



# PENNSYLVANIA LICA NEWS

SUMMER 2018 Edition

LAND IMPROVEMENT CONTRACTORS OF AMERICA

## PENNSYLVANIA LICA's FIRST FIELD/AG DAY THANKS TO EVERYONE WHO HELPED MAKE THIS DAY A GREAT SUCCESS-ESPECIALLY CORY & NIKOLE STUCHAL!

(Pictures & Story-Pg 3 & 4)

### THANK YOU TO:

- **STUCHAL CUSTOM AG SVCS – Employees & Friends**
- **SITECH/Cleveland Brothers** for your Skid Loader and donating a Transit as a giveaway
- **Anderson Equipment** for supplying an Excavator/Skid Loader and Service Truck
- **Groff Equipment** for supplying an Excavator
- **Walsh Equipment** for supplying Mini Excavator & Skid Loader
- **Bobcat of Pittsburgh** for their Mini Excavator & Skid Loader



### THANK YOU FOR ATTENDING!!

- **Northland Trenching**– Troy Werwig
- **BRON** – Matt Carter & Rob Kovac
- **Baughman Tile** - Eric Baughman
- **Port Industries** – Wayne Webber
- **Cleveland Brothers Equipment** – Eric Naughton, Rich Gillespie
- **AG Info Tech**-Matt Culler & Derik Geitgey
- **Cook's AGPS LLC**, Mike/Nate Cook
- **Haviland Drainage**, Dennis Osting
- **ADS** – Brad Bucher



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## UPCOMING EVENTS

### **CHECK THE WEBSITE AND YOUR EMAIL FOR UPCOMING CLASSES & DATES!**

**WHAT:** PALICA Picnic and Scholarship Awards Presentation

**WHERE:** Home of Betty & Bill Guiste, 4142 State Hwy 208, Emlenton, PA

**WHEN:** Saturday July 21<sup>st</sup> – board meeting starts at noon, picnic to follow

**RSVP:** to Joanie by July 17<sup>th</sup> at 724-866-1082 with number attending

**WHAT:** MAKE A WISH FOUNDATION Fall Fun Day (see page 6 for more info)

**WHERE:** Beatty Equipment, 5251 Kuhl Rd., Erie, PA

**WHEN:** Saturday, October 20, 2018

**RSVP:** to Joanie by October 10th at 724-866-1082 with number attending

## PRESIDENT'S MESSAGE

Hello PALICA Members,

Finally Spring has arrived! With all the unpredictable weather we are having, I hope you are able to work. I know our ground here is like a swamp everywhere you go. We just try to make the best of it and hope our clients understand.

I am excited about having our first Field/Ag Day on June 20<sup>th</sup> at Stuchal Custom Ag in Grove City, PA. I thank Cory Stuchal for getting this underway.

Remember our annual picnic on July 21<sup>st</sup> at Bill & Betty Guiste's home in Emlenton, PA. We will be having our regular board meeting at that time. We also will be presenting our scholarships and have great food and lots of fun and fellowship. I am looking forward to having a great turnout of both of these events.

Last but not least, remember SAFETY FIRST in everything you do!

Regards,  
Evelyn Cottrell/President



### **SPECIAL THANKS TO TOPCON SOLUTIONS STORE FOR HOSTING OUR FIRST TRENCH SAFETY CLASS IN MAY IN SAXONBURG PA.**

Our speaker, Carl from Trench Tech Inc., did a fantastic job of outlining the dangers and hazards to watch for when trenching. Thanks to Jay Capristo and Chasity Calairi of TOPCON Solutions Store for setting this up for us---you were fantastic hosts!



## MORE PICTURES FROM THE FIELD/AG DAY ON WEDNESDAY JUNE 20TH



The Field/Ag Day represented what the actual life of the average contractor looks like; you get up, you deal with the elements, work with what you have and do it all over again the next day!





