

CI NEWSLETTER

The Council of Industry of Southeastern New York

Summer 2009

The Manufacturers Association of the Hudson Valley

Volume 13 Issue 7

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Welcome New Member:

Spectral Systems LLC. -

Infrared optics manufacturing. Contact: Damon Sprance. Dutchess County.

The Council of Industry's Annual Golf Outing – A Fun Way to Meet & Mingle with Fellow Manufacturers

There is still time to sign your foursome up for the Council of Industry's Annual Golf Outing. It will be on Monday, August 24th at the Powelton Club in Newburgh, NY. Come and enjoy a delicious lunch at 11:30 followed by a shotgun start at 12:30. The lunch is generously sponsored by Pepco Energy Services, Inc.

The afternoon will include 18 holes of golf, the notorious yellow ball competition, a hole-in-one contest and various other prizes followed by cocktails, sponsored by Ulster Savings Bank/ Ulster Insurance Services and dinner. The Powelton Club, established in 1882, is one of the oldest private country clubs in the U.S. and is known to be both challenging and memorable. Among the features this course boasts are short par fours that offer strategic options that invite birdies, but often penalize with bogies or worse and greens that vary, with some at ground level and flanked by flat bunkers, others elevated and guarded by large, deep hazards. For those looking for a challenge, the terrain can be severe, and water is a factor on 11 holes—a stream crossing the property feeds four ponds, including the one fronting the postcard par-three seventh hole.

Last year seventy-two people attend this event which is an excellent networking opportunity. Participants include manufacturers and their associates from throughout the Hudson Valley.

There will be a variety of prizes awarded including best ball, longest drive, and closest to pin, in addition to the winner of the yellow ball contest.

The Council of Industry would like to thank the following prize sponsors Kolmar Laboratories, Inc., M&T Bank, and tee sponsors Package Pavement. If your company would like to become a prize,

tee sponsor or hole-in-one sponsor there is still time, contact Harold King (phone number and e-mail are listed below).

To register your foursome, (or register as a single and we'll match you up with someone) just call (845) 565-1355 or e-mail Harold King at hking@councilofindustry.org. The cost is \$135 per person or \$510 for a foursome, a great deal. We look forward to seeing you on the links.



Energy Efficiency and Renewable Energy Seminar

On Thursday, September 17, the Council of Industry will hold a seminar on Energy Efficiency and Renewable Energy options. Some of the topics that will be covered are:

- How can I run my facility more energy efficiently?
- What investments can I make that will reduce my energy bill in the long haul?
- Is renewable energy a viable option for my company?

Presentations will include the following:

Kane Armistead, from **AMI Services** will talk about energy efficiency and good maintenance practices for building environmental systems. He will provide information on solar hot water systems

Continued on page 3

Newsletter Sponsored By



Training and Education

The RCRA Hazardous Waste training will include the topics:

Overview of RCRA, Definition of Hazardous Waste, Classifications of Hazardous Waste Generators, Requirements of Hazardous Waste Generators, Container Management, Universal Waste Enforcement, What not to do if you are Inspected, and Site-specific Contingency Planning.

Lean Six Sigma Yellow Belt Training

During this interactive Yellow Belt training, each group of participants will identify opportunities within their respective work areas and ways to improve those areas utilizing taught problem solving tools. The teams will present their identified work area opportunity and suggested solutions.

Dates: August 11, 12 & 13

Location: Kolmar Laboratories
Port Jervis, NY

Instructors: Vinnie Buonomo and
Dr. Don Baker from RIT

Time: 8:30 am—4:30 pm

Cost: \$300 per person, Must register
in groups of 3 from a company.

Continental breakfast and lunch included

If you would like to register a team, contact Ana Maria Murabito at (845) 565-1355 or by e-mail at anamaria@councilofindustry.org.

Two Regulatory Classes Offered this Fall: RCRA Hazardous Waste and DOT Hazardous Materials Training

RCRA Hazardous Waste Training

Dates: Wednesday, September 30, 2009

Where: TBA

Instructor: HRP Associates, Inc.

Time: 8:30am - 12:30pm

Cost: \$115 single member, \$100
2 or more from same company

Description: The RCRA Hazardous Waste training will include the topics:

Overview of RCRA, Definition of Hazardous Waste, Classifications of Hazardous Waste Generators, Requirements of Hazardous, Waste Generators, Container Management, Universal Waste Enforcement, What not to do if you are Inspected? And Site-specific Contingency Planning.

Who should attend the training?

Federal and State regulation require that individuals at facilities classified as Large Quantity Generators of hazardous waste (>1,000 kg/month) involved with the management and handling of hazardous waste (i.e. label drums, transport, etc.) must receive RCRA hazardous waste training on an annual basis.

