular needs, thereby preventing injury and harm. His philosophy is that injury prevention programs are only successful when the information provided is meaningful to the participant, immediately usable and exciting enough that you want to share what you have learned with friends and family.

**Larry Kilian, Haws Corporation**



Larry Kilian has spent the past 30 years in the safety industry, originally in Canada with the country's largest distributor of Occupational Health and Safety products and services, and more recently in both Europe and the United States in leadership roles with the various manufacturers including Miller Fall Protection, Draeger Safety, and Brady Corporation. As Director of Business Development for Haws Corporation, Larry has extensive experience helping clients improve the effectiveness of their emergency response programs, and the overall state of "readiness" of their emergency shower & eye-wash equipment. He brings a level of expertise as a subject matter expert, as well as a passion for safety in an effort to help clients mitigate risk.

**Debbie Whitt, RockTenn**



As a school teacher looking to better myself financially I stepped into the pulp and paper industry, and became a 3<sup>rd</sup> generation paper maker. That was 31 years ago.

I began my new career with the Crown Zellerbach Corporation, in Camas Washington back in 1984. I became involved in the safety program almost immediately. Throughout my 30 years with the Camas mill, now Georgia Pacific, I saw many variations through purchases, downsizing and cultural change. My years in the pulp and paper industry allowed me to participate in projects ranging from the Pulp and Paper Workers Resource Council, Behavior Based Safety, safety training and development, Contractor Training, New Hire Training, and Health and Wellness programs. On February 24, 2014 I began a new career at the RockTenn Tacoma Mill as their Safety Coordinator. I am currently involved in Contractor Safety, New Hire Orientation, SafeStart, Industrial Hygiene Programs, Health and Wellness, as well as numerous other safety projects throughout the Tacoma Mill. The

passion I have for Safety on the job flows effortlessly throughout my life and family.

**We look forward to seeing you at the conference in  
Savannah in June!**

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OSHA defines a "competent person" as *"one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them"* [29 CFR 1926.32(f)].

## What to consider when identifying a 'competent' person!

Submitted By: John DeVeau

"Competent Person" is a term that is misunderstood by many. Many enroll employees in specialized training where upon completion a company/firm may give a certificate stating that the employee is now a competent person. For some employees this additional training was no more than a refresher of what they already knew. Other attendees based on experience alone could even have provided more in-depth training vs. the trainer/ course they just attended. Worse yet, others leave the training with a certificate stating they are competent but are still lacking in the practical application of what they just learned.

Although the term "Competent Person" is used in many OSHA standards and documents, we need to look at the OSHA definition (above right) for a better understanding. By way of training and/or experience, a competent person is knowledgeable of applicable standards, is capable of identifying workplace hazards relating to the specific operation, and has the authority to correct them. Some standards add additional specific requirements which must be met by the competent person. <https://www.osha.gov/SLTC/competentperson/>

Below are just a few of the OSHA standards where we find the term competent person. Please take a look and see if your training meets the competent person criteria for their specific role. General Industry (29 CFR 1910) 1910 Subpart F, Powered platforms, manlifts, and vehicle-mounted work platforms 1910.66, Powered platforms for building maintenance Appendix C, Personal fall arrest system (section I - Mandatory; sections II and III - Non-mandatory) 1910 Subpart H, Hazardous materials 1910 Subpart N, Materials handling and storage 1910.184, Slings 1910 Subpart R, Special industries

It is important to review vendor offerings for specific competent person training. Evaluate course outlines and ask to review course content. Critique course attendees to ensure the course met their expectations. There are many great firms that provide our employees with excellent training. However, we must ensure the course content meets minimum requirements of the definition including...knowledgeable, competent and authorized!

Another link we recommend you check out is: <https://www.osha.gov/SLTC/competentperson/standards.html> This section highlights OSHA standards, preambles to final rules (background to final rules), directives (instructions for compliance officers), and standard interpretations (official letters of interpretation of the standards) related to competent persons.

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## Legal Corner

Submitted by Eric Hobbs, Partner—Michael Best & Friedrich LLP

**Sound Jurisprudence, Maybe, but Bad Policy: A Unanimous Supreme Court Rules that Federal Agencies Do Not Have to Go through Rulemaking to Change Regulatory Interpretations-** In the last 10 years or so, OSHA and other federal agencies have adopted changes to long-standing interpretations of the regulations the agencies enforce by issuing new or “clarifying” interpretations without going through the process of formal rulemaking. The Supreme Court’s recent decision in *Perez v. Mortgage Bankers Association*, Case No. 13-1041 (U.S. S.Ct. March 9, 2015), allows them to keep doing so.

In 2010, for example, OSHA changed an interpretation of its Occupational Noise Standard, 29 C.F.R. 1910.95, on which employers had relied since the 1970s. The Agency announced one day that, from then on, employers would have to invest in engineering controls to reduce occupational noise to below the permissible exposure level unless and until they could show that doing so “could not be done” – that is, was technically infeasible (essentially impossible) or would bankrupt them. Previously, the Agency had taken the position that, where engineering controls are more expensive than an alternative hearing conservation program that utilizes personal hearing protection equipment, the alternative program is compliant with the Standard. In short, OSHA had applied a cost-benefit test in determining the feasibility of administrative and engineering controls.