# PA HOSTS DRAINAGE TILE FIELD DAY....

Reprinted with permission from [Farmanddairy.com](http://Farmanddairy.com).....Katy Mumaw, June 26, 2018



**The Pennsylvania Land Improvement Contractors Association hosted a field day June 20 at Spring Meadows Farm, Grove City. Approximately 150 people came to watch a 50-acre field get 4-inch drainage tile installed. At 30 feet between the rows, it was estimated by Stuchal Custom Agricultural Service, it would take 75,405 feet of drain tile.** (Katy Mumaw photo)

GROVE CITY, Pa. — The first-ever Pennsylvania drainage tile field day was hosted June 20 by the **Pennsylvania Land Improvement Contractors Association** at Spring Meadows Farm in Grove City. More than 150 people came to see the 4-inch plastic pipe go in the ground. **Stuchal Custom Agriculture Service** was performing the demonstration on a 50-acre field.

Cory Stuchal farms 2,000 acres in Mercer, Butler and Venango counties, Pennsylvania. About 14 years ago, he bought his own tiling equipment when several of his own fields need tiling. From there, he started a commercial business. **Nationally, drain tile installations cost anywhere from \$800 to \$2,500 an acre, said Mike Cook, President of the Land Improvement Contractors of America who came over from Michigan for the day's event.**

## **By the numbers**

Tiling this field cost about \$1,000 per acre, Stuchal said. In the estimate for the project with 75,405 feet of drain tile, Stuchal notes the supply cost will be approximately \$55,982.68, costing 74 cents per foot in supplies.

During the field day, they were laying the tile 3

feet deep and 30 feet apart. Stuchal's crew managed to complete about half the field, even with a heavy downpour in the middle of the day.

With the tighter agricultural economy, the tiling business has slowed down, Stuchal said, as he watched from the edge of the field. "At one point, there was a two-year wait; today, there is more like a two-month wait," Stuchal said. "\$3.50 corn just doesn't pay for tile." He's had several cancellations — for some, tiling won't fit into the budget this year. But he still has a constant flow of work, with four full-time employees and several part time throughout the year. Stuchal does land surveying and designs the drainage system with the customer's input, he said. He also works with NRCS, EPA and SWCDs to determine wetlands and follow regulations.

## **Land improvement**

Stuchal and other members of the **Pennsylvania Chapter of the Land Improvement Contractors Association work together to understand and follow regulations and keep high standards of workmanship** as they manage natural resources. The national association, with 2,400 members and 28 chapters, focuses on enhancing land conservation and educating drainage contractors. "It is becoming harder and harder to find ground," Cook said. "And we all know it — farmers have to improve what they got." A tiled field can improve yields by 20-35 percent, he said, and farmers can expect to be paid back within five to seven years. Stuchal said he expects the field to have a 20 percent yield increase on average, thanks to the new drainage system. After the tile installation is completed, and the field dries out a bit, he plans to plant a cover crop over the 50 acres.

## TRENCH SAFETY - AN ONGOING PALICA SERIES.....

### *What to expect when an OSHA compliance officer investigates*

A copyright credit to Equipment World, a publication of Randall-Reilly.



**Tip-offs** about an unsafe trench can come from anywhere.

“We usually go to those jobs because we get a complaint from an employee, calls from the public, or law enforcement sees something unsafe,” says Steve Hawkins, assistant commissioner, Tennessee OSHA. “Everybody in Tennessee OSHA is trained and authorized to stop and conduct inspections, even if they’re just driving down the road on a Saturday.”

OSHA’s compliance officers investigate accidents, inspect work and levy fines and penalties for violations. The process is generally the same for all inspections: an opening conference to explain why they are inspecting the worksite, a walk-around to identify hazards, and a closing conference to discuss the findings.

“The first thing we do is identify ourselves and present credentials,” says Hawkins. “Then we determine if there is a competent person present as defined in the standard. The way we determine if they are competent is that we look at the work they’re doing and ask them about their knowledge.”

An OSHA competent person is defined 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.”

The site’s competent person should be prepared to discuss OSHA regulations, how they determined the soil type and how they determined what protection was needed, says Hawkins. The OSHA compliance officer will also take a soil sample with a small tool called a penetrometer, which quickly identifies soil type. Hawkins stresses that having the authority to make changes is as important as technical knowledge. If the person does not have the authority, he or she is not considered competent.

