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PULP AND PAPER SAFETY ASSOCIATION • 770-209-7300
October 2016 3rd Quarter 2016

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A Letter From Our Chair

Matthew Kanneberg
Director of Safety & Health, Paper Solutions
WestRock



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Thank you for your continued support of the PPSA! Our association plays a vital role in the success of our industry and your support fuels that success. Our board and member supported committees continue to work on bringing value to our members. Here are just a few updates to share regarding our committees:

- The Conference Committee has begun the initial planning for the 2017 PPSA Safety Conference that will take place on June 18 - 21 at The Charleston Marriott in Charleston, South Carolina. They are in the process of developing an agenda and evaluating speakers.
- The Awards Committee is assessing additional ways to recognize key leaders and leading metrics that drive our industry towards safety excellence. Stay tuned for more information on some upcoming individual awards and recognition opportunities.
- The Education Committee maintains its efforts to seek out continuing education opportunities through course offerings and webinars. We are evaluating potential course and webinar topics that will bring value to our members.
- The Communications Committee did a great job on this quarterly report. The committee has worked hard over the past year to improve the content and quality of the website and quarterly reports.

Did you know...the PPSA Board of Directors meets face-to-face three times a year for a multi-day planning and development meeting? The board and supporting committees conduct monthly conference calls to work on action plans and focus areas to ensure we bring value to our members.

If you have an interest in getting more involved in the PPSA – please contact Ashley Westbrook at awestbrook@ppsa.org.

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We hope you plan to visit us at The Charleston Marriott in Charleston, South Carolina June 18 - 21, 2017 for our 74th annual safety conference for what promises to be a unique learning experience. Our sessions cover a wide variety of topics including skills that can improve working relationships and insights that help us *prevent serious injuries and fatalities*. We will benefit from case studies in our industry that provide valuable information to improve workplace safety. There will also be a unique opportunity to learn about leading edge safety technology from industry suppliers, and network with a large group of safety professionals. It's not too early to SAVE-THE-DATE!

As always, we appreciate your feedback on how to make the association better and what ways we can better serve your needs. Once again, we sincerely appreciate your support!

Best Regards,

Matthew Kanneberg, PPSA Board Chair





PPE Compliance







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Legal Corner

A Flurry of OSHA Activity: Developments which all Employers Should be Aware

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

It would be a gross understatement to say that OSHA is in overdrive as the end of President Obama's second term draws near. Here is a list of the top agenda items of which employers in the pulp and paper industry should be aware.

1. The Electronic Working Rule (or "Improve Tracking of Workplace Injuries and Illnesses Rule").

Earlier this year, OSHA rolled out its long-expected, final rule on "Improve Tracking of Workplace Injuries and Illnesses," some of which was scheduled to take effect in early August. The Rule requires employers of 20 workers or more, beginning next summer, to submit regular, electronic reports of their injuries and illnesses to OSHA. Employers of 20 through 249 workers are required to submit their OSHA 300A (or Annual Summary) forms each year, and employers of 250 or more workers are required to submit quarterly, electronic copies of their 300 Log and 301 Form data (with certain redactions of confidential information).

In its preamble to the final rule, OSHA took the position that safety incentive programs based upon injury and illness data and blanket post-accident drug testing programs discourage employees from reporting their injuries and illnesses, are retaliatory and therefore, run afoul of the OSH Act. The position OSHA took on safety incentive programs is nothing new; the Agency published an interpretive letter in 2012 that said the same thing. But the announcement that blanket post-accident testing also would be viewed as unlawful took all of industry by surprise.

As a consequence, a group of manufacturers including the National Association of Manufacturers has challenged the "anti-retaliation" provisions of the new rule in federal court in Dallas. The plaintiffs have asked the court to stop OSHA from enforcing the rule throughout the U.S. pending the court's decision on whether the rule is lawful. And the court is in the process of deciding that motion. It recently requested OSHA to agree, and OSHA did agree, to push back the effective enforcement date for the anti-retaliation provisions of the rule from November 1 until December 1 so that the court can receive and consider additional briefs on the scope of any injunction the court might issue. OSHA in July, on its own, had pushed back the effective date from August 10 to November 1 so that it could publish further guidance on the Rule's meaning and do more outreach to the employer community.