The re-interpretation invited a firestorm of criticism that ultimately caused OSHA to back down in 2011. But what if OSHA had not backed down? Would its re-interpretation have survived the Supreme Court’s decision in *Mortgage Bankers Association*? Likely, yes.

Other agencies have pressed ahead with their regulatory re-interpretations despite similar criticism. One such re-interpretation was by the U.S. Department of Labor’s Wage and Hour Division (“Division”) in 2010. There, the Division took the position that mortgage loan officers do not fall under the administrative exemption from minimum wage and overtime requirements provided for by the Fair Labor Standards Act. The re-interpretation reversed a 2006 Bush Administration opinion, which had concluded that mortgage loan officers did fit the administrative exemption. And the 2006 interpretation, in turn, had contradicted 1999 and 2001 opinion letters by the Division.

The Mortgage Bankers Association sued the Division, claiming that the agency had not followed the rulemaking requirements of the federal Administrative Procedures Act (“APA”). That statute provides that a federal agency need not follow the APA’s “notice-and comment” procedures in the case of interpretive rules, unless notice is otherwise required by statute. But the U.S. Court of Appeals for the District of Columbia Circuit had held since 1997 that “material changes” to an agency’s earlier interpretations were subject to the APA’s notice-and-comment requirements. The U.S. Court of Appeals for the Fifth Circuit had adopted that same conclusion, while two other Circuits, the First and Ninth, had taken the opposite position.

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Because the Court of Appeals for the D.C. Circuit is generally viewed as the expert on administrative law, however, its opinion generally was viewed as the more authoritative.

The Supreme Court in *Mortgage Bankers Association* saw things differently from the way the D.C. Circuit had. In an uncommon 9-0 decision, the Court held that federal agencies are not required to go through formal rule-making to make even significant changes to rules interpreting the regulations they are authorized to enforce. Justice Sotomayor, writing for the majority, rested the Court's opinion primarily on the section of the APA that "specifically exempts interpretative rules from the notice-and-comment requirements that apply to legislative rules".

The Supreme Court's decision most immediately impacts the banking industry and its wage-hour treatment of mortgage loan officers. But the implications of the decision are far-reaching. Dr. David Michels, OSHA's head, said in December of 2014 that he was watching the *Mortgage Bankers Association* case closely. And he, we are sure, was not the only agency head doing so.

The practical result of the Supreme Court's decision, beyond the banking industry, is that federal agencies under the leadership of Dr. Michels and others will feel the freedom to issue interpretations that significantly change, even reverse, earlier interpretations ... for good reasons or for political reasons. The APA's notice-and-comment procedures are designed to require agencies to "do" rule-making transparently and to justify the positions they are taking, with opportunity for all affected constituents to have input. The decision in *Mortgage Bankers Association* allows agencies to take such positions "behind the curtain" and without substantial justification or the input of any constituents.

That decision, as a policy matter, is not a good development for anyone. Parties in business, no matter who they are, need to know today what the rules will be tomorrow without having to guess which view of a regulation's meaning will be the prevailing one when that time comes. When parties do not know, they reasonably are less likely to invest and to take risks. The theme of an old Volkswagen commercial you might remember was, "The lines are our friend." We all need to know where the lines of the law are and, at least generally, where they predictably are going to be down the road (pun intended) if we are going to be able to imagine tomorrow and are going to be willing to take business risks in getting there.

In his January 2015 State of the Union address, President Obama said that, during the remainder of his second term, he will do whatever he can within his authority, and with or without the cooperation of Congress, to advance his agenda. We reasonably can expect to see agencies in his Executive Branch over the next two years take full advantage of the Supreme Court's decision in *Mortgage Bankers Association* and re-interpret or "clarify" positions they traditionally have taken to align better with positions they would prefer to take.

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# What to Expect from OSHA in 2015....

## And Beyond

**2015 will bring levels of uncertainty that we have not seen since President Obama took office in 2009.**

**Following the shift of political power** as a result of the midterm elections, questions exist as to whether OSHA will continue with its aggressive agenda of enhanced enforcement with increased citations and greater penalties or respond to political pressure from Congress. In either case, 2015 will bring levels of uncertainty with the agency that we have not seen since President Obama took office in 2009.

This article will address OSHA's current and upcoming enforcement initiatives and trends and OSHA's new recordkeeping obligations and the implications based on the same, all of which will affect employers in the coming year.

### ENFORCEMENT INITIATIVES

Although a number of OSHA's enforcement initiatives may not technically be considered new for 2015, we can expect that OSHA will continue to increasingly issue citations under the General Duty Clause and the multi-employer worksite doctrine. We can also expect OSHA to continue to focus its attention on the training and protection provided to temporary employees. As such, it is important that employers remain aware of these issues to try to limit liability in 2015.

