

RCS Register

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Disaster Recovery Plan

In light of the recent Hurricanes that have plagued our country's Gulf and Atlantic coasts, RCS would like to recommend that our clients develop a Disaster Recovery Plan (DRP) for each of their facilities. RCS would also like to remind our clients to make all necessary updates to existing DRPs to ensure that their facility DRP properly serves its purpose during a disaster.

The purpose of a DRP is to enable the rapid recovery of normal business operations for the facility in the event of a disaster or other work disruption. During the recovery process, DRPs aid in operations continuity, thereby providing organizational stability. A quality DRP facilitates recovery by providing information necessary to respond to a disaster, notify necessary personnel, assemble recovery teams, and resume business operations thereby minimizing losses.

The Disaster Recovery Plan is based on the premise that all or part of a facility's critical equipment has suffered physi-

cal damage or is inaccessible in such a way as to render it inoperable. A disaster may result from equipment failure, human error, civil disruptions, natural disasters, comprehensive loss (act of God), or any combination of these.

If your facility has not yet developed a DRP or your current DRP is inadequate or out of date please contact RCS so we may aid you in the development of a quality DRP. Developing a DRP may save your company millions of dollars in the untimely event of a facility disaster.



**Contact RCS for all of
your Regulatory and
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US EPA: Penalty for Lead- Based Paint Violations

The U.S. Environmental Protection Agency (EPA) Region 5 has filed a 90-count complaint against Veselko Leko, Vinko Leko and V & V Management, Chicago. The complaints were filed for allegedly failing to warn tenants, of four rental apartment buildings, that their homes may contain lead-based paint hazards. A \$107,030 penalty has been proposed.

The Federal Lead-Based Paint Disclosure Rule requires that landlords and sellers of housing constructed prior to 1978 provide each purchaser or tenant with a lead hazard information pamphlet, any information and reports concerning lead-based paint in the property, and a lead warning statement to be signed by the parties.

Lead exposure may cause reduced IQ, learning disabilities, developmental delays, reduced height, poor hearing and a number of other health prob-

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OSHA: Improper Excavation Procedures Contribute to Death of Construction Worker



On, April 5, 2005 a fatal accident occurred when the walls of a 33-foot deep trench collapsed at a Texas company's worksite in Lubbock, Texas.

Utility Contractors of America LLC, Lubbock, Texas, a construction company headquartered in Wolfforth, Texas, is faced with an OSHA proposed fine of \$108,500 for two (2) alleged willful and seven (7) alleged serious violations. This proposed fine was the result of the trenching accident that claimed a worker's life.

The Texas construction contractor, who employed the worker, was allegedly not protecting employees involved in excavation work from cave-in hazards.

"OSHA has standards to prevent trenching accidents, and we are enforcing these standards aggressively," said John Miles, OSHA's regional administrator in Dallas. "In this instance, the company did not ensure that employees were working within the protective system designed to safeguard workers from potential cave-in hazards."

A willful citation is issued for violations committed with disregard of or plain indifference to the requirements of the Occu-

pational Safety and Health Act and regulations. The two (2) alleged willful citations in this case were issued by OSHA for failing to instruct employees to remain within the confines of a trench shield while working inside the excavation and to provide the workers with an adequate surface with guard rails while walking over the excavation.

A serious violation as one in which there is a substantial probability that death or serious physical harm could result from a hazardous condition about which the employer knew or should have known. The serious violations in this case included:

- Failure to ensure that workers did not use the track hoe bucket to access trenches;
- Failure to provide a ladder within 25 feet of the excavation area;
- Failure to provide adequate protection from overhead loads while installing sewer piping;
- Failure to ensure that a competent person was at the site in the event of a cave-in,
- Failure to follow manufacturer's instruction on the use and limitations of trench protective systems.

OSHA Con't.

OSHA has given the company has fifteen (15) working days from receipt of the citations to properly respond to the proposed citations.

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lems in young children. Many of the effects caused by lead exposure are thought to be irreversible.

At high levels, lead exposure can damage a child's kidneys and central nervous system and cause anemia, coma, convulsions and even death.

More than 5,000 Chicago children under the age of six were diagnosed with lead poisoning in 2004. Deteriorated lead paint, often found in very old or deteriorated buildings, is the most common source of lead exposure to children in the United States. About 75 per cent of the nation's housing built before 1978 contains lead-based paint. When properly managed, lead-based paint poses little risk. If not maintained, even low levels of lead exposure can threaten the health of housing occupants, especially children and pregnant women.