Many experts believe that the plaintiffs have a very good chance of succeeding on the injunction motion and, ultimately, on the merits of the lawsuit. In fact, if the court grants the injunction motion, there is a good likelihood that it also will find merit to the legal challenge and strike the new rule, in whole or in part, as unlawful. We likely will not receive a decision on the motion until just before December 1.

Consequently, we recommend that employers "stand down" from revising their drug testing policies to provide for limits on post-accident testing in accordance with OSHA's interpretation ... which is anti-safety, not pro-safety ... at least until OSHA issues it promised additional guidance, in which it may change its position, and the federal court in Dallas decides the plaintiffs' motion for an injunction. If OSHA's position on post-accident drug testing remains as is, such testing will be effectively unlawful no matter how it is narrowed or qualified by an employer. If, on the other hand, the position is rejected by the court, any change will prove unnecessary. And if, as a middle ground, OSHA changes its position without the court's requiring it, any change may need to be revised.

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2. Walking and Working Surfaces Standards Amendment

For years, OSHA has been working on amending on its Walking and Working Surfaces Standards, 29 CFR 1910 Part D, which address platforms, stairs, fall protection, and a variety of other similar hazards and protections. The amendment has been sought by OSHA, labor and industry because so much of the existing standards is obsolete. Among other things, OSHA intends in the amendments to memorialize its present enforcement position that, in general industry, work at any height four feet or higher requires fall protection. The amendment was released recently by the White House's Office of Information and Regulatory Affairs, the last stop before final publication, and is expected to be published as a final rule sometime in late November or early December.

3. Revocation of "Obsolete" Permissible Exposure Limits (PELs)

One of OSHA's many surprises in 2016 has been its recent expression of its intent to propose that all "obsolete" PELs in existing OSHA standards be revoked. The Agency intends, then, to enforce updated PELs under the OSH Act's General Duty Clause. OSHA has recently said that it is likely to publish a request for information on such a proposal sometime in the next three months.

The goal of the proposed change, according to OSHA, is to eliminate the "safe harbor" that obsolete PELs provide for some employers. The proposal appears to be an attempt by the Agency to end-run the rulemaking process that it would otherwise have to follow to update every PEL in the Agency's existing standards – a project it began to undertake earlier in the Obama Administration, but eventually gave up on. It is a proposal that should be a significant concern to any employer who has employees who are potentially exposed to air contaminants of any kind.

4. Increase in Penalties-Again

In 2017, OSHA's maximum proposed penalties will increase again, though by a much smaller amount than 2016. As of now, the increase would be 1.3%. That would result in a maximum penalty for a serious citation of \$12,633, a \$160 increase, and a maximum penalty for a repeat or willful citation of \$126,333, a \$1,600 increase. Those increases may seem relatively small by contrast with the increases the industry saw in 2016. But, needless to say, every dollar counts, and the larger the maximum penalties grow, the more significant will be the result of the next, percentage multiplier increase.

5. Standards Improvement Project

On October 14, OSHA announced that it also is working on the following, proposed revisions of existing standards (with several others):

- Reporting of job-related hearing loss—clarifying the criteria for determining when a hearing loss is "work-related"; and
- Lockout/Tagout—proposing to remove the term "unexpected" as a qualifier of "energization or startup" under the Lockout/Tagout Standard, which would reverse the Federal Sixth Circuit Court of Appeals' 1996 decision in *General Motors*. OSHA contends that removing "unexpected" would return the standard to OSHA's original intent that "unexpected energization" means any startup that occurs before the employee servicing a piece of equipment intended it to, and therefore would eliminate confusion regarding applicability of the standard;

Clearly, present OSHA intends to "go out with a bang" between now and the beginning of January. It will be interesting to see whether the Agency's overdrive rulemaking and "rulemaking by interpretation" efforts continue, slow down or are reversed, depending on who wins the election. In the meantime, employers need to keep aware of all the steps OSHA is taking to push new OSH requirements to the very end.

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NFPA 1: Safety requirements for crop mazes, #FireCodefridays

Originally published by Kristin Bigda on Sep 9, 2016

I have been writing weekly posts about NFPA 1, *Fire Code*, issues since March and have waited patiently for 6 months to write about the requirements in the Code for corn mazes (I had to wait until the right time of year!) because 1. I love corn mazes, and 2. I love fall in New England. Did you know that NFPA 1 contains provisions for corn (crop) mazes? The Fire Code has it all. Last week, corn mazes even made the news in Boston, as our local baseball hero, David Ortiz, was presented with a corn maze design in his honor.