DOT Hazardous Materials Training

Dates: Wednesday October 14, 2009

Where: TBA

Instructor: HRP Associates, Inc.

Time: 8:30am - 12:30pm

Cost: \$115 single member, \$100
2 or more from same company

Description: The DOT Hazardous Material training will address the following topics: Overview of Hazardous Materials regulations, Definition of Hazardous Material, How to properly name a Hazardous Material, How to package, label and prepare manifest for Hazardous Materials Emergency Response.

Who should attend the training?

DOT regulation 49 CFR 172.700 requires that all "hazmat employees" be trained or retrained every 3 years. "Hazmat employees" include anyone who labels, marks, loads/unloads, prepares shipping papers or transports hazardous materials by road, water, rail or air.

CLICK HERE TO REGISTER AND PAY ONLINE

For more information contact Ana Maria Murabito at (845) 565-1355 or anamaria@councilofindustry.org.



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Council News

Wage & Benefit Survey – We Need Your Input

One of the benefits of being a Council of Industry member is that you can find out where your company stands in relation to other manufactures on the topics of salary and benefits packages. In order to find out this sort of helpful information we ask that you contribute your own numbers to make the survey as comprehensive as possible.

With the help of Marist College's Dr. Ken Sloan and our Human Resources Sub-Council we have developed a survey that will provide useful and meaningful data while also being easy to complete. Participation in the survey is critical to its usefulness. The more companies that take part, the more valuable and reliable the data will be. Therefore you are encouraged to put aside some time to complete the survey to the best of your abilities. **Results will be shared only with companies that return completed surveys.**

Some more key information:

- **Completed Surveys should be returned to Dr. Sloan no later than September 30th.**
- **Wage data must be reported as of August 31, 2009 or September 1, 2009 for comparability of analysis.**

Contact the Council of Industry Office (845) 565 – 1355 or e-mail Alison Butler for a copy of the survey if you haven't received one already. Questions concerning the survey can be directed to Harold King (hking@councilofindustry.org) or Dr. Sloan (ken.sloan@marist.edu) The Council of Industry is thrilled to once again be working with Marist and look forward to your participation as well.

HR Sub-council Meeting: Wellness Programs

When: Friday, Sept. 11, registration/networking at 8:30, Program begins at 9.
Where: Ulster Savings Bank, 180 Schwenk Drive, Kingston, NY
Cost: None for Members

Presentations will include:

- What is a Wellness Program
- How can it save my company money
- How do we measure
- How Wellness fits with Federal health reform (if it happens)
- Who can help

Presentations will be made by: Ulster Insurance Services, and Emergency One.

To register or for more information e-mail abutler@councilofindustry.org

Next EHS Sub-council Meeting: Combustible Dust

When: Friday, Oct. 16, 8:30–10:00 am

Where: To Be Determined

Cost: None for Members

Presentation by *Jeffery Sotek, HRP Associates*. For more information on what Combustible Dust is and why it is an EHS issue see the article on page 8. To register e-mail abutler@councilofindustry.org.

Continued from page 1

and geothermal systems, including demonstrations and information on payback for these investments.

Pete DeMartis, from SmartWatt Energy Services, will discuss retrofit lighting and how this is a great way to reduce your energy bill. He will also explain how to use tax credits and rebates which are currently offered to help make this an easily affordable option to lower energy costs.

Brian Nowitzki, from Hudson Valley Clean Energy, will discuss available grants, incentives, and case studies for commercial installations of solar electric systems in our area. Hudson Valley Clean Energy is a full-service solar electric, geothermal and solar hot water provider, specializing in the design, installation and servicing of these renewable energy systems.

When: September 17, 8:00– 10:00 am

Where: Rose & Kiernan, 60 Merritt Blvd, Suite 202, Fishkill, NY

Cost: \$15 for Council of Industry members.

To register, or for more information, e-mail abutler@councilofindustry.org or call (845) 565-1355.

Participation in the Wage & Benefit survey is critical to its usefulness. The more companies that take part, the more valuable and reliable the data will be.



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Personnel Matters

EEOC Takes First Steps to Overhaul ADA Regulations

From JacksonLewis.com

The U.S. Equal Employment Opportunity Commission on June 17, 2009, voted to revise its regulations on the Americans with Disabilities Act (“ADA”) to reflect changes made by the ADA Amendments Act (“ADAAA”) of 2008. The ADAAA, which became effective on January 1, 2009, makes it easier for individuals seeking protection under the ADA to establish that they have a disability.

The Commission’s new proposed regulations now must be reviewed by other agencies, including the Department of Justice and the Office of Management and Budget. Once their review is completed, the proposal returns to the EEOC for further review and release for public comment. No timetable has been set.