**General Duty Clause.** Section 5(a)(1) of the Occupational Safety and Health Act provides that employers "shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees."

29 U.S.C.A. §654(a)(1) of Section 5(a)(1), otherwise known as the "General Duty Clause,"

imposes additional obligations on employers to protect employees from hazards even when OSHA does not have a regulation specific to that hazard. To establish a General Duty Clause violation, OSHA must establish the following elements: (1) a condition or activity in the workplace created a hazard; (2) the employer or its industry recognized the hazard; (3) the hazard was likely to cause death or serious physical harm; and (4) a feasible means existed to eliminate or materially reduce the hazard. If OSHA cannot establish each and every element, the citation cannot be supported.

In 2015, we can expect OSHA to continue to use the General Duty Clause to issue citations related to, among others:

- Workplace violence
- Arc flash/arc blast
- Ergonomics
- Heat illness/hypothermia
- Infectious diseases (such as Ebola)
- Permissible exposure levels below those established in existing OSHA regulations for hazardous materials
- Fall protection
- Combustible dust

Although we list these topics above, it is important to remember that OSHA can issue a General Duty Clause citation based on virtually any hazard not already regulated by a specific OSHA health and safety standard.

*Continued on page 20*

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Accordingly, employers must conduct a thorough job hazard analysis and take prompt action to abate all hazardous conditions at the worksite, even if no specific OSHA standard exists.

**Multi-employer worksite doctrine.** Under the Occupational Safety and Health Act an employer's obligation to furnish a work- place free from recognized hazards is not limited to its own employ- ees. Rather, under OSHA's "multi-employer worksite doctrine," OSHA will issue citations not only to employers who expose their own employees to a hazardous condition but also to employers who: (1) created the hazardous condition; (2) exposed the employee to the hazard; (3) were responsible for correcting the hazardous condition, but failed to; or (4) had the ability to prevent, abate or correct the hazardous condition through the exercise of reasonable supervisory authority.

Over the past several years we have seen an increase in OSHA's use of the multi-employer worksite doctrine, particularly in the construction industry, to issue citations to numerous employers based on a single incident, and we expect that this will continue in 2015. Thus, employers who work with subcontractors or on jobsites with multiple employers must not only ensure that their programs are adequate and their employees trained, but also that their subcontractors and fellow employers adhere to OSHA standards. This liability is significant and can result in citations as well as criminal liability in the event of a fatality. OSHA has also issued citations to host employers who have engaged independent contractors to perform work activities at the host employer's worksite, relying upon the host employer's status as the "controlling" employer.

Temporary employees. In 2014 OSHA implemented an initiative to protect temporary employees under the premise that those workers are sometimes not provided with the same level of training and protections as full-time employees. Under

this initiative, OSHA inspectors are required to inquire whether the inspected worksite has temporary employees and determine whether those employees are exposed to hazardous conditions. OSHA will also inquire whether the training provided to the temporary workers is in a language and vocabulary the workers can understand.

If OSHA determines that the host employer failed to provide adequate training or protection to temporary employees, it could issue citations not only to the temporary staffing agency but also to the host employer, under the multi-employer worksite doctrine. In order to enforce this initiative, OSHA has hired compliance officers who are bilingual (or certified interpreters) to conduct interviews with employees to determine if they understood the training they received. If the training was in English and the employees are not fluent in English, then the training is considered not "effective," and the employer can be cited.

**False certifications.** OSHA is focusing on many regulations that require the employer to "certify" that the employee has "understood" training or is qualified to perform certain work. If the agency can establish that training was not provided or that employees could not understand it (because the training is in writing and the employee is illiterate or the training was conducted verbally in a language the employee could not understand), the agency may claim that the certifications are false, resulting in citations and potential criminal liability for the individual who signed the certification.

## NEW RECORDKEEPING REGULATIONS

On January 1, 2015, new OSHA recordkeeping regulations went into effect.

**Check your North American Industry Classification System (NAICS) code, because you may now be subject to recordkeeping.** Under OSHA's previous rules, employers with ten or fewer



Continued from page 20

employees were exempt from maintaining OSHA 300, 301 and 300A records, which track work-related injuries and illnesses, based on their Standard Industrial Classification (SIC) codes.

Under the new rules, employer exemptions are now based on NAICS codes. As a result, it is anticipated that millions of employers who have more than ten employees and who were once exempted from OSHA's recordkeeping requirements will now have to begin maintaining OSHA 300, 301 and 300A records. It is imperative that employers check their NAICS code to determine whether they are now covered by OSHA's recordkeeping requirements.