One might not think of a corn maze as somewhere with a great fire safety risk. However, crop mazes pose unique fire safety problems due to their configuration (confusing paths and lack of marked egress) and the inherent combustibility of the maze materials.



NFPA 1 addresses a number of requirements pertaining to these crop mazes. Some of the biggest concerns are communication of regulations and instructions to both employees and visitors and making sure there is a way to make announcements to visitors should an emergency occur. It is also important to reduce the likelihood for a fire to occur by keeping potential ignition sources at a safe distance from the maze.

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In summary, Section 10.14.11 of NFPA 1 contains the following provisions related to crop mazes:

- The owner/operator is required to advise all employees of the fire and life safety regulations as well as provide safety instructions to the visitors and patrons of a crop maze prior to their entrance to the maze.
- The owner/operator must contact the local fire department and provide them with the opportunity to prepare a pre-plan of the maze prior to the start of seasonal operations.
- A minimum of two employees shall be on duty to monitor a crop maze during hours of operation and at least one of the employees shall be located on an elevated platform a minimum of 10 ft above the maze.
- Motorized vehicles shall not be parked within 75 ft of a crop maze and a fuel break of a minimum of 20 ft wide shall be cleared between a crop maze and any vehicles or vegetation outside the maze.
- A public address system is required to make announcements during an emergency.
- The entrance and exit from the maze cannot be blocked or obstructed anytime the maze is open to and occupied by the public.
- No more than 200 persons per acre can occupy the maze at one time.
- No open-flame devices are permitted within the boundaries of the maze, including no smoking.

Do you have plans to visit a corn maze this fall? The requirements from NFPA 1 will help ensure we all stay safe and have fun while enjoying these outdoor attractions this season.

Whistleblower - Update

OSHA has published new guidelines for approving settlements between employers and employees in whistleblower cases to ensure that settlements do not contain terms that could be interpreted to restrict future whistle blowing.

<u>The guidelines</u>, make clear that OSHA will not approve a whistleblower settlement agreement that contains provisions that may discourage whistle blowing without outright prohibiting it, such as:

Provisions that require employees to waive the right to receive a monetary award from a government - administered whistleblower award for providing information to a government agency about violations of the law.

Provisions that require the employee to advise the employer before voluntarily communicating with the government or to affirm that the employee is not a whistleblower.

OSHA also reserves the right not to approve settlements with liquidated damages provisions that it believes are excessive..

The new guidance responds to a March 2015 petition for rulemaking from the Government Accountability Project.

See guidelines by clicking the link above.





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At 3M, customer safety and confidence are high priorities. In light of the reported incidents and potential misuse scenarios, we have discontinued sale of the original Lad-Saf sleeve, and are voluntarily initiating a full recall of all original Lad-Saf sleeves. Owners / Users of original Lad-Saf sleeves must:

- 1. Immediately stop using and quarantine all original Lad-Saf sleeves. Affected part numbers are: 6100016, 6116500, 6116501, 6116502, 6116503, 6116504, 6116505, 6116506, 6116507, 6116509, 6116512, 6116535, 6116540, 6116541, 6116542, 6116500C, 6116500SM, 6116507/A, 6116540b
- 2. Contact 3M Customer Services at 1-800-328-6146 (ext. 2012), or email us at LADSAFNA@mmm.com to discuss the replacement of your returned units with an X2 or X3 sleeve, depending on your needs, at no cost to you.

3M remains committed to providing quality products and services to our customers. We apologize for any inconvenience that this situation may cause you, but we are confident that you will be very pleased with the latest generation X2 and X3 Lad-Saf sleeves to keep your workers safe at height. We appreciate your continued support of 3M Fall Protection products and services.

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Periodic Inspections in Lockout

Submitted by: Steven R Ledford, P.E.

Hazard controls can have different levels of effectiveness. Some are very robust and essentially eliminate the hazard. Others reduce the risk by using substitution, engineering, administrative procedures or PPE (personal protective equipment). Administrative and PPE hazard controls are the weakest types of controls because they rely on employee understanding and willingness to follow procedures. If an employee skips a step – by mistake or on purpose, the control is weakened – and the risk of injury increases.

