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December 2015

Stay Safe Over the Holidays

We recently investigated a serious injury. Someone made this comment: A decision to not wait ten seconds changed that employee's life forever. A ten-second decision. We want you, and all of your employees, to be making positive decisions.

Wear your seatbelt.

Don't be distracted while driving. If you have to take that call, pull over.

Don't leave space heaters or candles unattended.

Wear shoes designed for the weather. You can always change into other shoes when you get inside at your destination. Remember, in Minnesota, Uggs and snow boots are fashion statements

Don't drink and drive. Cabs are cheaper than DUIs.

Have a happy, safe holiday season.

The importance of safety latches

We often find the safety latches on overhead hoist hooks broken, missing, or bent outside the hook. As noted in a recent OSHA publication (QuickTakes November 16, 2015), those safety latches are there for a purpose. An employee was seriously injured at a plant in Ohio when the "crane's safety latch failed, dropping 1,000 pounds of equipment on a worker and causing severe foot and leg injuries." The OSHA citation included 21 violations and proposed fines of \$393,500.

First Reports of Injury

The Minnesota Department of Labor and Industry (DLI) stated in a recent newsletter (COMPACT November 2015) that they are receiving many first reports of injury (FROI) with incorrect information. The most common problem: the first day of lost time is filled out, but there is no return to work date. DLI has been working with employers and insurers to correct this information, but will no longer do this; they will be issuing penalties instead.

For purposes of the First Report of Injury, lost time is any time missed from work, whether or not the employer paid for the employee's time. If the employee has to go to a clinic during work hours for medical treatment, that is lost time. In most circumstances, the date of lost time will be the day of the injury; the return to work date may be the same day or the next day.

If the employee did not seek medical treatment, there is no lost time and the FROI does not get filed with DLI. You may still send it to your insurance company noting "First Aid Only" or "Report Only—no treatment."

Boxes 26 and 30 are the two boxes on the FROI that refer to lost time and return to work.

Let's look at this set of boxes on the FROI:

Form: First Report of Injury (DLI-301)

Highlighted boxes (26-31):

- 26. Did injury occur on employer's premises? Yes No
- 27. Date of first day of any lost time
- 28. Employer paid for lost time or day of injury (DOI) Yes No
- 29. Date employee notified of injury
- 30. Date employee notified of lost time
- 31. Return to work date
- 32. Employer same employer Yes No

25. Did injury occur on employer's premises? <input type="checkbox"/> Yes <input type="checkbox"/> No Name and address of the place of the occurrence	26. Date of first day of any lost time	27. Employer paid for lost time on day of injury (DOI) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No lost time on DOI	
	28. Date employer notified of injury	29. Date employer notified of lost time	
	30. Return to work date	31. RTW same employer <input type="checkbox"/> Yes <input type="checkbox"/> No	32. RTW with restrictions <input type="checkbox"/> Yes <input type="checkbox"/> No
33. Treating physician (name)	34. Extent of medical treatment (check all that apply) <input type="checkbox"/> None <input type="checkbox"/> Minor on-site by employer's medical staff <input type="checkbox"/> Minor clinic/hospital <input type="checkbox"/> Emergency room <input type="checkbox"/> Hospitalization more than 24 hours <input type="checkbox"/> Future major medical anticipated		
35. Certified Managed Care Organization (if any)			

Box	Explanation
25	Did the injury occur on your premises? <i>Yes or No</i> . If the employee was making a delivery and the injury occurred somewhere else, then check <i>No</i> and explain.
26	Date of first day of any lost time: this is for <i>any</i> lost time- any time the employee would normally be at work but was not because of the injury. If the employee kept working, but took a few hours off to go to the doctor, note the first date the doctor was seen. If the employee goes to Urgent Care several hours after work, but comes in as usual the next day (as could happen from a piece of metal in the eye), there may be no lost time, because no time was lost from work. Normally, if the employee sees a health care provider, there will be a date in this box. If you enter a date here, make sure you put in the return to work date in Box 30 (if you know it by the time you file this report).
27	Did you pay for any lost time on the day of injury? <i>Yes or No</i> . If the employee completes that work day, but then sees the doctor a day or two later, check "No lost time on DOI". You will not be penalized if you paid for time on the day of injury.
28	Date employer notified of injury: this is another very important piece of information. This is the date that the employee informed the foreman, supervisor, manager or HR— <u>any</u> representative of the employer. The clock for when the FROI must be filed starts counting from this date. Sometimes employees do not tell you about an injury right away. Sometimes they tell their immediate supervisor who fails to report it or to complete the FROI. As long as an employee has notified someone, that's the date that goes in this box.
29	Date employer notified of lost time: hopefully this will be the same date as the date they first lost time and the date you were informed of the injury.
30	Return to work date: If you have a date in Box 26, make sure you have a date in this box. Hopefully, this will be the same day or the next day as the day of lost time.