In December, ahead of the ADAAA’s effective date, the EEOC tried but failed to approve proposed regulations to reflect the ADAAA changes. The agency’s Office of Legal Counsel (OLC) then coordinated with other EEOC sections, including the Office of General Counsel and the Office of Field Programs, to arrive at the new proposed regulations. While they have not been made public, EEOC assistant legal counsel and director of OLC’s ADA policy division Christopher Kuczynski issued a written statement outlining the key provisions of the proposed regulations (see *EEOC June 17 Statement of Christopher Kuczynski*). Based on that statement, employers can begin to see how the ADAAA will change ADA analysis.

Examples Included in Text of Regulations

The new approach of including examples in the text is intended to increase the likelihood that courts will defer to the EEOC’s interpretation of the law. It would increase the importance of employers becoming familiar with the specific examples in the regulations, if adopted.

Major Life Activities and Major Bodily Functions Recognized

The ADAAA expanded the list of “major life activities” and clarified that these included “major bodily functions.” The proposal cites activities and bodily functions expressly referenced in the ADAAA, but adds others to the regulations’ non-exhaustive list. These include bending, reading and communicating, three activities not previously recognized by the EEOC as “major life activities.”

Concept of “Substantially Limits” Revised

The proposal significantly revises the standard for determining whether an impairment substantially limits a major life activity. The proposal states that to be “substantially limiting,” an impairment *need not severely restrict or significantly restrict* performance of a major life activity. It remains to be seen what level of “limitation” will be sufficient to satisfy the “substantially limits” standard. However, temporary, non-chronic impairments of short duration with little or no residual effects, such as a cold, seasonal or common influenza, a sprained joint, or a broken bone that is expected to heal completely usually will not substantially limit a major life activity, according to the proposal. While “transitory and minor” impairments – those lasting less than six months – may not be the basis of a “regarded as” claim, they may be substantially limiting.

Some Impairments Obviously Meet “Substantially Limits” Test

Previously, most viewed the ADA as inherently precluding a “per se” list of impairments that are always disabilities. The proposal appears to move closer to developing such a list by identifying examples of impairments that are “obviously” substantially limiting. This virtually guarantees that individuals with such impairments will always be within the class of people protected as “disabled.” Impairments falling in this category range from blindness, deafness, intellectual disabilities (formerly “mental retardation”) to major depression, bipolar disorder, post-traumatic stress disorder, and schizophrenia. The fact that such impairments will “consistently” meet the definition of “disability,” however, does not automatically mean that individuals so impaired will be entitled to accommodations or prevail in litigation.

The EEOC’s proposal apparently also provides a non-exhaustive list of impairments that are not “obviously” substantially limiting, but “may” be substantially limiting. They include asthma, high blood pressure, coronary artery disease, learning disabilities, a back or leg impairment, carpal tunnel syndrome, psychiatric disabilities, such as panic or anxiety disorder and forms of depression other than major depression, and hyperthyroidism.

Substantially Limited in Working

Setting forth what it describes as a more “straightforward analysis,” the EEOC proposes that an impairment “substantially limits the major life activity of working if it substantially limits an individual’s ability to perform, or to meet the qualifications for, the type of work at issue as compared to most people having comparable training, skills, and abilities.”

The reference to “type of work” replaces the concepts of a class or broad range of jobs. A “type of work,” the EEOC proposes, may be defined by the nature of the work or the specific job related requirements. Examples include commercial truck driving, assembly line jobs, food service jobs, clerical jobs, or law enforcement jobs. Job-related requirements characteristic of types of work include: repetitive bending, reaching, or manual tasks; repetitive or heavy lifting; prolonged sitting or standing; extensive walking; driving; working under certain conditions, such as in workplaces characterized by high temperatures, high noise levels, or high stress; and working rotating, irregular, or excessively long shifts.

The EEOC proposal recognizes that limitations may exist only in the workplace. For example, someone who is not substantially limited in standing or lifting still might be substantially limited in working in jobs that require standing for extended periods (in many retail jobs, for example) or lifting heavy packages. If adopted, this proposed interpretation may alter the widely accepted view that the inability to perform a single job does not make one disabled under the ADA.

Regarded as Having a Disability Clarified

Many believe the ADAAA’s greatest impact will be felt through the changes made to the concept of “regarded as” having a disability. The proposed regulation appears to confirm this, saying that a covered entity that takes some prohibited action against an individual – failure to hire, termination, and the like – because of an impairment regards the individual as having a disability, unless the impairment is transitory and minor. The proposal also makes clear that actions based on an impairment’s symptoms or on an individual’s use of a mitigating measure (e.g., medication) amount to actions based on an impairment.