**Types of reportable injuries or illnesses will increase.** Under the previous rule, even if an employer was not required to maintain recordkeeping logs or record injuries, all employers, regardless of size, were required to report to OSHA within eight hours of an incident involving an employee death or the in-patient hospitalization of three or more employees. Under the new standard, all employers are required to report to OSHA:

- Within eight hours after the death of any employee as a result of a work-related incident
- Within 24 hours after the in-patient hospitalization of one or more employees or the occurrence of an injury to an employee involving an amputation or loss of an eye, as a result of a work-related incident

The impact of this new rule will be dramatic because OSHA is required to inspect each and every report of death or injury described above. As a result, it has been estimated that OSHA will conduct an additional 10,000 inspections per year solely because of the increased reporting.

**Inspection preparation.** As noted above, the

number of OSHA inspections is expected to dramatically increase in 2015. As such, more employers must become aware of their respective rights, as well as their employees' rights, during the OSHA inspection process. For instance, employers should learn what their rights are regarding the scope of the inspection, what documents the agency is and is not entitled to, and how to respond to requests for employee inter-views so that they do not waive them during the inspection process. Accordingly, it is critical in the next several months that employers train their supervisors and make employees aware of these rights. Unless the employer informs the employees of their rights, there is no way that the employees can knowingly exercise their rights.

## CONCLUSION

The year 2015 will bring many changes related to employers' OSHA obligations. Employers should review their health and safety programs to ensure they are prepared for OSHA's enhanced enforcement, new regulations and increased inspections. Only by taking aggressive action now can an employer ensure it is prepared for what is to come.

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Originally published in the March/April issue of Paper360



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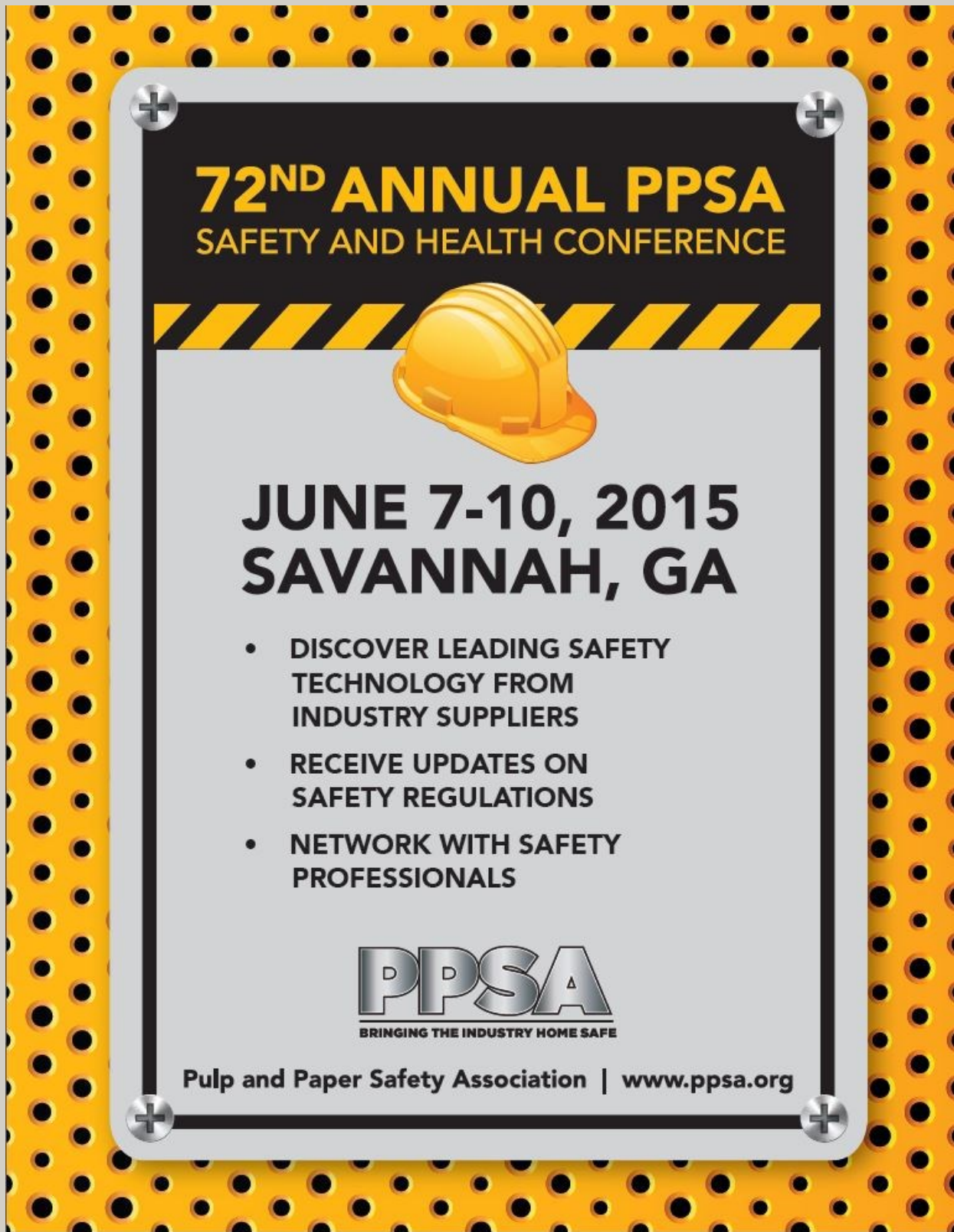
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The poster is designed to look like a safety sign mounted on a perforated metal plate. It features a yellow background with black circular patterns. A central white rectangular area contains the main text and graphics. At the top of this area, the text '72<sup>ND</sup> ANNUAL PPSA' is in large, bold, yellow letters, with 'SAFETY AND HEALTH CONFERENCE' in smaller yellow letters below it. A yellow hard hat is positioned below the text, resting on a black and yellow striped hazard band. Below the hard hat, the dates 'JUNE 7-10, 2015' and location 'SAVANNAH, GA' are written in large, bold, black letters. A bulleted list of three items follows: 'DISCOVER LEADING SAFETY TECHNOLOGY FROM INDUSTRY SUPPLIERS', 'RECEIVE UPDATES ON SAFETY REGULATIONS', and 'NETWORK WITH SAFETY PROFESSIONALS'. At the bottom of the white area is the PPSA logo, which consists of the letters 'PPSA' in a stylized, metallic font, with the tagline 'BRINGING THE INDUSTRY HOME SAFE' underneath. The very bottom of the white area contains the text 'Pulp and Paper Safety Association | www.ppsa.org'. The entire poster is framed by a grey border with four silver screws at the corners.