You may not know the return to work date immediately. It will be up to your insurance company to make sure this is complete. But, it is also very important that you keep your insurer informed.

How does this impact your OSHA 300 log of injuries? It doesn't. The date of lost time for workers' compensation and the First Report of Injury is different than a lost time claim for OSHA. OSHA does not count the day of the injury and looks at full days. The FROI is considering any lost time.

In summary, for the First Report of Injury, lost time means any time away from work due to the injury, including a few hours to get medical treatment on the day of the injury. For workers' compensation, lost time becomes compensable after three days missed from work. For OSHA, lost time never counts the day of the injury, and is considered full days away from work.

Got it? If you still have questions, contact us.

OSHA Recordkeeping and Environmental Deadlines

It's that time of year again. Note the following deadlines for OSHA recordkeeping, hazardous waste generators and air quality permit holders.

When	What	Who's Affected
Sometime soon (see note below)	Hazardous waste management reports due for Hennepin County	SQG and VSQG hazardous waste generators
Dec 31	Wastewater sampling due	Those holding MCES wastewater permits
Jan 31	Hazardous waste management annual report and license renewal for all metro counties, except Hennepin County	SQG and VSQG hazardous waste generators
Jan 31	Wastewater sampling due	Those holding MCES wastewater permits
Jan 31	OSHA 300A log summary – post from February 1 until April 30	Employers with 10 or more employees at any time during the year
Mar 1	Tier II reports due	Companies that have more than threshold amounts of specific chemicals
Mar 31	Industrial Stormwater annual reports due	Companies within specific industry codes. Does not affect companies with No Exposure exclusion.
Apr 1	VOC reports due (forms should be mailed in mid-Dec to early Jan)	Air Quality Permit B, C and Permit D holders
Jul 1	EPCRA Section 313 Report due	Certain types of companies with more than 10 employees and who manufacture, process, or use chemicals above specific thresholds
Aug 1	Hazardous waste management reports due for companies outside metro area	SQG and VSQG hazardous waste generators

If you are a CHESS maintenance client, we will be contacting you to set up a time to help complete your recordkeeping. If you are not a maintenance client and would like assistance, please contact Carol at 651-842-9210 or carkey@chess-safety.com.

Hennepin County Hazardous Waste Reporting

For facilities in Hennepin County, annual hazardous waste management plans are normally due on December 15. Hennepin County accepts all reports online only, through their portal. Unfortunately, the portal has been down since about November 10. For CHESS maintenance clients, we have gathered all of the information we need for submitting the reports. Now, we just wait until Hennepin County can receive them. They are not enforcing the December 15 deadline. You should receive an email notification and the new filing deadline when the portal comes back up.

Lead wheel weights banned in Minnesota after January 1, 2016

Facilities can no longer sell or install lead wheel weights after January 1. If a vehicle has them already, they do not have to be removed, but if they need replacing, the replacement has to be a lead-free alternative.

Used lead wheel weights must be recycled. Check with your supplier or recycler about this, since some lead wheel weights have zinc which complicates the recycling process. The MPCA has a fact sheet available on lead wheel weights (w-hw4-68).

<http://www.pca.state.mn.us/index.php/topics/preventing-waste-and-pollution/p2-pollution-prevention/reducing-toxicity/lead-and-mercury-wheel-weights.html>

Questions? Please do not hesitate to contact us if you have safety-related questions or just need more information about something or the services we offer. Please contact us by phone (651-481-9787) or email if you no longer want to receive newsletters.

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