Next comes an examination of the jobsite. “Are the spoil piles 2 feet from the edge of the trench? Are there ladders in the trench if it’s more than 4 feet deep?

“Your employees are going to do what you expect them to do. If they know you want them to work safely, they will. If they know what you care about most is getting the job done, and nothing else, then safety is not going to be a priority.”

– Clyde Payne, retired OSHA area director in Jackson, Mississippi

At 5 feet or deeper, you’re looking for protection like shoring or shielding,” Hawkins says. “And if the excavation is deeper than 20 feet, you’re looking for a plan approved by a registered, professional engineer for how you’re going to protect that excavation.” Inspectors also check to make sure nobody is ever more than 25 feet from the ladders. Hawkins calls this the “2, 4, 5, 20 and 25” inspection.

“We also point out that the ladder is simply there as a safe way to get in and out of the excavation,” says Hawkins. “Some people view a ladder as an emergency escape route. It is not that. A trench collapses in seconds. By the time you’ve thought about running up the ladder, you’re covered up.” If a compliance officer sees something unsafe, he or she will immediately ask the competent person to get people out of a trench. If the employer or supervisor refuses, a stop-work order is issued and, if necessary, law enforcement is called.

“This rarely happens,” Hawkins says. “Most of the time the employer will cooperate.” Contractors’ most frequent excuse for not following trench safety procedures? “We were only going to be down there for a second. We only needed to retrieve a tool,” says Clyde Payne, who retired in 2014 as OSHA’s area director in Jackson, Mississippi. That excuse gets no one off the hook. “A trench can collapse faster than you can flip a coin and catch it,” Payne says.

“I didn’t know” is the other excuse Payne heard in the field frequently, but “it’s hard to put credence in that,” he says. “If you go to any of the construction association meetings, they provide education and assistance on trench safety, and they frequently have OSHA guest speakers give presentations at those meetings as well.” Much of the negligence is learned behavior, says Payne.

The construction industry does deserve credit for improving the safety of trenching and excavation sites over the last 20 years, Payne says. “The industry has really stepped up and recognized this hazard. And you see more municipalities and large employers that are cognizant about hiring responsible contractors and making sure that they work safely. That saves lives in the long run.”



# WELCOME TO OUR NEWEST MEMBERS!



## CONTRACTORS



Austin Master Services Inc.  
Neil Rivel  
355 Circle of Progress Dr.  
Pottstown, PA 19464  
484-624-5403

Jackson Township  
Jeff Page  
PO Box 88  
Jackson, PA 18825  
570-756-2561

Gibson Township  
Brad Marcho  
11452 St. Rt 92  
South Gibson, PA 18842  
570-756-2022

I.T. Landes Company  
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## Does removing that sticker void the warranty?

**John Peterson, LICA Director of Government Relations.**

07 JUN 2018/jwp

Many of your electrical devices likely come with a sticker warning "Warranty Void if Removed." Other such stickers, and the fine print in the documentation and product information, state that the warranty is likewise void if you or a third party performs repairs. But these warnings are nonsense and violate the 1975 Magnuson-Moss Warranty Act (PL 93-637). The Federal Trade Commission (FTC) has stepped in and put six companies on notice, telling them in a warning letter that their warranty practices violate Federal law.

The upshot is, in any warranted device that sells for \$15 or more, manufacturers are forbidden by law from voiding the warranty if repairs are made by individuals or third parties. And any company that tries to tell you that you have voided the warranty by making repairs yourself is in violation of Federal statutes.

The FTC would not name any of the manufacturers cited. They only indicated they "market and sell automobiles, cellular devices, and video gaming systems in the United States."

## FOOD STAMP STATUS

Since food stamps are such a big part of the Farm Bill, which we all have an interest in, I thought you might like to see this program status from 1969-20017 (source: USDA's Food & Nutrition Service). The program began in 1965.