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- ☐ Frustration
- ☐ Fatigue
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- ☐ Line-of-Fire
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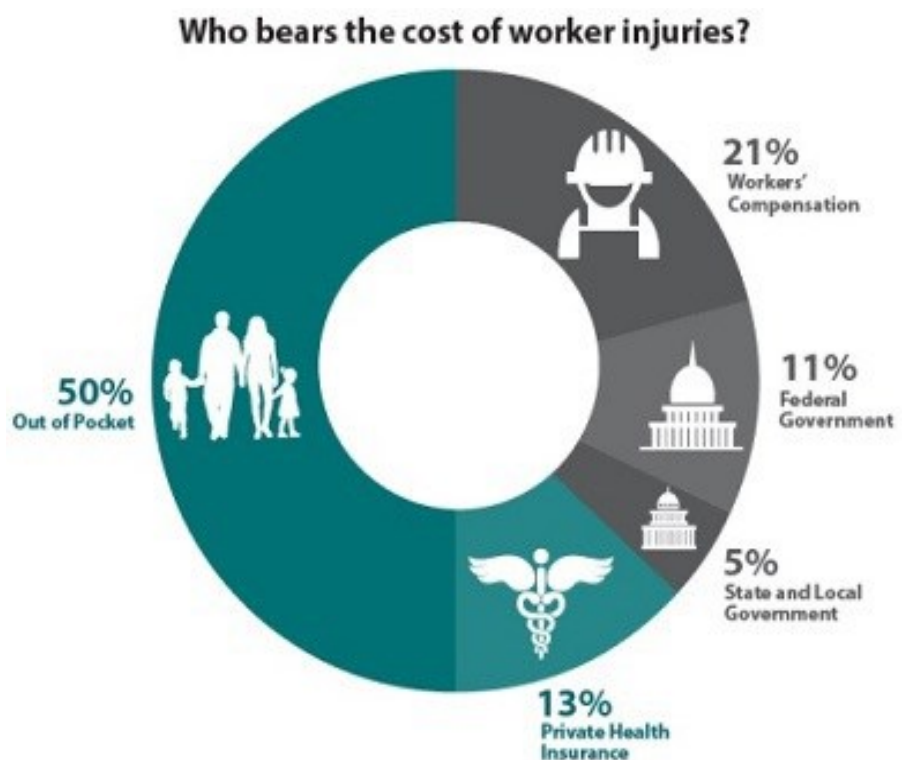
# OSHA QuickTakes

March 16, 2015  
Volume 14, Issue 6

## Adding inequality to injury: The costs of failing to protect workers on the job

### "Employers must do more to prevent injuries"

A [new report](#) released by OSHA explores the substantial impact of workplace injuries and illnesses on income inequality. Despite the decades-old legal requirement that employers provide workplaces free of serious hazards, every year, more than three million workers are seriously injured, and thousands more are killed on the job. The report states these injuries can force working families out of the middle class and into poverty, and prevents families of lower-wage workers from attaining greater economic opportunity.



"For many, a workplace injury or illness means the end of the American dream, and the beginning of a nightmare," said Dr. David Michaels, assistant secretary of labor for occupational safety and health. "Employers must do more to prevent these injuries from happening in the first place and insure that when they do, workers receive the benefits to which they are entitled."

OSHA is asking workers who have been affected by the cost of a workplace injury to [share their story](#). For more about this [report](#) (PDF\*) and read Dr. Michaels' recent [blog post](#).

