



Point

March 2025



This newsletter is to inform you of recent changes & trends regarding health and safety.

The Turning Point is a monthly newsletter covering topics from various industries and sectors. The Turning Point will respond to your inquiries and inform you of current services and updates regarding

Raising the Standard Consulting Inc.



WHAT EMPLOYERS MUST KNOW ABOUT THE DANGERS OF WORKING IN CONFINED SPACES

Benjamin Franklin famously once said, “By failing to prepare, you are preparing to fail” but nowhere is this statement clearer—or riskier—than when it comes to worker safety. The more employers can prepare and plan their workers’ safety now, the more successful their safety programs will be down the road. The more updates that employers can make on their existing safety plans and protocols, the more peace of mind they—and their workers—will have when work is being performed.

This applies to working safely in confined spaces. It also applies to the most significant hazard that threatens workers in confined spaces: the lack of preparation and awareness of important occupational

procedures and protocols. This encompasses all industries in which its people are required to perform tasks in these high-risk areas or permit-required confined spaces, or spaces that both meet the definition of a confined space and present significant health and safety hazards to those working there.

This is what happened to an Oklahoma worker who died of asphyxiation while trying to make repairs inside a water tank in 2023. The worker was only 30 years old. The Occupational Safety and Health Administration (OSHA) found the worker’s employer failed to evaluate the water tank for hazardous conditions, including testing the atmosphere, and did not use



protective systems to prevent worker injuries.

“This preventable tragedy must serve as a reminder of the importance of complying with safety and health standards,” said Steve Kirby, OSHA area director for Oklahoma City, in a statement. “OSHA has specific requirements for operations such as drilling, servicing and storage to protect people employed in this high-hazard industry.

The Need for a Confined Space Safety Program

OSHA defines confined spaces as areas that are not designed for people but are large enough for people to enter and perform specific tasks, also stating that “a confined space also has limited or restricted means for entry or exit and is not designed for continuous occupancy.”

Working in confined spaces can be dangerous because the configuration and composition limits the activities of people working in those spaces, as well their entrance and exit.

These tight spaces can present a comprehensive range of occupational hazards that can include toxic chemicals and gases, asphyxiation and the falling or collapse of heavy equipment and bulk materials.

Employers need to develop a confined

space safety program if work is being done regularly in confined spaces. Such a program must outline all related protocols and policies for safe work, such as personal protective equipment (PPE), entry and exit training, rescue procedures, communication requirements and all identified confined spaces where employees are currently working.

What employers and employees should know is that working in confined spaces can present two types of hazards: physical and atmospheric.

Physical hazards include the following:

- falling equipment and debris;
- heavy, collapsing materials, such as grain and soil;
- drowning and flooding; and
- uncomfortable and cramped working conditions.

Atmospheric hazards on the other hand, cannot be seen. These include dangers such as:

- oxygen deficiency which can cause the person to pass out; and
- flammable and toxic gases, such as hydrogen sulfide.

Even though they are invisible, atmospheric hazards can still be identified through gas detection and documented before they hurt anyone.

[CLICK HERE FOR FULL ARTICLE](#)

119TH CONGRESS
1ST SESSION

H. R. 86

To abolish the Occupational Safety and Health Administration, and for other purposes.

MEMBER OF CONGRESS INTRODUCES BILL TO ABOLISH OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

U.S. Representative Andy Biggs (R-AZ) first introduced the “Nullify the Occupational Safety and Health Administration Act” or “NOSHA Act” in November 2021, legislation aimed at abolishing the Occupational Safety and Health Administration (OSHA). His justification for filing the bill was that OSHA was “usurping states’ authorities and forcing [President] Biden’s vaccine mandate on the private sector.” Though Arizona has a “state plan” and federal OSHA does not regulate workplaces there, he had nine cosponsors of the NOSHA Act.

The NOSHA Act was reintroduced in the 118th Congress with a single cosponsor, Representative Scott Perry (R-PA). (He became a cosponsor in August 2023, eight months after introduction in January 2023.) As was true of its predecessor bill, this version did not make it out of the House Committee on Education and Labor (renamed the “House Committee on Education and the Workforce” when Republicans took the reins of the U.S. House of Representatives in January 2023), which is the first step in becoming law.

Representative Biggs recently introduced it again in the 119th Congress, without

cosponsors, as H.R. 86. It has been referred to the House Committee on Education and the Workforce.

H.R. 86 is a simple piece of legislation that includes two simple sentences that have caused an uproar: “The Occupational Safety and Health Act of 1970 is repealed. The Occupational Safety and Health Administration is abolished.” These two sentences have generated more controversy in the workplace health and safety sphere than any two other sentences have, potentially since the Occupational Safety and Health Act of 1970 (OSH Act) was signed into law.

The OSH Act was signed into law by President Richard M. Nixon on December 29, 1970, after years of movement toward a national law to regulate health and safety in the workplace. While the OSH Act and OSHA are often viewed as partisan creations, they were a bipartisan effort to improve workplace health and safety conditions for American workers.