When the Food Stamp Program began in 1965, 424,000 people participated in the program (that's less than 9,000 people per state, a manageable number for private welfare agencies to handle). Typically, social welfare programs begin small and then expand well beyond their initial intended purpose. When a behavior is subsidized, you get more of it. At the end of Lyndon Johnson's presidency in 1968, participation increased to 2.2 million. The number doubled during the first two years of Richard Nixon's presidency (1969-1970). By the end of Nixon's first term in 1972, the number of food stamp recipients had increased five-fold. By 1980, more than twenty-one million people were receiving food stamps, fifty times more people than were covered during the Johnson presidency. Today there are about 42 million people receiving food stamps.

The current food stamp Farm Bill stumbling block seems to be over a proposal to impose a 20-hour/week work or service requirement on able bodied food stamp recipients. As of today, there does not seem to be a resolution.

## Proposal for reorganizing the federal government



The Trump Administration released a proposal entitled, **"Delivering Government Solutions in the 21st Century,"** which aims to shrink the operating authority of federal agencies, sell assets and reorganize specific agency programs. The proposal's recommendations include:

- Moving the U.S. Army Corps of Engineers (USACE) Civil Works programs out of the U.S. Department of Defense. USACE's Civil Works commercial navigation activities would move to the U.S. Department of Transportation (DOT), while its remaining activities, including flood and storm damage reduction, aquatic ecosystem restoration, hydropower, and regulatory, would move to the U.S. Department of the Interior (DOI).
- Consolidating of portions of DOI's Central Hazardous Materials Program and the U.S. Department of Agriculture's (USDA) Hazardous Materials Management program into the Environmental Protection Agency's (EPA) Superfund program.
- Consolidating of the Department of Energy's applied energy programs into a new Office of Energy Innovation and establish a parallel Office of Energy Resources and Economic Strategy.
- Consolidating of DOT's Office of the Secretary (OST) in areas that include research and development as well as designating DOT as in charge of permitting alterations to bridges and costal navigation aids rather than the Coast Guard.



# REGISTER TO WIN A TRIP TO THE 2019 PENNSYLVANIA LICA WINTER CONVENTION IN HARRISBURG!!

*It's easy....just submit a one page story and a few pictures of how you started your business and the changes that have taken place over the years....number of employees, types of work performed, how your inventory of machines has changed, your struggles and successes, etc. Submissions must be received by 12/31/18 to qualify for the*

## **GRAND PRIZE THAT INCLUDES**

- Registration fees for up to 4 people in your company (valued at \$600.00)
  - Meals for the entire convention
  - Up to 2 Hotel Rooms (if needed)

***\*\*WINNERS MUST MAKE EVERY EFFORT TO ATTEND AT LEAST 2 REGIONAL CLASSES/EVENTS IN 2019, IN ADDITION TO THE CONVENTION.***

Send your story by email or regular mail and please be sure to include pictures with details—the stories submitted will be shared in upcoming newsletters and on our new website.

Those that submit stories, but aren't chosen as the GRAND PRIZE WINNER, will receive a great gift at the 2019 Winter Convention, donated by one of our many awesome Associates. **You do have to be present to claim your prize and we'll HOLD a swap meet in case you'd rather have someone else's prize!!**

---

## REGISTRATION FORM FOR YOUR STORY SUBMISSION

NAME: \_\_\_\_\_  
COMPANY: \_\_\_\_\_ DATE SUBMITTED: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ CONTACT #: \_\_\_\_\_

**\*\*Please type or write your company story on a separate piece of paper and include a few pictures. If possible, include some pictures from when your first started your company and some from present day. All stories we receive will run in upcoming newsletters, and the Convention Committee will choose one winner to receive the above mentioned GRAND prize. Don't be shy—share your story with your fellow members! Call Joanie with any questions-724-588-1954.**

**All submissions need to be mailed into the Main Office at:**

**Pennsylvania LICA**

**775 Mercer Road**

**Greenville, PA 16125 or**

**Email: [pennsylvanialica@gmail.com](mailto:pennsylvanialica@gmail.com)**

# EXCITING MEMBER NEWS!!



**Mark your  
Calendars!**



## **Pennsylvania LICA is teaming up with the Make-A-Wish Foundation of Erie County....**

**TO HOLD A FALL FUN DAY at A.R. Beatty Equipment,**  
(PALICA Associate Member) in Erie PA, on Saturday, October 20, 2018.