Continued on Page 28

## Reporting Requirements

### New reporting requirements: Employers required to report fatalities and severe injuries and illnesses



As of Jan. 1, 2015, employers covered by federal OSHA are now required to report work-related fatalities within 8 hours and work-related in-patient hospitalizations, amputations and losses of an eye within 24 hours of finding out about the incident.

Previously, employers were required to report all workplace fatalities and when three or more workers were hospitalized in the same incident. The updated reporting requirements have a life-saving purpose: they will enable employers and workers to prevent future injuries by identifying and eliminating the most serious workplace hazards

Employers currently have two options for reporting these severe incidents to OSHA. They can call their [nearest area office](#) during normal business hours or they can call the 24-hour OSHA hotline at 1-800-321-OSHA (1-800-321-6742). For more information and resources, visit OSHA's [Web page](#) on the updated reporting requirements and watch OSHA's new [YouTube video](#), where Dr. David Michaels, assistant secretary of labor for occupational safety and health, explains the new reporting requirements.

**As of January 1, 2015:**

**All employers\* must report:**

- Work-related fatalities within 8 hours

**Within 24 hours, work-related:**

- Inpatient hospitalizations
- Amputations
- Losses of an eye

**How to Report Incident**

- Call 1-800-321-OSHA (6742) (can be used during all hours)
- Call your nearest OSHA area office, during normal business hours ([www.osha.gov/html/RAmap.html](http://www.osha.gov/html/RAmap.html))

\*Employers under federal OSHA's jurisdiction were required to begin reporting by January 1, 2015. Establishments in a state with a state-run OSHA program should contact their state plan for the implementation date.

*Continued on Page 30*

## OSHA announces final rule on procedures for handling retaliation complaints under Sarbanes-Oxley Act

On March 5, 2015, OSHA published a [final rule](#) finalizing procedures for handling whistleblower retaliation complaints filed under Section 806 of the [Sarbanes-Oxley Act](#) of 2002. The SOX Act protects workers who report fraudulent activities and violations of Securities Exchange Commission rules that can harm investors in publicly traded companies.

"Silencing workers who try to do the right thing is unacceptable," said Assistant Secretary of Occupational Safety and Health Dr. David Michaels. "This final rule safeguards investors by protecting whistleblowers who shine a light on illegal



SOX prohibits publicly-traded companies, nationally recognized statistical ratings organizations, and other covered persons from retaliating against an employee who provides information about conduct that the employee reasonably believes violates federal mail, wire, bank or securities fraud statutes, SEC rules, or any provision of federal law relating to fraud against shareholders. For more information,

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- Provide training for all workers

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Logos for OSHA, CDC, TOSH, and other partners are at the bottom. A warning triangle icon with the text 'Safety Pays. Falls Cost.' is also present.

Three million! That's how many workers OSHA and its partners hope to reach during the 2015 National Safety Stand-Down to prevent falls. From May 4-15, participants are asked to pause their workday and participate in safety training in fall prevention. Last year more than 1 million employers and workers across the country joined the effort, making it the largest occupational safety event ever hosted in the United States.

To learn how you can be a part of this international effort by visiting our [2015 Stand-Down page](#). You can download or order free fall prevention training materials in both English and Spanish, including the new [2015 Stand-Down poster](#) (PDF\*), find a list of local events, and also receive a certificate of participation signed by Secretary of Labor Thomas E. Perez.



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# FORKLIFT SAFETY

Submitted By: Ed Corlew

## Forklift Safety Involves Everyone!

Forklift safety - what does it have to do with you?

Forklifts are a common sight in most plants and warehouses. For that matter, anyone who patronizes a warehouse store or a building supply center risks an encounter with one.

Here are just some of the many fatal accidents which have involved pedestrians and forklifts: Unsuspecting fellow workers have been run over, innocent bystanders have been pinned by the forks, elevated loads have fallen onto people, and even unauthorized hitchhikers have fallen off and been crushed under the wheels.

The way to protect yourself is to understand how a forklift works, and to be alert to its dangers:

- Don't assume the driver sees you.
- Stay out of restricted areas reserved for forklift traffic.
- Never hitch a ride on a forklift. It is not made to carry passengers.
- Never go near or step under an elevated load on a forklift - these loads can fall!
- Understand that the forklift, which usually has rear-wheel steering, will swing out at the rear end when turning.
- Keep clear of all of the parts of a forklift, including the forks and the wheels, which can catch you or crush you.
- Never drive a forklift unless you are qualified to do so. Fatal accidents have occurred when unqualified personnel have "borrowed" a forklift for just a few minutes.
- You must be trained and become familiar with the operator's manual even if you are only occasionally going to be driving one. Just because you can drive a car - doesn't mean that you can safely operate a forklift! A forklift operates much differently from a car - when was the last time you drove a car with rear-wheel steering, backwards down a narrow aisle because a large load in front of you is blocking your vision? It can also flip easily in a sharp turn and it is counterweighted at the rear to balance the weight of the load.
- These are only some of the safety rules which will be followed by a properly trained forklift operator:
- He or she has to observe all the speed limits and traffic signs, remembering to stop at all intersections.
- The driver must watch out for potholes and cluttered floors, slippery surfaces, narrow passages, low clearances, overhead wiring, pipes, dock edges and railroad crossings.