More Personnel Matters

Blogging - Employee Freedom vs. Employers' Rights

From CAI Management Newsletter



MySpace, Facebook, and Twitter are some of the most well-known sites for blogs, although there are many others. Personal blogs are websites maintained by individuals who document what is going on in their lives. Employers are becoming increasingly interested in the blogs of applicants and employees. They often reveal much more about a person's character than can be discovered in interviews or interactions at work.

Since a significant amount of time is spent in the workplace, and people write about what they do, there is an increased potential for information about work to appear on blogs. It is obvious that employers may control internet access and company time spent on personal websites at work, but what about on off-duty time?

The explosion of blogs and exposure of personal commentaries to the public at large has resulted in clashes between employees' freedom of expression and employers' rights to control what is said about them. Resulting court cases have shed light on some considerations for employers.

Disciplining an employee for blogging about work may run afoul of some laws in certain situations.

The National Labor Relations Act protects employees (union and non-union) from being disciplined for protected concerted activity.

Employees are protected for *Whistle Blowing*, reporting unsafe acts under OSHA or reporting unethical or illegal company actions.

Retaliation for expressing religious views may be a violation of Title VII.

Some states protect employees from off-duty legal recreational activities.

Employers who have properly written policies for Confidentiality, Code of Conduct, and Internet/Electronic Communications should be able to better manage and discipline employees who blog. It is recommended your company

policies include information on prohibited disclosures, violation of laws such as copyright laws or HIPAA, or harassment of co-workers (i.e., racial, religious, sexual comments about coworkers).

Before taking any disciplinary action against an employee for their blog comments, employers are encouraged to consult with legal counsel.

The explosion of blogs and exposure of personal commentaries to the public at large has resulted in clashes between employees' freedom of expression and employers' rights to control what is said about them.

Consumer Price Index - June 2009

				Point	%	% Increase
Wage Earners & Clerical	Jun. '08	Jun.	May	Increase	Month	Year
1967=100	641.08	628.42	621.88	6.55	1.1	-2.0
1982-84= 100	215.22	210.97	208.77	2.20	1.1	-2.0
All Urban Consumers						
1967=100	655.47	646.12	640.62	5.51	0.9	-1.4
1982-84=100	218.82	215.69	213.86	1.84	0.9	-1.4
Hudson Valley Unemployment Rate for June 2009 = 7.8%						



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The Council of Industry's monthly newsletter has a mailing circulation of 250 manufacturers and an online circulation of hundreds more.

Contact Alison Butler at
abutler@councilofindustry.org
 or call (845) 565-1355 for more information.

Legislative Matters

Employee Free Choice Act Update

Compiled from articles from NAM and Jackson Lewis

"I just became a co-sponsor of my first bill in the Senate, the Employee Free Choice Act."

-Sen. Al Franken (D-MN) to the AFL-CIO on July 7, 2009

State of Play

- Supporters of the jobs-killing Employee FORCED Choice Act welcomed the news that newly seated Senator Franken (D-MN) expressed his support for legislation by becoming a co-sponsor hours after being sworn in as a Senator.
- While this development does add another Senator in support of the bill, there is still strong bipartisan opposition in the Senate.
- A small group of Senators continue efforts to develop a variation of the EFCA that could gain the 60 votes necessary to move the bill forward in the Senate. While these meetings are still occurring behind closed doors, the threat of an alternative version of the EFCA still remains quite real. As [The New York Times](#) highlights this morning, union leaders may be willing to accept removing the "card check" provision of the EFCA in exchange for "ambush elections". While the negotiating teams have yet to reach consensus on a final proposal, they are committed to putting forward a variation of the EFCA.
- The alternative version's two key remaining provisions – requiring mandatory binding interest arbitration for first contracts and increased penalties for companies that violate labor law – for now remain unaltered by the expected compromise. EFCA changes the fundamental principles underlying private sector collective bargaining. Currently, the employer and the union are free to negotiate an agreement without government interference or intrusion into the process. Under EFCA, as proposed, if the parties cannot reach agreement on first-contract with a

union within 120 days after bargaining begins, a government-appointed arbitrator will be empowered to impose employment terms upon the business and its employees for a two year period. Employees may never get a chance to vote on an agreement.

- Under this version of the EFCA, penalties for employers would mount. The bill poses new hazards for companies whose supervisors are unprepared to handle union issues. Employees subjected to a company's unlawful labor practice during organizing and first contract negotiations would have a triple back pay remedy. Additionally, the bill imposes a civil penalty of up to \$20,000 for each violation by

the company that is willful or repetitive.