For those children that are able, *there will be rides in heavy equipment, get your picture taken with an excavator, face painting, picnic lunch, pumpkin painting, clowns, a magician, a local fire department, and students from Gannon University to enjoy the day with us!* It would be great to have as many PALICA members there as possible to show our support for this fantastic organization, and the work they do with children and adults dealing with many different illnesses. **If you'd like to help sponsor AND/OR HELP WITH the events of the day, please contact Joanie at 724-866-1082.** This is a great opportunity to represent our association and hopefully **Make-A-Wish** come true!

**PLEASE RSVP to Joanie by October 10<sup>TH</sup> TO HELP WITH FOOD COUNT.**





# MEMBER NEWS- NEW WEBSITE IS READY! .....& Survey Results (another chance to submit your survey on next page)



[www.Pennsylvanialica.com](http://www.Pennsylvanialica.com)

Several months have gone into redesigning the PALICA website and we're ready to launch it! We hope you'll find it very easy to navigate and useful. When you see the above picture upon going to the website, that's when you'll know we've switched to the new account!

## A FEW THINGS YOU NEED TO KNOW FIRST:

- The box that reads "MY ACCOUNT" on top right is a log in for members only. You'll use your Member ID (PA \_\_ - \_\_) you received when you became a member that starts with (PA— then last 2 digits of year your joined or when member numbers were first assigned from the national office--then 4 digits) I sent everyone their ID number with the directory mailing last month, but I keep them on file in the office so I can provide again if needed.
- What the LOG IN provides you as a member, is access to the membership directory and more detailed information about Benefits and our Associates, Scholarship Info, Association By-Laws, and PRINTABLE TOOL BOX TALKS, that non-members won't have access to.
- When you first visit the site and log into your account, you'll be asked to set up a password for future access so please notate and save your info to use easily.

PAGE 10

A survey was sent out with the Membership Directories last month to gather information so we can better serve you, the membership. If you missed it, I've reprinted it on the next page (with a few additional questions)

**PLEASE fill out and mail in the sheet on next page.** We value your responses and will use these to plan future regional classes and our yearly convention topics/speakers in March, so please take a few minutes to respond.

## Responses to Survey Sent out in May

1. What topics would you like to see PALICA host classes on:
  - OSHA 10 Hr Training -- 60%
  - Trench Safety -- 60%
  - DOT Sessions -- 70%
  - DEP Panel Session -- 60%
  - Safety on the Job -- 40%
2. How far are you willing to travel to attend classes, training, conventions etc.
  - 1 Hour -- 60%
  - 1.5 Hours 10%
  - 2 Hours 30%
3. Are you using your benefits – which ones?
  - Petrocon, PA One Call Dues, Machine Rebates, Business Insurance
4. How would you like to be contacted for upcoming events:
  - Email - 100%
  - Regular Mail - 80%
  - Website - 10%
5. Are you aware your PA One Call Dues of \$125 are paid for you as part of your PALICA membership:
  - Yes - 80%
  - No - 20%

# MEMBER NEWS-Member Info Survey

1. What topics of interest would you like to see PALICA host classes for in the upcoming months that pertain to your business/company? **(CHECK ALL THAT APPLY)**

\_\_\_\_\_ OSHA 10 Hour Training    \_\_\_\_\_ DOT Sessions    \_\_\_\_\_ DEP Panel Discussions  
\_\_\_\_\_ Safety on the Job    \_\_\_\_\_ Trench Safety    \_\_\_\_\_ 1<sup>st</sup> Aid/AED/CPR  
\_\_\_\_\_ Traffic Control/Flagger Training    \_\_\_\_\_ Competent Person Training  
\_\_\_\_\_ Best Business Practices    \_\_\_\_\_ Contracts    \_\_\_\_\_ Business Insurance Options