He must also avoid quick turns and sudden stops.

- The trained driver has to know how to handle slopes. When the truck is loaded, the load has to be on the upgrade. The driver has to remember to back down slopes and go forward up slopes with a load. When the forklift is unloaded, it has to travel with the forks downgrade.
- The driver must make sure the load is stable and evenly distributed before attempting to move it.
- The driver must remember to keep his arms, hands, and legs within the operator's cage, and he must never reach through or put his head through the uprights.

On top of all this, the forklift operator has to watch out for you - the pedestrian. Please don't make the job any tougher than it already is by thinking that you have nothing to do with forklift safety!



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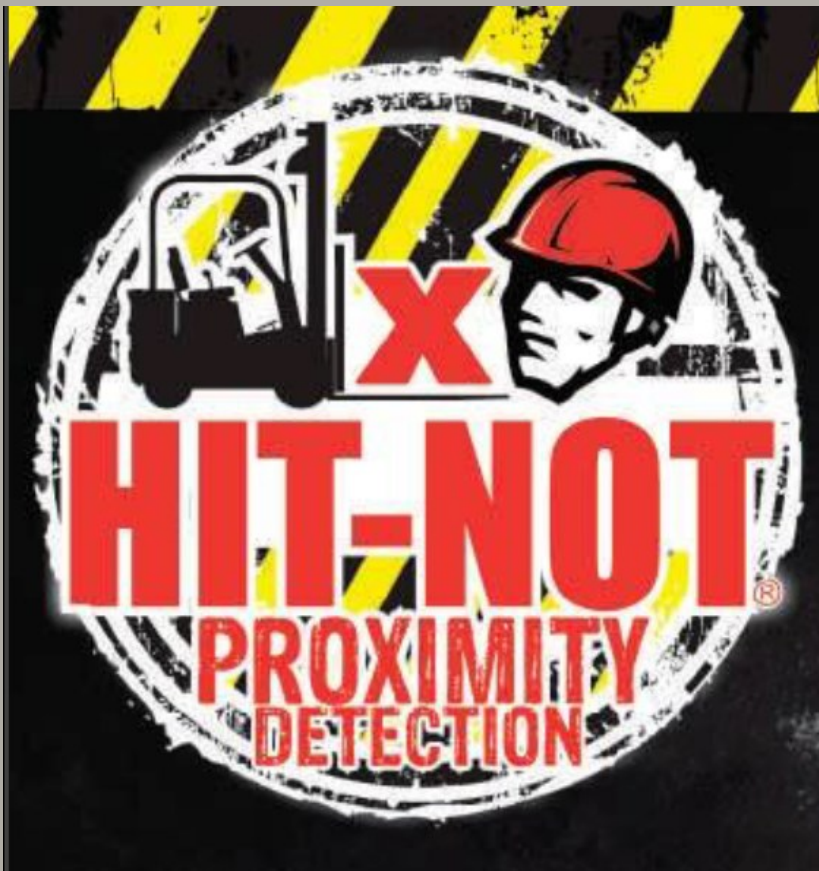


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## Mills Speak Out about Safety Recognition and Incentive Programs

Survey of North American pulp and paper companies shows that nearly 70 percent of companies have some type of program



**In December 2014**, the Pulp and Paper Safety Association (PPSA) conducted a survey among nearly 100 pulp and paper companies in North America to determine what proactive safety recognition/incentive programs were used within the industry. Following are the results:

### Do you have a safety recognition (incentive) program that is based on proactive metrics/activities?

Sixty-nine percent of respondents indicated they had some type of program. Programs included:

- Giving out “safety bucks” for attending voluntary safety committee meetings, offering good safety suggestions, correcting a safety situation or participating in a safety audit. The bucks can be used to order items online.
- Holding quarterly safety challenges, such as: “Find four things wrong with this photo.” Completion of eight photos within three months earns a prize such as a folding snow shovel, an emergency hand crank radio or jumper cables. Other quarterly challenges have included safety crossword puzzles and safety quizzes. Some

companies also offer a mill-wide prize for reaching 150 near-misses reported within three months.

- Giving away shirts, jackets and meals to celebrate safety, quality or production milestones.
- Operation of an online system for submitting hazard observations and near-misses.
- Having departmental safety committees conduct meet and greets with coworkers.
- Celebration of safe days without injury with events such as cookouts.
- STEP card participation, safety committee participation and safety audits.

One mill that did not have a formal program reported it thanked people informally for submitting hazard observations, pre-task analysis, safety catches, suggestions for improving a process, and so on. Another mill reported that it had moved to a point where employees participated because they recognized the value of safety, but they no longer gave prizes to celebrate safety, quality or production milestones.