- The Senate's increasingly crowded schedule – with Supreme Court confirmation hearings and debate on health care reform – makes it less likely that the EFCA will move forward before the August recess. However, it is very likely that efforts to move the bill will occur quickly after the Senate returns to Washington in September. It's vital that manufacturers continue to urge members of Congress to oppose the EFCA *in any form*.
- Earlier this week labor union leaders met with President Obama to discuss health care issues and the EFCA. This meeting re-affirmed labor bosses' commitment to passing the EFCA while also focusing on health care reform. However, with health care reform being a top domestic priority for President Obama, justifying jobs-killing legislation, especially at a time when our economy is approaching double-digit unemployment, has proved challenging.
- Press reports claim that President Obama remains committed to the bill's passage, despite not calling for quick Congressional action.

Action Requested & NAM Resources

- Please click [here](#) (or go to <http://www.bipac.net/page.asp?g=nam&content=homepage>) to send a message to your member of Congress about the new developments.
- Recent public opinion data demonstrate that Americans do not want the government to have the ability to force mandatory labor contracts on small businesses and employees. This Rasmussen poll performed in early July shows 56 percent oppose the EFCA's binding interest arbitration provision, compared to just 21 percent who support its concept. To get talking points, polling data and other information to discuss this issue with members of Congress, please visit the [NAM's EFCA Toolkit](#).
- Several NAM member companies have expressed their opposition to the EFCA by submitting opinion editorials to their local newspapers. These pieces send a message to Members of Congress that we cannot "compromise" on a proposal that is based on the principles of such fundamentally flawed legislation as the EFCA. If your company is interested participating in this effort, the NAM has a resource center to assist you. To engage, please contact Keith Smith at (202) 637-3045 or ksmith@nam.org.
- Prior to the Independence Day recess, the Coalition for a Democratic Workplace, which the NAM helps direct, released a short web ad aimed at highlighting the EFCA's poisonous impact to our economy. To view the ad, [click here](#) or go to .
- For real-time developments on the EFCA, reports from Capitol Hill and other information on related labor legislation, NAM members can visit the NAM's Labor Policy Institute (LPI) at www.namlaborpolicyinstitute.org. Thousands of NAM members access this site for updates throughout the day.



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Member Profile

Member Profile: Sabo Industrial Corp.

Year founded: 1984

Location: Newburgh, NY

Products: Wastewater treatment equipment

Website:

www.saboindustrial.com



Today everywhere we turn we hear the word "green". Learn the latest way to make your business "green," or buy the latest "green" products, and we only use "green practices." Of course the term "green" has a broad range of meaning but generally has an environmentally conscious connotation. One company that focused on what was best for the environment before green became popular, is Sabo Industrial Corp.

When Sal Boutureia III first started Sabo in 1984, the company's main products were measuring tools. Then in 1992, the company became involved in wastewater treatment and the rest, as they say, is history. Today Sabo designs, engineers and manufactures a variety of wastewater treatment equipment that are sold throughout the United States and Europe. Sabo was the recipient of the Overall Harriman Award in 2000 for New to International Business, as well as the Green Business of the Year Award in 2008 from the Chamber of Commerce.

The wastewater treatment equipment and bag filters Sabo manufactures, in addition to the Cleartreat® separating agents from Wyo-Ben that they distribute, are what makes Sabo Industrial so "green". Sabo can make little or no modifications to any existing equipment if necessary and provide just the chemistry, thus providing a cost savings on equipment. These treatment systems can be found in a variety of industries such as: flexographic printing, plating, industrial battery wash water, railroad transit systems, aircraft maintenance, wineries and circuit board manufacturing. The Cleartreat® separating agents used by Sabo are the only ones to offer total encapsulation of soluble metals and contaminants. When applied they form a non-hazardous sludge that will meet TCLP (Toxicity Characteristics Leachate Proce-

dures) requirements. When all this is taken into consideration, Sabo products have brought several millions of gallons of wastewater into compliance with current, and in some cases better than current regulations.

Presently Sabo Industrial Corp. is working on two very significant projects. One project, that would be a huge boon to the military, is exploring the possibility of treating stagnant water for reuse in areas where potable water is not available. The other project with great potential is the possible treatment and recycling of deicing fluid for the aircraft industry.

Sabo's wastewater treatment systems can be found throughout the United States and the world. In 2000, Sabo entered the complex European Market and have since found great success there. A large part of that success is



An EV4BF (Everclean 4 Bag Filters). This machine separates out suspended solids, emulsified oils and heavy metals. It encapsulates the contaminants and produces a non-leachable sludge that will meet TCLP and is non-hazardous.

due to the expertise, spirit and drive of Sabo owner, Sal Boutureia III, and the dedicated staff at Sabo. Sabo has an excellent in house staff as well as three regional representatives throughout the country and an additional three international representatives. Many times manufacturers may not think they have a wastewater problem, until their water is tested, and the con-

taminants that are there, show up. Sabo can then show the manufacturer how they can design a system that will bring the wastewater into compliance.