2. In general, what day of the week works best to attend a training, class or seminar?

\_\_\_\_\_

3. What time of day would you prefer? \_\_\_\_\_ Mornings    \_\_\_\_\_ Afternoons    \_\_\_\_\_ Evenings

4. What areas in PA would work best for you to attend? \_\_\_\_\_ Western PA ( Erie/Clarion/Pittsburgh)  
\_\_\_\_\_ Central PA (Harrisburg)    \_\_\_\_\_ Eastern PA (Telford-Bucks County)

5. How far are you willing to travel to attend above classes/trainings? \_\_\_\_\_ 1 hour    \_\_\_\_\_ 2 hours  
\_\_\_\_\_ 3 hours    \_\_\_\_\_ **Up to 4 HOURS FOR YEARLY WINTER CONVENTION**

6. **IF YOUR CHOICES WERE ON THE AGENDA FOR THE WINTER CONVENTION IN MARCH, WOULD YOU TRAVEL TO HARRISBURG FOR 2 DAYSTO ATTEND?**    \_\_\_\_\_ YES    \_\_\_\_\_ NO

**\*\*PLEASE NOTE--WE TRY TO HOLD THE WINTER CONVENTION IN THE CENTER OF THE STATE BECAUSE OF THE WIDE RANGE OF DISTANCE IN THE STATE OF PA—WE HOPE THAT YOU WILL FIND IT WORTHWHILE TO TRAVEL A BIT FARTHER FOR THIS YEARLY EVENT SO YOU CAN ATTEND CLASSES AND LISTEN TO SPEAKERS PERTAINING TO THE TOPICS YOU'VE CHECKED ABOVE THAT ARE IMPORTANT TO YOU.** We will however, continue to offer individual classes on each side of the state throughout the year so they can be done in a day.

7. How would you like to be notified of upcoming events or benefits etc? \_\_\_\_\_ Regular Mail  
\_\_\_\_\_ Email (please include your email address) \_\_\_\_\_  
\_\_\_\_\_ PALICA Website    \_\_\_\_\_ All of the above
8. Are you aware your PA One Call dues (\$125/yr) are paid for you from PALICA? \_\_\_\_\_ yes    \_\_\_\_\_ No (please contact the office for more info if **NO**-724-588-1954)

**PLEASE MAIL THIS SHEET TO THE OFFICE:  
PENNSYLVANIA LICA, 775 MERCER RD., GREENVILLE PA 16125**



# COMPLIANCE OVERVIEW

## OSHA RULE: Respirable Crystalline Silica<sup>-(info supplied by Prins Insurance)</sup>

On March 25, 2016 the Occupational Safety and Health Administration (OSHA) issued a final rule regarding respirable crystalline silica. Under this rule, employers will be subject to new standards for protecting workers. The rule became effective on June 23, 2016, (2 years ago) but employers in the construction industry had until September 23, 2017 to comply with the rule. Employers in the maritime and general industries will have until June 23, 2018 to comply with the rule.

The rule includes standards that dramatically reduce the permissible exposure limit (PEL) for respirable crystalline silica to 50 micrograms per cubic meter of air. The rule also requires employers to implement specific measures to protect workers.

### **BACKGROUND**

Crystalline silica (silica) is a common mineral found in materials like sand, concrete, stone and mortar. Silica becomes hazardous when it is reduced to a dust and released into the air where it can be inhaled (called respirable silica). This commonly occurs in operations that involve cutting, sawing, drilling and crushing materials that contain silica. Operations in which sand products are used, such as glass manufacturing, metal casting and sand blasting, also tend to generate respirable silica. When silica dust particles are inhaled, they can penetrate deep into the lungs and cause disabling and sometimes fatal diseases, including silicosis, lung cancer, chronic obstructive pulmonary disorder and kidney disease.

OSHA first set PEL's for respirable silica in 1971, allowing 100 micrograms per cubic meter of air for general industry and 250 micrograms per cubic meter of air for construction and shipyards. Since then, numerous advanced scientific studies



determined that much lower levels of silica exposure can cause serious health effects. After reviewing the scientific evidence, OSHA determined that even though significant health risks remain at the 50 mg PEL, this is the lowest level that most affected operations can reasonably achieve through the use of engineering controls and work practices.