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### Describe proactive metrics/activities you use.

- Near miss reporting and training completion.
- Percentage of employee involvement.
- A customized “rate Your state” card used by employees to evaluate their own mental state before performing a task. The card also has a pre-task checklist to ensure that everything possible is done to ensure the task is done safely, and there is a goal each quarter to submit a certain number of these cards.
- Safe days.
- Safety observations using SafeStart principles as a guideline.
- Inspections conducted by safety committee members of their own areas.
- Operate recordable injury free and average four 10' Circle of Danger risk assessment cards for a 30-day period.
- Joint Safety Committees that monitor performance against behavior-based safety metrics, including employee participation rate, present at-risk behaviors, reduction/ elimination of hazards, safe work procedures and CAP closure.
- Hourly onsite safety representatives encourage participation in site safety project planning.
- Risk assessments for nonstandard work, job safety observations for standard work, departmental safety improvement projects.
- Observation-based monthly safety targets and individual safety meeting completion rates (online, pure safety).
- Near-hit reporting, safety observations, safety inspections, pre-job hazard assessments.

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#### Anything learned that will make pro- grams more meaningful/successful?

- To be eligible for the quarterly bonus, employees must complete all of their required training.
- Need to continually come up with different activities to get employees involved, which is difficult.
- Allow employees input on the design of the program.
- The illustration that Chuck Pettinger used at last year's PPSA conference was very helpful. Each process we follow is a “stop
- block” to prevent injuries in the workplace. The hierarchy of controls used, observations, interventions and PPE as a last resort.
- Employee engagement is the key to success, but it takes several years to develop.
- Providing effective training specific to the safety observation process (peer to peer), incident investigations and audit/inspection activity.
- Be ready to commit resources at all times.
- Top to bottom buy-in is critical.
- If you focus on proactive risk reduction activities, the incident rate will follow.
- Shift from old lagging targets of record- ability. For us it was an exact tradeoff (financially), so the employees did not feel that management was infringing on what they perceived to be an “entitlement.” Consider a hard stop on each type of program for evaluation and upgrade if necessary in order to avoid the “entitlement trap.”
- Take action on suggestions and get more people to engage in safety discussions.

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### Any other ideas about proactive safety methods?

- When employees start to see that these activities improve the workplace, they will start to do it for that benefit rather than for the incentive. Feedback on improvements is important.
- We are currently at 300+ days without a recordable injury, and participation has increased with each passing month, even when the incentive is fixed at a \$30 gift card maximum
- As most safety professionals know, you really need a “safety culture,” not just a safety program. To reach this level requires trust and demonstration of caring at all levels of the organization.
- Our papermaking crew worked with a local manufacturer’s representative to create a more robust, cut-resistant glove to make doctor blade changes safer. The joint effort proved worthy of celebrating by having the crew share the experience with other areas of the facility
- Peer-to-peer safety observations have greatly assisted our safety program across our facility.
- We are looking to expand our use of leading safety indicators to near-miss reporting and other items in 2015.
- It’s all about a “fair and just” culture. Upper management can constantly share the vision of caring, but if actions don’t support those beliefs, it comes across as hypocritical.
- Any proactive employee approach has to be directly supported by management.



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PPSA is a non-profit, non-political, international organization, devoted to safety throughout the paper industry. From forest products to paper mills, to converting plants, to recycle collections centers, our membership is grouped by category to ensure a fair and appropriate basis for comparison.

The association began in the 1940's as the Southern Pulp and Paper Safety Association, later changing the name to reflect our widening membership base. We currently have members throughout the United States, Canada and other countries. We work to promote safety, to set reasonable and attainable goals, to educate our members, and to give the members a forum for discussion.

Membership in the Association is by operating facility, such as a paper mill, box plant, sawmill, woodlands, etc. Approximately 380 operating facilities are currently members. Annual Membership is based on employee numbers. We also welcome supplier members as well.

Membership in the Association has many advantages:

- Participation in the Annual Health and Safety Conference and service as a member of the Board of Directors provides an opportunity for personal and professional growth.
- Participation in our webinars and training seminars.
- The Pulp and Paper Safety Association is the ONLY national organization exclusively concerned with accident prevention in the forest product industry.
- The annual Conference provides a great face-to-face networking opportunity.
- The Quarterly Report provides a way of bench-marking your own performance with others in similar operations.
- The Awards program provides a prestigious form of recognition to outstanding short-term and long-term safety performance by operating categories.
- The Association is an excellent forum for keeping up with latest OSHA standards. In-depth information on specific subjects is increasingly available at regional seminars. The cost of these seminars is minimized by virtue of holding them on a regional basis.
- The annual conference provides a fine external motivational boost to hourly Safety Committee members as recognition for their active participation in your safety program.
- The cost of membership is the lowest of any association to our knowledge.
- The attendance of vendors at our annual conference allows safety people to keep up with the latest safety equipment, tools and training.

Visit our website at [www.ppsa.org](http://www.ppsa.org) for more information.

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