Administrative and PPE hazard controls place a heavy burden on management – or the employer – to verify that the controls are working. Good safety processes that have administrative hazard controls – also have an audit or inspection system to assure employees are following the procedures as expected. Sometimes, the employer has to prove these verification steps for compliance reasons.

Consider the control of hazardous energy – sometimes called Lockout. Though Lockout includes the use of padlock which isolates hazardous energy by placement on engineered devices, the control is still administrative. It's administrative because the employee has to follow a procedure which indicates when, where and how to shut down the machine and place the lockout padlock(s). If the employee misses a step by mistake or on purpose, severe injury could occur.

The federal OSHA regulation requires verification of this administrative control in item 29 CFR 1910.147(c) (6) Periodic Inspections. "Periodic Inspections" are audits of the each employee authorized to conduct lockout - AND - each procedure used to complete lockout by the employees. The regulation has only a few requirements listed for these audits – but the basics are: Audit each person and each procedure during <u>actual</u> use during maintenance and servicing at least once per year. The person(s) conducting the audits cannot be the personnel involved in the lockout event. There may be a few exceptions, but to comply with the regulation and to assure a good lockout process exists at you plant, your LOTO management team should have the following:

- 1. A method to document and certify completion of each audit. (a form which captures the details of the audit who conducted the audit, who was audited, which machine/procedure was audited, any issues noted during the audit and the date of the audit).
- 2. A method to document and show which personnel have been audited.
- 3. A method to show which procedures have been audited.
- 4. A process to retrain and document the retraining of employees that demonstrate a lack of understanding of the how to use the procedure or other basic lockout practices as detected by the audit.
- 5. A process to revise and document the revision of the procedures that found to be in error during use as detected by the audit.
- 6. A scheduling method to assure that all procedures and all employees can be audited during the year (most plant sites use the calendar year as the 12 month period, but a rolling 12 month period could be used).

If the procedure is not used during the year – it does not have to be audited during that year. However, it should be audited during its next use if it wasn't audited during the previous 12 month period.

The Periodic Inspections are not easy to get completed – but think of them as an addition training tool and verification process for this administrative control. Heavy verification of administrative controls makes them work better for your overall safety process. You don't want to find out about employee confusion or procedural Lockout mistakes after injuries. It's best to find them before the injury through this process.

Additional information about Periodic Inspections can be found on the www.OSHA.gov website in The DirectiveNumber: CPL 02-00-147, Chapter XVII, page 115 (Periodic Inspections). This directive gives guidance on enforcement of the regulation to compliance officers.

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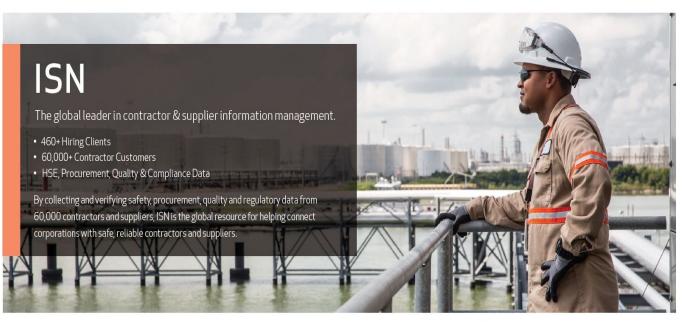


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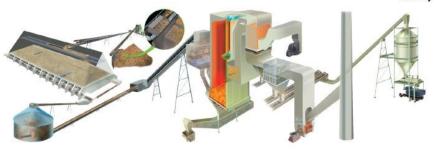


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Changing Standards for Hi Visibility

Submitted by: Sally Boven, CEO, Reflective Apparel Factory

The world of hi visibility has been experiencing a bit of a battle. On one side, safety officers have been looking for relief for their smaller workers. ANSI Class 2 and Class 3 garments were often "too big" or "too loose" for small framed men and women. Additionally, an increase in accessories, confusion over the definitions of Flame Resistance and the desire to have all worker classifications united on a single standard drove the need for a revision. This revised standard ANSI 107-2015 could not reach a compromise until the spring of 2016. Who says Congress is the only place that has battles?