### **COVERED EMPLOYERS**

In its final rule, OSHA issued two separate standards for protecting workers from exposure to respirable crystalline silica, one for the construction industry and another for the general maritime industries.

Both standards are similar and provide comparable protections for workers, but OSHA issued them separately to account for differences in work activities, anticipated exposure levels and other conditions unique to each industry. Although exposure to respirable crystalline silica has also been documented in the agricultural sector, OSHA did not issue regulations for this industry.

### **EXPOSURE CONTROL REQUIREMENTS**

To comply with exposure control requirements, general industry and maritime employers must measure respirable levels in

# COMPLIANCE OVERVIEW-Con't

the workplace any time they may possibly be at or above 25 micrograms per cubic meter of air (action level). They must also ensure that employees are not exposed to levels above 50 mpcma by limiting access to areas with high levels, using dust control measures (such as wetting and ventilation), and providing workers with respirators.

Construction employers have the option of either using those same methods or following specific dust-control methods that are outlined in Table 1 of OSHA's final rule. Table 1 provides a list of common construction tasks and specific actions construction employers can take to protect workers who perform each task.

## **GENERAL REQUIREMENTS FOR COVERED EMPLOYERS**

Under both standards, employers subject to OSHA's final rule must:

- **Implement engineering and work-practice control measures;**
- **Establish and implement a written exposure plan;**
- **Restrict housekeeping practices that expose workers to silica;**
- **Offer medical exams to workers who are exposed to silica;**
- **Train workers on operations that result in silica exposure and on ways to limit exposure; and**
- **Keep records of workers' silica exposure and medical exams.**

Employers in the construction industry must also designate a competent person to implement their written exposure control plans.

## **WRITTEN EXPOSURE PLAN**

The final rule allows employers to tailor their written exposure control plans to their particular worksites. Minimum requirements include a description of all tasks that workers may have to do that could expose them to respirable silica and a description of the employers' methods for protecting workers, including procedures used to restrict workers' access to potential high-exposure areas.

Construction employers must also designate an individual who is capable of identifying existing and foreseeable silica hazards in the workplace and who has authorization to take prompt corrective measures to eliminate or minimize them.

## **HOUSEKEEPING**

If housekeeping practices may expose workers to respirable silica, employers must use any feasible alternative as a means of reducing or eliminating the exposure risk.

## **MEDICAL SURVEILLANCE**

Employers must offer medical exams to workers who may be exposed to respirable silica at levels of 25 mpcma or more for 30 or more days per year. The exams must be offered every three years and must include chest X-rays and lung function tests.





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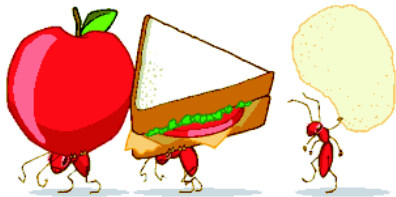
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## WE REQUEST THE HONOR OF YOUR PRESENCE AT THE ANNUAL PALICA SUMMER PICNIC AND SCHOLARSHIP



### AWARD PRESENTATION!



**When: Saturday, July 21, 2018**

**Where: The home of Betty & Bill Guiste, 4142 St. Rt 208,  
Emlenton, PA.....A day to relax and enjoy the company of  
other PALICA families.**

**Time: 12:00pm-Board Meeting** (everyone is invited to attend the meeting)—lunch will follow the meeting and awards will wrap up the day.  
**All food and beverages will be provided – there is a pond to fish in and lots of land utilize.** Please RSVP to Joanie by 7/14  
with # attending-724-588-1954



OSHA investigates worksites, using its [Field Operations Manual](#) (FOM), as soon as possible after the initial report of a trench collapse to determine its cause.

If the agency finds violations of OSHA standards, it may issue citations and fines, and must do so within six months of when the violation occurred. An employer can request an informal conference to discuss the citations, penalties, or other information pertinent to the inspection. The [OSHA Inspections fact sheet](#) provides more information about the inspection process.

**OSHA determines penalties on four factors:**

- Gravity of the violation;
- Business size;
- Good faith of the employer;
- and the employer's history of previous violations.