All in all, "green" isn't enough of a word to describe Sabo Industrial Corp. They are a company that is truly trying to make this world cleaner and safer, and it has been their mission for a long time, not just the latest trend. Mr. Boutureia feels that

"wastewater treatment is not only required by government regulations, but is a conscientious response to the ever-increasing environmental issues we face. Sabo Industrial offers a comprehensive solution and has the ability to make it affordable to be environmentally compliant."

Wastewater treatment is not only required by government regulations, but is a conscientious response to the ever-increasing environmental issues we face. Sabo Industrial offers a comprehensive solution and has the ability to make it affordable to be environmentally compliant



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EHS Matters

OSHA estimates 30,000 U.S. facilities may be at risk for combustible dust incidents. This article provides background on combustible dust issues to help you evaluate whether your organization is doing everything it can to minimize that risk.

Combustible Dust Dangers: Too Dangerous for a 'Wait and See' Approach

From OH&S, By Jonathan Jacobi, CSP

"Combustible dusts," defined by their tendency to ignite when suspended in air, come from many sources, including sugar, flour, feed, plastics, wood, rubber, textiles, pesticides, pharmaceuticals, dyes, coal, and metals. Dust explosions can destroy buildings and hurl people across a room. People caught in dust explosions are often burned by the intense heat within the burning dust cloud or injured by flying objects or falling structures.

A quick review of combustible dust incidents underscores the seriousness of this issue:

The U.S. Chemical Safety and Hazard Investigation Board (CSB) identified 281 combustible dust incidents between 1980 and 2005, with 119 workers killed and 718 injured.

CSB reports 70 new incidents since 2006.

In 2003, three catastrophic dust explosions killed 14 workers.

In 2008, an explosion at a Georgia sugar refinery killed 14 and injured more than 40 in one of the deadliest industrial incidents in three decades.

At a Michigan electrical power generation facility, six people were killed and 14 injured when natural gas from a boiler exploded, setting off another explosion caused by disturbed coal dust.

At a rubber fabricating plant in Mississippi, five died from burns and six were seriously injured during an explosion involving accumulations of highly combustible rubber dust.

At a pharmaceutical plant in North Carolina, six died and dozens were injured in an explosion and fire fueled by plastic powder accumulating above a suspended ceiling/ In the aftermath, hundreds more lost their jobs.

At a Kentucky fiberglass insulation plant, seven employees were killed by an explosion and fire fueled by resin.

At a wheel manufacturing plant in Indiana, explosions of accumulated aluminum dust severely burned three employees, one fatally.

The list goes on, involving a wide range of industries and types of combustible dust.

This is a list your organization

never wants to be on, yet OSHA estimates 30,000 U.S. facilities may be at risk for combustible dust incidents. This article provides background on combustible dust issues to help you evaluate whether your organization is doing everything it can to minimize that risk.

Understanding the Problem

One of the best ways to prevent these explosions is to minimize dust accumulations. The good news is that you and your workers can have a huge impact in this area. Ensuring good housekeeping, designing and maintaining equipment to prevent dust leaks, using dust collectors, eliminating flat surfaces and areas where dust can accumulate, and sealing hard-to-clean areas (such as the area above a suspended ceiling) can effectively prevent or at least minimize the severity of flash fires and dust explosions. Conversely, contributing factors behind the combustible dust incidents described earlier include:

Workers and managers were unaware of dust explosion hazards or failed to recognize the serious nature of dust explosion hazards.

Facilities failed to conform to existing standards that would have prevented or reduced the effects of the explosions.

Procedures and training to eliminate or control combustible dust hazards were inadequate.

Warning events were accepted as normal, and their causes were not identified and resolved.

Dust collectors were inadequately designed or maintained.

Process changes were made without adequately reviewing them for the introduction of new potential hazards.

Housekeeping is critical. In a "60 Minutes" interview, former OSHA Assistant Secretary Edwin Foulke Jr. stated, "If the employers comply with the housekeeping standards, it would eliminate or at least mitigate the hazard of having a combustible dust explosion." Improper housekeeping, including forceful sweeping and cleaning with high-pressure compressed air or steam, can create dust clouds—a fire and explosion hazard. Proper housekeeping requires know-how and sometimes additional effort.