Though some potential exists for the U.S. Congress to take action to overturn the OSH Act and eliminate OSHA, given the lack of current and historical support for the NOSHA Act bill and the fact that no companion bill has been introduced in the U.S. Senate, the likelihood of either succumbing to the NOSHA Act appears rather limited. Moreover, the impact of the bill seems suspect, given that at present, twenty-two states have their own state plans that provide oversight of both private and government workplaces, while seven more have plans that provide oversight of government workplaces (while federal OSHA provides oversight of the private workplaces).

What seems more likely to happen is a challenge to the way OSHA standards are created. Supreme Court Justice Clarence Thomas, in a dissent to the denial of certiorari in *Allstates Refractory Contractors, LLC, v. Su*, stated that “[t]he Occupational Safety and Health Act may be the broadest delegation of power to an administrative agency found in

the United States Code.”

He continued, writing, “If this far-reaching grant of authority does not impermissibly confer legislative power on an agency, it is hard to imagine what would.” He also indicated that a majority of the justices had expressed an interest in reviewing this sort of broad delegation of authority.

If the Supreme Court of the United States were to determine that the OSH Act constituted an unconstitutional delegation of legislative power to an agency, Congress would need to reframe OSHA’s rulemaking authority or take on some of the rulemaking responsibilities itself. This would likely result in a dramatic decrease in OSHA’s already limited rulemaking activity.

[CLICK HERE FOR FULL ARTICLE](#)



W.VA. MINER DIED AFTER DRILL STRUCK BY FALLING ROCK IN BOONE COUNTY, INCIDENT REPORT SAYS

Steven Fields, 55, of Chauncey died of his injuries he sustained after a surface of the mine fell at the Twilight MTR Surface Mine in Boone at 7:30 a.m., according to the U.S. Department of Labor, Mine Safety and Health Administration.

The agency noted the incident marks the third death reported in 2025 and the first attributed to the "fall of face, rib, side or highwall."

"I'm deeply saddened to hear about the death of one of our brave coal miners, Steven Fields," Gov. Patrick Morrisey said in a statement. "Steven tragically passed away after an accident at the Progress Surface Mine in Twilight, WV. All West Virginians should keep Steven's family and loved ones in our prayers."

[CLICK HERE FOR FULL ARTICLE](#)

Best Practices

- Scale highwalls from a safe location to eliminate hazards such as loose, unconsolidated rocks and overhangs.
- Conduct highwall examinations prior to working or traveling near the highwall and more frequently as ground conditions warrant, especially after periods of rain, freezing, and thawing.
- Examine highwalls from multiple perspectives (bottom, sides, and top/crest) and look for signs of cracking and other geologic features that could lead to instability.
- Use auxiliary lighting during low light conditions to conduct highwall examinations and illuminate active work areas.
- Ensure miners work, travel, and operate equipment at safe distances from highwalls.

[CLICK HERE FOR FULL ARTICLE](#)



1 KILLED, 1 INJURED BY ELECTRICAL SHOCK AT CONSTRUCTION SITE ON WEST SIDE OF CHICAGO

A construction worker died after being electrocuted, and another worker was recovering after being shocked while working on a boom lift Tuesday morning at a construction site in the North Lawndale neighborhood.

Police said two men were working at a construction site in the 3400 block of West Ogden Avenue shortly after 8:30 a.m., when a 33-year-old man was killed after the lift came into contact with a power line.

A 26-year-old man who also was on the boom lift was taken to Mount Sinai Hospital for observation and was listed in good condition, police said.

ComEd Crews responded to the scene to shut off power at the site after the incident.

The workers' radio was still hanging from the boom lift and playing music after the accident.

"That's rough, getting up and looking, looking out your window and somebody died," neighbor Louis Dye said.

The neighbor said, before the accident, he says they told him, "Y'all have a blessed and a safe day."

Ald. Monique Scott (24th) said the building, Grace Manor, was part of the city's Invest South/West program, an initiative started under former Mayor Lori Lightfoot to provide public financing for community development programs on the South and West sides.

A representative with the Chicago Housing Authority – which helped finance the project – said, when it opens, Grace Manor will be primarily affordable housing.

East Lake Management is one of the developers. The workers involved work for Burling Builders, a construction company helping build Grace Manor. Neither company immediately responded to requests for comment.

Area 4 detectives have opened a death investigation. The U.S. Occupational Safety and Health Administration also was investigating. [CLICK HERE FOR FULL ARTICLE](#)

Raising The Standard



RTS Confined Space Training

Our 8-hour Competent Person Course will meet the requirements of Occupational Safety and Health Administration (OSHA), Hawaii Occupational Safety and Health (HIOSH) and EM 385-1-1 will cover items such as being able to identify the differences between a non-permit confined space and a permit- required confined space.

RTS Electrical Safety Training

Our 2-hour course will cover items such as OSHA Electrical Standard Information, definitions of electricity, inspection requirements, documentation of inspections and maintenance requirements for flexible (extension) cords.

For more information please contact

Steve Rozema at

srozema@rtsconsulting.com

[CLICK HERE FOR OUR TRAINING SERVICES](#)



Raising the Standard Consulting will raise the standard of EH&S in your organization through the development of new and innovative strategies and programs driven by your own individual needs.

We want to build relationships with our clients to help create lasting change in their organizations. Contact us today to build a safer tomorrow.

With Aloha,

Stanford Brown, B.Sc., CSP, CSHP, CRSP, CHSC, Senior Consultant, President & CEO