Chapter 6 of the FOM provides details of OSHA's penalty calculation process. The [OSHA Penalties webpage](#) lists the adjusted penalty amounts as of January 2, 2018.

**There are two categories of violations: serious and willful. OSHA cites a willful violation when an employer demonstrates an intentional disregard for the requirements of the Act or a plain indifference to employee safety and health.** The agency cites a serious violation when a workplace hazard could cause an accident or illness that would most likely result in death or serious physical harm, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation. An other-than-serious violation is one that has a direct relationship to job safety and health but is not serious in nature. Employers may be cited for a repeated violation if the employer has been cited previously for the same or a substantially similar condition or hazard.

Ignorance of the regulations is no excuse, experts say. "I don't believe there are any construction contractors out there who don't understand the hazards of trenches and the laws related to trenches," says Jordan Barab, a safety consultant and former deputy assistant secretary of labor for OSHA.



OSHA can also invoke its "general duty clause" for unsafe practices that aren't specifically covered in the regulations. There are two ways to recognize a hazard: proof that the specific employer recognizes the hazard or that the hazard is

recognized in the industry. "So even if an employer claims he didn't know about the hazards of trenches or the laws relating to trenches – which I find pretty unbelievable – they're all well recognized," says Barab. **"And if they're not aware of it, they certainly shouldn't be in the construction business."**

**Average initial fine for a trench death:  
\$50,290**

Looking at available records during 2016-2017, *Equipment World* found that the average initial fine for a trench death was \$50,290.

OSHA's most severe charge is what it calls a "willful" violation, meaning the employer demonstrated intentional disregard or indifference to employee safety. Willful violations were issued in 13 incidents representing 15 fatalities in the past two years (since the investigations have not been completed on all fatalities, this does not include all incidents).

Initial OSHA fines in 13 incidents with willful violations totaled \$2.95 million. That number, however, is cut by more than half when the Atlantic Drain outlier is removed. For the 12 remaining incidents with willful violations, the average initial fine was \$122,976.

In addition to Atlantic Drain, three other companies received high initial fines for trench safety infractions during this time period. Arrow Plumbing, Blue Springs, Missouri, received a \$294,059 initial fine for the death of David (D.J.) Meyer, age 33. And high fines aren't just the result of a fatality: Kamphuis Pipeline, Grand Rapids, Michigan, received a \$187,653 fine for exposing its employees to trench cave-ins. Jax Utilities Management, Jacksonville, Florida, received an initial \$271,606 fine after an investigation of an employee injury in a trench. That fine has been reduced to \$135,836.

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## A FEW THINGS TO THINK ABOUT WHEN GETTING BEHIND THE WHEEL.....

**BEFORE HITTING THE PAVEMENT EVERY DAY, one of the most effective ways of protecting yourself and your employer from violations is to conduct a thorough pre-trip inspection---while doing so:**

- Conduct a full vehicle overview
- Check the engine compartments
- Start the engine and inspect the inside of the cab
- Turn off the engine and check the lights
- Do a walk-around inspection
- Check the signal lights
- Check the brake system with the motor running

**In addition to conducting a pre-trip inspection, you should also check to ensure that you have all the necessary documents in your vehicle including:**

- Certificate of Registration
- Hours of service records (log book)
- Registration papers (cab cards, permits etc)
- Special permits for oversized and/or overweight loads (if applicable)

- Hazardous materials shipping papers (if applicable)
- Fuel Tax Permits
- Bills or invoices showing the content and origin of agricultural products (if applicable)
- Evidence of financial responsibility

**Once you have all of these documents in place and your vehicle passes a pre-trip inspection, you can be on your way.**

#### BY THE NUMBERS.....

- 2,395,648 – The number of state roadside truck inspections between October 2007 and June 2008.
- 7,002 – The number of compliance review during the same time.
- 124,000 – The total number of injuries in 2007 involving large trucks and busses.
- **\$1,250,000 – The amount of additional revenue necessary for a company to generate in order to pay the cost of a \$25,000 accident, assuming an average profit of 2%.**





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