(Continued on page 10)

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CI Calendar—What’s Ahead

Aug 11, 12, 13	Lean & Six Sigma: Lean Six Sigma Yellow Belt Training - 8:30am — 4:30 pm at Kolmar Laboratories, Port Jervis, NY. Cost \$300 per person, must register in teams of three from one company.
Aug 24	SAVE THE DATE! The Council of Industry’s Annual Golf Outing! 12:30 Lunch, 1:30 Shotgun. Cost: \$135 per person/ \$510 for a foursome. Sponsorships are available.
Sept 11	Human Resources Sub-council Meeting: Wellness Programs - 8:30—11:00 am. Ulster Savings Bank, 180 Schwenk Dr, Kingston, NY. No cost for members.
Sept 17	Energy Efficiency and Renewable Energy Seminar - 8:00 am—10:00 am Rose & Kiernan, 60 Merritt Blvd, Suite 202, Fishkill, NY. Cost \$15 for members.
Sept 30	Wage & Benefit Survey Data Is due!
Sept 30	Regulatory Training: RCRA Hazardous Waste Training —8:30 am—12:30 pm. Location: TBA. Cost: \$115 single member, \$100 ea. For two or more from the same company, \$155 for non members.
Oct 7	Rail Freight Seminar— 8:30—10:00 am. Location to be determined. No Cost for members.
Oct 14	Regulatory Training: DOT Hazardous Materials Training - 8:30 am—12:30 pm. Location: TBA. Cost: \$115 single member, \$100 ea. For two or more from the same company, \$155 for non members.
Oct 16	EHS Sub-council meeting: Combustible Dust — 8:30— 10:00 am. Location to be determined. No cost for members.

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Energy Matters

U. S. House of Representatives Passes the American Clean Energy and Security Bill

On June 26, 2009, the House of Representatives narrowly approved H.R. 2454, the American Clean Energy and Security Bill.

While the NAM supports policies that recognize voluntary actions of industry to reduce energy intensity and promote emissions reductions throughout the economy, ultimately, the NAM opposed H.R. 2454 because of the lack of transparency in the legislative process, and the additional costs and regulatory burdens that this legislation would impose on the manufacturing community.

American manufacturers are committed to establishing a responsible and transparent federal climate change policy that reduces greenhouse gas (GHG) emissions, provided that any commitments made by the United States are mirrored by comparable commitments by our trading partners, are based on sound science and cost-effectiveness, and are applied equally throughout the economy. H.R. 2454 did not meet these provisions.

The NAM will continue to oppose the legislation in the Senate.

While the NAM supports policies that recognize voluntary actions of industry to reduce energy intensity and promote emissions reductions throughout the economy, ultimately, the NAM opposed H.R. 2454

(Continued from Page 8 EHS Matters)

Training is critical, including a relevant, compelling message that explains the reasons for precautions as much as the precautions themselves. Simple awareness is not enough. People must know about external incidents and gain a realistic perception of the risks involved.

The Regulatory Situation

In the absence of a comprehensive standard on "combustible dust" for general industry, the CSB, American Society of Safety Engineers, interest groups, and some in Congress have urged that new OSHA standards be created. And regulatory change may be on the horizon. U.S. House Bill 5522, *The Combustible Dust Explosion and Fire Prevention Act of 2008*, asked that OSHA implement a federal standard based on National Fire Protection Association (NFPA) consensus standards. The House passed the bill in 2008, but it stalled in the Senate with President Bush threatening a veto. The bill has been reintroduced and is likely to have more support from the new administration.

Proponents also point out that OSHA did implement a combustible dust standard for grain handling facilities in 1987 and a 2003 report found it had been quite effective, reducing grain dust explosions by 42 percent and injuries and fatalities by 60 percent, and preventing an estimated five deaths per year.

Recommendation: Act Now

Given the uncertainty about regulatory changes, some organizations have adopted a "wait and see" approach with regard to combustible dust. However, the absence of a comprehensive standard should not influence safety decisions, nor should you overlook federal and industry consensus standards that do exist, such as NFPA 654, *Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids*.

Even in the absence of a comprehensive standard:

1. OSHA can cite facilities right now using standards defined by its Combustible Dust National Emphasis Program (NEP), CPL 03-00-2008, including electrical installations, housekeeping, hazard labeling, PPE hazard assessment, and the employer's duty to provide a workplace free from recognized hazards. In March 2009, \$65,000 in penalties were levied against a sugar manufacturing facility based solely on the NEP.

2. Companies may be held civilly liable right now based on consensus standards.

3. Increasingly stringent state, local, and organization-specific requirements are being adopted and policed

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right now by insurance risk managers, OSHA state agencies, and fire marshals.

4. Awareness of this issue is high among employees and community stakeholders because of media attention, including a "60 Minutes" piece titled "Is Enough Done to Stop Explosive Dust?" If your organization isn't addressing this issue, you run the real risk of someone's filing an OSHA complaint.

