



# Hudson River Valley Chapter Newsletter

January 2021

Volume 5, Number 7

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## Useful & Helpful Links

<http://www.assp.org>  
**Link to the National ASSP webpage for information on great topics in EH&S. Go look things up.**

<http://hudsonrivervalley.assp.org>  
**Link to the Hudson River Valley Chapter web page. Information on the Local items and events as well as good information. Try it, you'll like it!**

<https://www.cdc.gov/>  
**Link to the Center for Disease Control. Great current information on health items to help protect us all through illness controlling and prevention. Lots of good items!**

Hotlinks in articles are in **Bold Red font**.

Newsletter Editor:  
Charles R. Von Dietsch Jr.  
"cvetsch@yahoo.com"

## Independent Contractor Final Rule Clarified.

On January 6, 2021 the Department of Labor announced a final rule clarifying the standard for employee versus **independent contractor** under the Fair Labor Standards Act (FLSA). The effective date of the final rule is March 8, 2021. In the **final rule**, the Department of Labor:

- Reaffirms an “economic reality” test to determine whether an individual is in business for him or herself (independent contractor) or is economically dependent on a potential employer for work (FLSA employee).
- Identifies and explains two “core factors” that are most probative to the question of whether a worker is economically dependent on someone else’s business or is in business for him or herself:
  - The nature and degree of control over the work.
  - The worker’s opportunity for profit or loss based on initiative and/or investment.
- Identifies three other factors that may serve as additional guideposts in the analysis, particularly when the two core factors do not point to the same classification. The factors are:
  - The amount of skill required for the work.
  - The degree of permanence of the working relationship between the worker and the potential employer.
  - Whether the work is part of an integrated unit of production.
- The actual practice of the worker and the potential employer is more relevant than what may be contractually or theoretically possible.
- Provides six fact-specific examples applying the factors.

**NOTICE:** The Department’s “Independent Contractor Status Under the Fair Labor Standards Act” rule, published at 86 FR 1168 on January 7, 2021, is currently scheduled to be effective on March 8, 2021. However, in accordance with the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, titled “Regulatory Freeze Pending Review,” the Department has proposed to delay the rule’s effective date to May 7, 2021.

## OSHA Civil Penalties Increased.

On January 15, 2021 OSHA's Civil Penalties will increase based on the 2021 cost-of-living adjustments. The cost-of-living adjustment multiplier for 2021 which is based on the October 2020 Consumer Price Index is 1.01182. To compute the 2021 annual adjustment, the department multiplied the most recent penalty amount for each applicable penalty by the multiplier of 1.01182 and rounded to the nearest dollar. The adjustment factor multiplier is consistent across the minimum and maximum penalties set forth in the Occupational Safety and Health Act and the Field Operations Manual (FOM) chapter 6.

Table 1 summarizes the minimum and maximum amounts for proposed civil penalties:

Table 1: Maximum and Minimum Amounts for Civil Penalties

Type of Violation	Penalty Minimum	Penalty Maximum
Serious	[\$975] per violation	\$13,653 per violation
Other-Than-Serious	\$0 per violation	\$13,653 per violation
Willful or Repeated	[\$9,753*] per violation	\$136,532 per violation
Posting Requirements	\$0 per violation	\$13,653 per violation
Failure to Abate	N/A	\$13,653 per day unabated beyond the abatement date [generally limited to 30 days maximum]

[\* For a repeated other-than-serious violation that otherwise would have no initial penalty, a GBP penalty of \$390 shall be proposed for the first repeated violation, \$975 for the second repeated violation, and \$1,950 for a third repetition.]

For more information on Serious, other-than-serious penalties and serious-willful penalties please use this link: <https://www.osha.gov/memos/2021-01-08/2021-annual-adjustments-osh-civil-penalties>

## Safety and Health Historical Society Journal.

This news release is inserted here in our newsletter for your information and use if you are interested in the History of Safety and Health work. This is not mandatory to join; it is merely to bring it to your attention.

**SAFETY AND HEALTH HISTORICAL SOCIETY**  
**P.O. Box 1001, Tolono, IL 61880**  
**Web Site: [www.safetyandhealthhistory.org](http://www.safetyandhealthhistory.org)**  
**Phone: 217-485-3600 • Email: [info@safetyandhealthhistory.org](mailto:info@safetyandhealthhistory.org)**



February 3, 2021

## NEWS RELEASE

**PLEASE INCLUDE THE INFORMATION BELOW IN YOUR ORGANIZATION'S NEXT NEWSLETTER. THANK YOU!**

January 2021 Issue Released:

The Archives of Safety and Health, Volume 4, Number 1

The main publication of the Safety and Health Historical Society is a quarterly journal, The Archives of Safety and Health. The January 2021 issue (Volume 4, Number 1) contains articles for people engaged or interested in safety and health history. Key articles cover:

## Safety and Health Historical Society Journal (Continued).

- **SPRINGFIELD, IL SOCIOLOGICAL SURVEY - 1914**

In the early 1900s, the Russell Sage Foundation sponsored some detailed studies of certain communities in the United States. One study focused on Springfield, Illinois. The study covered housing, education, industrial conditions, public health, and other important factors regarding the welfare of residents.