Company Fined for Failure to Develop Security Plan

The US Department of Transportation (DOT) recently fined the Fastenal Company, a shipper of hazardous materials, located in Houston, TX, \$10,000 for Security Plan and Training related violations.

The Fastenal Company was accused of failing to develop and adhere to a DOT Security Plan. DOT also noted that the company failed to provide security awareness employee training, or create and retain records of training testing for their employees.

Improperly trained employees of the Fastenal Company transported packages of a Class 8 Hazardous Material without a shipping paper. The packages of the Class 8 were not properly marked with the appropriate UN Number or Proper Shipping Name.



OSHA Tools Aid Worker Safety Throughout Hurricane Recovery Efforts

Employers are responsible for providing a safe and healthful workplace for their employees. However, the Department of Labor's Occupational Safety and Health Administration (OSHA) provides assurance that the safety and health of America's workers are met by implementing and enforcing standards

Throughout the hurricane recovery efforts, OSHA has produced and provided informational materials that address the safety and health hazards associated with hurricane clean up and recovery.

OSHA experts have developed "tools" including fact sheets and informational cards, with safety and health tips-on potential hazards such

as mold, fungi, downed electrical wires and decontamination. OSHA officials have provided thousands of these "tools" to clean-up and recovery workers throughout the affected areas.

In response to specific requests from clean-up and recovery workers and employers, OSHA is developing more "tools" on demolition, lead, confined spaces, to name a few. Additional information will be developed on a continuing basis.

Hurricane-related job safety and health information is easily accessible for downloading through OSHA's hurricane recovery page on the Web. For more information, please visit www.osha.gov.

Malcolm Baldrige Project Aims for Business Excellence

The Baldrige National Quality Program, the American Society for Quality (ASQ), and the Alliance for Performance Excellence have joined to form the Malcolm Baldrige Collaborative Project. The Malcolm Baldrige Collaborative Project plans to "strengthen American business through the successful use of the

Baldrige Criteria for Performance Excellence and its framework."

The Malcolm Baldrige Collaborative Project collaborators will combine their vast experience to promote the criteria and conduct research to provide executives with evidence of the

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Personal Page: Halloween Safety



Halloween is just around the corner. The following are a few safety tips from the U.S. Consumer Product Safety Commission, which can protect children who plan to go trick-or-treating this Halloween.

Treats: Warn children not to eat any treats before an adult has carefully examined them for evidence of tampering.

Flame Resistant Costumes: When buying a costume, look for the label Flame Resistant.

Costume Designs: Purchase or make costumes that are clearly visible to motorists.

- For greater visibility during dusk and darkness, decorate or trim costumes with reflective tape that will glow in the beam of a car's headlights.
- Bags or sacks should also be light colored or decorated with reflective tape.
- Children should also carry flashlights.
- Costumes should be short enough to prevent from tripping and falling.
- Children should wear well-fitting, sturdy shoes.
- Hats and scarves should be tied securely to prevent them from slipping over eyes.

- Apply a mask of cosmetics rather than have a child wear a loose-fitting mask.
- If a mask is used, make sure it fits securely and permits full vision.
- Swords, knives, etc. should be of soft and flexible material.

Pedestrian Safety: Young children should always be accompanied by a responsible adult.

- WALK, do not run from house to house.

Choosing Safe Houses: Children should go only to homes where the residents are known and have outside lights on as a sign of welcome.

- Children should not enter homes or apartments unless accompanied by an adult.
- Candlelit jack-o'-lanterns should be kept away from areas that can ignite.
- Indoor jack-o'-lanterns should be kept away from curtains, decorations, and other furnishings that can ignite.

For more Halloween Tips, visit the FDA Halloween Safety page at <http://www.fda.gov/oc/opacom/kids/candyandtreats.html>.

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economic value of performance excellence.

The collaboration will promote efforts by adopting a marketing approach to strengthen the value proposition, develop marketing messages, and choose communication media, as well as create case studies, which will encourage business leaders to adopt the Criteria for Performance Excellence.

Since 1988, the Malcolm Baldrige national Quality Award (MBNQA) has been presented annually by the president of the United States to demonstrate quality and performance excellence. The National Institute of Standards and Technology (NIST) manages the award through the Baldrige National Quality Program. In addition, there are 52 state and local quality award programs that use the Criteria for Performance Excellence and are part of the Alliance for Performance Excellence.

The Malcolm Baldrige Collaborative Project's goal is to increase support of the MBNQA through increased funding to state and local agencies.

For more information regarding the Malcolm Baldrige Collaborative Project, please visit www.asq.org.