The wisdom of acting now with regard to combustible dust doesn't change the fact that improvements to dust collection systems, electrical equipment, wiring, and other facility upgrades typically require significant human and financial resources—a tough sell when budgets are tight and cost-reduction efforts are critical. Objective data are needed to make effective—and cost-effective—control recommendations. An important first step is a hazard and risk analysis to determine needs and prioritize implementation. If controls cannot be implemented now, plan and commit resources for future implementation, then seek interim control measures.

Facilities should carefully assess the following:

Materials that can be combustible when finely divided

Processes that use, consume, or produce combustible dusts

Open areas where combustible dusts may build up

Hidden areas where combustible dusts may accumulate

Means by which dust may be dispersed in the air

Potential ignition sources

Of course, the effectiveness of any control will depend wholly or in part on *people*. Your people should be trained to recognize and prevent hazards associated with combustible dust, as well as understand the overall plant programs for dust control and ignition source control. Periodic retraining should refresh knowledge and cover hazard or process changes. It is crucial that such training drive home the value of controls, educating your workforce about the risks, hazards, and precautions within their control, particularly if extra effort is required. Without employee buy-in, least-effort methods of dust relocation such as compressed air may find favor over safer vacuum cleaning methods. Don't run the risk of wasting capital on processes and equipment that aren't used as intended.

Manufacturing Matters

Manufacturing Ranked #1 Industry for Economic Prosperity

From NAM.com

Despite more than a year of bad news as the manufacturing sector continues to contract, a new annual index released today by Deloitte LLP and The Manufacturing Institute shows that Americans view manufacturing as the most important industry for a strong national economy. There is a wide perception gap, however, between the public's highly positive views of manufacturing's contributions to America's economic success and their negative views about pursuing a career in manufacturing.

The survey, *Public Viewpoint on Manufacturing*, which assessed public perceptions and understanding of a wide range of issues related to manufacturing, shows that the majority of respondents (71 percent) view manufacturing as a national priority with 59 percent agreeing that the United States manufacturing industry effectively competes on a global scale. These results fall in line with public perceptions that manufacturing plays a larger role in overall economic prosperity compared to the technology, energy, healthcare, retail, communications and financial services industries.

"The public's ranking of manufacturing as the top industry of importance to our economy, as well as its belief that U.S. manufacturers can compete globally, is very telling," said Craig Giffi, Deloitte LLP vice chairman and U.S. Consumer & Industrial Products industry leader. "Americans clearly still believe that manufacturing remains the backbone of the economy."

Most also agreed that America's manufacturing industries have a significant impact on their standard of living (81 percent) and on national security (68 percent). When asked what industry they would most want to have creating 1,000 jobs in their community, respondents listed manufacturing as their top choice, followed by technology, energy, healthcare, retailing, communications and financial institutions.

While Americans view manufacturing as the most important industry for a strong national economy, the Index shows that they are not pursuing careers in manufacturing. Only 17 percent named manufacturing as among their top two industry choices to start a career, and only 30 percent of parents said they would encourage their children to pursue jobs in manufacturing.

"These are jobs Americans want for their friends and neighbors — but not for themselves or their family members," said Giffi. "America's belief that manufacturing jobs are not clean, safe or interesting may have been accurate at one time, but it's no longer the case."

"This survey sheds light on a massive disconnect we are facing in manufacturing," said Emily DeRocco, president of The Manufacturing Institute. "People have an outdated image of

manufacturing and the career opportunities available. Cutting-edge technology has transformed manufacturing in ways that are hard to imagine if you haven't visited a factory lately. Jobs now require postsecondary education, skills certification and credentials across a broad range of high-quality, middle class career paths. The reality is that manufacturers offer high-paying jobs and rewarding careers for American working men and women. Our job is to close the gap between perception and reality, which will help fuel the industry's growth and prosperity."

Respondents agreed with that conclusion. The majority (77 percent) believe that the United States needs a more strategic approach to develop its manufacturing base, and 74 percent said that the United States should further invest in manufacturing industries.

Finally, though Americans believe manufacturing is disadvantaged in the areas of corporate tax policies (46 percent), trade policies (45 percent) and general government business policies (45 percent), they are adamant on what gives the United States the upper hand. By far, the public sees technology use and availability (77 percent), skilled workers (74 percent) and energy availability (72 percent) as resources that give the nation its competitive edge.

About the Survey

The survey was commissioned by Deloitte and conducted online by an independent research company in May 2009. The survey polled a nationally representative sample of 1,000 Americans across 50 states and has a margin of error for the entire sample of +/- three percentage points. For more information and to download the survey findings please go to: www.deloitte.com/us/mfgimageindex

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