Primary changes of interest to the pulp and paper industry are:

1. New "Type" designations. Labels will still carry the familiar terminology of Class 2 or Class 3 – but a "Type" will now be added to the top of the label. These designations categorize garments by the intended use. Type R: Roadway is the traditional category that has been in use for the pulp and paper industry. Type P: Public Safety is the category for first responders – allowing for shorter garments and access to duty belts. The new Type O: Off-road signals a lower level of risk for those who are not mandated to meet the Federal Highway Administration's hi vis needs. This Type O may be applicable for mining, oil & gas, delivery, warehouse and other options away from vehicular traffic. If your current safety criteria calls for ANSI Class 2 - you will now be looking for Type R Class 2.

Fabric and Reflective Requirements									
Garment Type	Туре "О"	Type "R"		Type "P"		Supplemental Items	Accessories		
Designation	Off-road	Roadway		Fire, Police, EMS Personnel		Garments with Legs, including Gaiters	Gloves	Arm or Leg Bands	Headwear
Performance Class	Class 1	Class 2	Class 3	Class 2	Class 3	Class E	NA	NA	NA
Background Material Amounts	217 in²	775 in ^{2*}	1240 in ^{2**}	450 in²	775 in²	465 in²	10 in ²	24 in ²	78 in²
Reflective Material Amounts	155 in²	201 in ²	310 in²	201 in ²	310 in ²	109 in²	10 in ²	24 in²	10 in ²
Width Minimums of Reflective Material	1"	1.38" 1" for split trim designs	2" 1" for split trim designs	1"	1"	1"			
Previous Standard and Class	ANSI 107 Class 1	ANSI 107 Class 2	ANSI 107 Class 3	ANSI 207	NEW!	ANSI 107 Class E	NEW!	NEW!	Headwear

^{*}Type R, Class 2 garments can have the smallest size in the size range compliant to the standard with a minimum of 540 in² in background material to accommodate smaller workers. All larger sizes must have a minimum of 775 in². No reduction in retroreflectivity is allowed and 201 in² is still the required minimum.

Continued on page 22

^{**} Type R, Class 3 garments can have the smallest size in the size range compliant to the standard with a minimum of 1000 in² in background material to accommodate smaller workers. All larger sizes must have a minimum of 1240 in². No reduction in retroreflectivity is allowed and 310 in² is still the required minimum.

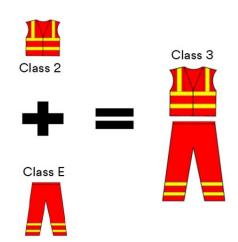
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2. New Smaller Sizes for Roadway Workers (Type R). Historically, Type R florescent material background requirements made it challenging to fit smaller workers. Table 1includes a footnote showing the accommodations available in both Class 2 and Class 3 garments. Background materials can decrease by 25% to 30% - depending upon the class of the garment. Please note the amount of reflective tape is unchanged, only the background material can decrease. This change is only for the single smallest size garment – a compromise for the committee that will open the doors for sizes small or X-small.

ANSI/ISEA 107 Garment Class E



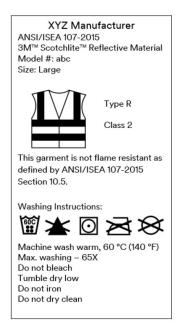
- Class E garments do not meet ANSI/ISEA 107-2015 when worn alone
- · Can be worn with Class 2 to make Class 3
- · A pair of gaiters can now be certified Class E

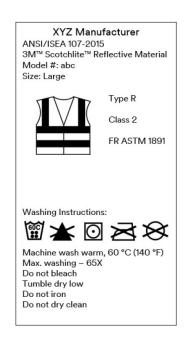


- 3. Accessory Category and Supplemental Items. Pants have long been listed as a Class E (Ensemble). E garments can be worn to "raise the level of compliance". An example would be wearing a Class 2 vest with and E pant would "raise the level of compliance" to total Class 3. The most notable change her is that gaiters (short leggings that can be worn between the ankle and the knee) have been re-classified to be a class E. For the smaller worker perspective this allows much more flexibility in outfitting apparel. The Accessories addition to the list is simply a "nice to have". There are no ANSI requirements that dictate a need for baseball hats, arm bands, hi vis gloves or any other ancillary way to add color and reflectivity. This standard simply sets a minimum standard for the background material and color.
- 4. Clarification regarding Flame Resistance. In the last ANSI standard (2010), there was significant clarification regarding the definition of FR. In this standard, the label goes further, and will literally say "Not Flame Resistant" or will spell out in detail the FR standard met.