- **DANGEROUS FASHIONS**

History tells about many kinds of fashions for men and women. Some created dangers for wearers and some harmed workers making them. This article presents several examples of dangerous fashions.

- **ENGLISH AS THE AVIATION LANGUAGE**

In order to reduce communication errors among pilots and controllers, English was first adopted as the language of aviation in 1944. Since then the English requirements have become a strict international aviation standard.

- **ELECTRICAL SAFETY CODE HISTORY**

With the introduction of electrical power distribution in 1882, there was a rapid growth for lighting and other uses of electricity. Because there was a need to standardize the installation of electrical equipment and lighting, the first code for electrical systems was published in 1882. Initially introduced for fire protection, NFPA soon took responsibility for the National Electrical Code.

- **SPECIAL FEATURES**

- On The Training of Safety Engineers - 1943
- 1911 - 3D Printing for Fire Protection?
- Early Accident Classification
- NIOSH - Project SHAPE

### SHHS Publications

- The main publication of SHHS is a quarterly journal, *The Archives of Safety and Health*. All participating individuals, organizations and libraries receive the quarter journal.

### THANK YOU to Chapters of Safety and Health Organizations

- Once again SHHS thanks those chapters of safety and health national organizations that have included information about SHHS and The Archives of Safety and Health in their newsletters. It is one way to provide a service to members by building their knowledge of the history of safety and health and lessons learned from the past.

Some chapters have included SHHS on their websites as part of a list of safety and health related organizations. That is a very simple way to help members learn about SHHS and its contributions to practice.

### Chapters of Safety and Health Organizations Can Join SHHS

Chapters of safety and health professional societies can participate as “Contributors” of SHHS. Visit the SHHS web site: <https://safetyandhealthhistory.org/> and click on “JOIN.” In the list of options, there is an option for “organization chapters.” The annual fee is \$250. A chapter must appoint a contact person for the account. The contact person may be an officer or someone else. Key benefits include:

- Receives the quarterly journal of SHHS, *The Archives of Safety and Health*.
- Listed on the SHHS web site as a “contributor organization.”
- Fees are tax deductible, since SHHS is an IRS educational and charitable organization (501c3).

A major benefit for members is making a commitment to preserving and communicating S&H history!

### Needs of the Safety and Health Historical Society

SHHS need your help! Donate as an individual or an organization! There are cash donations, company matching donations and other forms of charitable donations. **All donations are tax deductible, since SHHS is an IRS 501c3 educational and charitable corporation.** On the SHHS website select DONATE on the

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## Safety and Health Historical Society (Continued).

top menu. Donations allow SHHS to enhance its website and expand its S&H historical programs.

**Interested in the History of Your Profession?**

**Join SHHS as a Patron (individuals)**

**or**

**Contributor (organizations - including chapters and schools)!**

**Visit the SHHS Web Site and click on "Join"!**

**<https://safetyandhealthhistory.org/joinus/>**

**Contact SHHS**

**You can contact SHHS at [info@safetyandhealthhistory.org](mailto:info@safetyandhealthhistory.org)**

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## Chapter Chatter

Our last Joint Virtual Technical Meeting was held on January 28, 2021 with New York City Chapter and Hudson Valley federal Field Safety and Health Council. The topic presented by Mr. Ken Eck – Past Chapter resident of Hudson River Valley was “Industrial Hygiene – A Basic Introduction”, minutes were taken and will be distributed to members and friends. They will be posted on our web page with a copy of Mr. Eck’s presentation shortly.

Our Next scheduled Joint Virtual Technical Meeting is on February 25, 2021 with the ASSP Connecticut Valley Chapter and the topic of “Liability for Construction EHS Professionals”, and will be presented by Mr. Neil A. Feldscher, Acting Director, EHS for the Bureau of Engineering Design of New York City DEP. It is planned for a 12:00 Noon start time. All chapter members and friends are invited to attend if your schedule allows. The meeting login information will be distributed to you once it is set up and confirmed. Register now on the chapter web page here;

**<https://hudsonrivervalley.assp.org/events/hudson-valley-ct-valley-joint-chapter-meeting/>**

### **Thought Of The Day:**

"The secret of getting ahead is getting started. The secret of getting started is breaking your complex overwhelming tasks into small manageable tasks, and then starting on the first one." – Mark Twain

It is the beginning of a new year, and we can hopefully look forward to starting to live a normal life again. Let's strive to live it with a smile in our hearts and respect for each other in our minds and extend our hands in friendship to greet every other person who enters our lives. Remember everyone we meet in life can teach us something no matter how small.

Minutes of all chapter meetings and all newsletters are published on our chapter webpage for you to read if you want to see what is covered during these meetings, or items in those newsletters. These are available for as far back as 2016. We have posted many of the Presentations from past Technical Meetings as well. This is the link to the files page on our website for you to review these chapter documents:

**<https://hudsonrivervalley.assp.org/files/>**.

*Once again the Hudson River Valley Chapter is undergoing a mailing list update. If you have a different email address than the one you used to join the ASSP, or if you have another address you prefer to be used please let us know which one you would prefer to be used for chapter mailings. Thank You.*

Stay safe, and stay healthy. Hopefully we can meet face to face soon. If needed for any questions you may have about our Chapter activities, my email address is: **[cvondietsch@yahoo.com](mailto:cvondietsch@yahoo.com)**