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Non Routine Work Activities

On a normal routine day as the day goes uneventful, life is good. We conduct our daily tasks without incident the majority of the time.

Suddenly, the normal routine is disrupted when a machine jams or an unexpected equipment malfunction occurs. How do employees respond to the sudden non-routine task that they are faced with?

Non-routine tasks are defined as - Activities that is not generally performed on a routine basis, the tasks are performed infrequently or it is a task that may have never been done before. Predicting the outcome is almost impossible.

Since non-routine tasks are not preformed often, hazards may be overlooked or not identified, short cuts or by-passing a safety policy/procedure are more likely to occur, especially if no one is there to see. It is important to develop a procedure to identify hazards associated with non-routine tasks to prevent injuries.

How non-routine tasks are managed, plays a major role in preventing injuries. Planning, proper tools, training, PPE and state of mind are necessary to be evaluated prior to performing all non-routine tasks.

Being proactive, by taking the time to analyze the risks and identify possible hazards before preforming a non-routine task can help prevent injuries.

Maintaining a positive safety attitude, practicing safe work habits and doing the right thing are also major keys to keeping employees safe.

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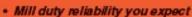


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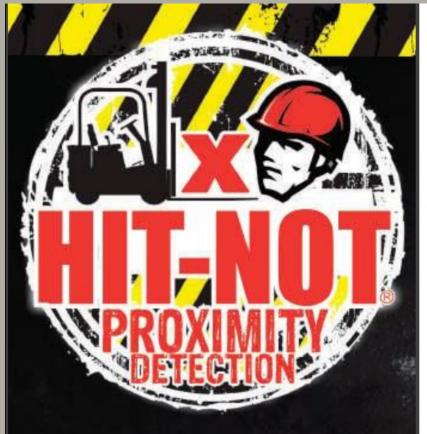
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OSHA QuickTakes

October 18, 2016 Volume 15, Issue 23

Top Stories

OSHA releases recommendations for creating a Safety and Health Plan

OSHA Assistant Secretary David Michaels today released a set of Recommended Practices for Safety and Health Programs to help employers establish a methodical approach to improving safety at their workplaces. The recommendations update OSHA's 1989 guidelines to reflect changes in the economy, workplaces, and evolving safety and health issues. Key principles include: leadership from the top to send a message that safety and health is critical to business operations; worker participation in finding solutions; and a systematic approach to find and fix hazards. "We know that working together to implement these programs will help prevent injuries and illnesses, and also make businesses more sustainable," said Dr. Michaels, who released the document at the National Safety Council Congress in Anaheim, Calif. In his remarks, he asked business groups and safety and health professionals to help spread the word through a campaign that encourages creation of a safety and health program using OSHA's recommendations or others.

OSHA delays enforcement of anti-retaliation provisions of injury and illness tracking rule until December 1

OSHA has agreed to further delay enforcement of the anti-retaliation provisions in its <u>injury and illness tracking</u> <u>rule</u> until Dec. 1, 2016. The U.S. District Court for the Northern District of Texas requested the delay to allow additional time to consider a motion challenging the new provisions.

The anti-retaliation provisions were originally scheduled to begin Aug. 10, 2016, but were previously delayed until Nov. 10 to allow time for outreach to the regulated community. Under the rule, employers are required to inform workers of their right to report work-related injuries and illnesses without fear of retaliation; implement procedures for reporting injuries and illnesses that are reasonable and do not deter workers from reporting; and incorporate the existing statutory prohibition on retaliating against workers for reporting injuries and illnesses.

Top 10 citations of FY 2016 are a place to start for workplace safety

OSHA today released its preliminary list of the 10 most frequently cited safety and health violations for the fiscal year, compiled from about 32,000 workplace inspections. Top hazards include lack of adequate fall protection, unsafe scaffolds, hazard communications problems, and lack of machine guarding. More than 4,500 workers are killed on the job every year, and approximately 3 million are injured, despite the fact that, by law, employers are responsible for providing safe and healthful workplaces. Our list is far from comprehensive, but if all employers simply corrected the top 10 hazards, OSHA believes the number of deaths, amputations and hospitalizations would drastically decline. For the full list and more information, see the blog.



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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. 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 for more information.

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