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GSBE's News to Use

No Fooling: April Is Alcohol Awareness Month

Alcohol and workplace safety don't mix. If any of your employees are reporting to work under the influence, they're putting themselves and others at risk. Take advantage of Alcohol Awareness Month to promote an alcohol-free and drug-free workplace.

Workplace use of alcohol and drugs is a problem that costs American businesses more than \$100 billion annually, according to the U.S. government. If that figure sounds high, consider these statistics:

- Most substance abusers are employed.
- Substance abusers are 2.5 times more likely to be absent 8 or more days a year than other employees.
- Between 30 and 50 percent of all workers' comp claims are related to substance abuse (abusers file 3 to 5 times as many claims as other workers).
- Substance abusers incur 300 percent higher medical costs than nonabusers.

It's estimated that close to 10 percent of the U.S. population over age 12 has a substance abuse problem. Among full-time employees with substance abuse problems, those ages 18 to 25 have the highest rates. However, lots of older workers have dependence problems, too—particularly alcohol dependence.

Why Be Concerned?

Employees who are working under the influence are 3 times more likely to have job accidents than other employees. And sometimes, when they have an accident, they're not the only one hurt. They may injure one or more of their co-workers, too.

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Even a little alcohol can impair:

- Judgment
- Coordination
- Reaction time

Whether it's getting behind the wheel of a company vehicle, operating a piece of equipment, handling hazardous chemicals, or climbing a ladder, any impairment can be dangerous—even deadly. Just imagine the havoc an impaired forklift operator could cause. Or imagine what could happen to a worker who has had a few drinks and is working high up on a scaffold or a powered platform.

As a safety professional, you don't even want to imagine such things happening. You certainly don't want to see them happen in your workplace.

Self-Diagnosis for Drinking Problems

Most people with a drinking problem aren't aware of it or are in denial. Here's a self-diagnosis checklist from *Safety Audit Checklists* that can help employees recognize a drinking problem:

Do you:

- Lose time from work because of drinking?
- Want a drink in the morning?
- Want a drink at the same time every day?
- Have trouble sleeping?
- Drink to feel more confident or outgoing?
- Become frustrated easily?
- Feel anxious and sensitive?
- Drink alone?
- Let family or job responsibilities slide because of drinking?
- Forget what happened while you were drinking?
- Have major mood swings?

- Feel remorse after drinking?
- Have financial problems because of drinking?
- Find yourself losing weight without dieting or exercising?
- Believe others are to blame for your problems?
- Worry that drinking is affecting your reputation?
- Feel less ambitious since you've been drinking?
- Drink to escape from problems?
- Drink with people or in places you'd otherwise avoid?
- Find you home life is more unhappy because of drinking?
- Believe your job is in jeopardy due to drinking?

Several answers of “often” or “sometimes” may be an indication that alcohol may be hurting an employee and the people he or she cares about—as well as creating serious on-the-job safety risks.

Take Action This Month

The good news, the experts say, is that the expense, accident risks, lost productivity, disruption, and human costs can be reduced demonstrably with a drug-free workplace policy and a workplace culture that doesn't tolerate working under the influence.

If your company is covered by the federal Drug-Free Workplace Act or a state drug-free workplace law, then you're already doing a lot to prevent substance abuse in the workplace.

Whether you're complying with a law or not, take advantage of Alcohol Awareness Month to publicize the problem of workplace substance abuse. During April, make employees more aware of the risks of working under the influence and the damage that alcohol can cause in their personal lives.

Source: www.Safety.BLR.com

Safety In The Trenches

by Judy Kerry

State Compensation Insurance Fund

Trenching is one of the most hazardous activities in construction. Yet, trenches and excavations are necessary for certain types of work, such as for the installation and repair of utility lines, water and sewer lines, television cable, to build roads, and many other jobs. Anyone whose work requires them to work in or

around a trench or excavation site should be aware of the hazards.

A trench is a narrow channel made below the surface of the ground that's deeper than it is wide. An excavation is any man-made hole or trench that is made by removing earth. The greatest risk for both is cave-ins. With little or no warning, an unsupported, improperly shored or sloped trench or excavation wall can collapse killing or injuring workers. Cave-ins can be caused by:

- Vibration of nearby construction equipment or vehicle traffic.
- Weight of equipment that is too close to the edge of the trench.
- Soils that do not hold tightly together.
- Soil that has been dug in before is not as stable as undisturbed earth.
- Water weakening the strength of the trench sides.

Prior to trenching or excavation activities, site plans should be reviewed to locate hidden obstructions like underground pipes or utilities that may affect ground stability. Obstructions should be physically located and either removed, clearly marked or protected from damage. Once work begins, a “competent person” must make a daily inspection of the trench or excavation and the protective systems. Inspections must also be made after rainstorms or any change in conditions which could weaken the trench. A “competent person” is one who knows the Cal/OSHA provisions relating to trenches, excavations, and earthwork with its related protective systems and is knowledgeable in soil analysis.

Every trench is a possible trap for hazardous atmospheres. Hazardous atmospheres may be generated as toxic gases can be released by the digging or accumulate in the bottom of the trench from machine by products or organic substances. The “competent person” should be able to recognize and test for hazardous atmospheres and have the authority

to take prompt corrective action. They must ensure that workers can get in and out of the trench quickly. In trenches deeper than 4 feet, workers must have a way to get in and out (access and egress), usually a ladder, for every 25 feet of horizontal travel within the trench. If dangerous conditions are noted, all work should be stopped and not resumed until the problem has been corrected.

The trenching or excavation operations should include methods for protecting workers from cave-ins, from material that can fall or roll into an excavation or trench, and from the collapse of nearby soil structures. Protective systems include shoring, sheeting, shielding, sloping and benching. For trenches between 5 feet and 20 feet deep, protective measures are legally required. It is up to the planners of the construction project and the competent person on site to determine which systems will work best. If an excavation is greater than 20 feet deep, a registered professional engineer must design the protective system.

Even small trenching and excavation jobs can present serious safety hazards. Fortunately, most accidents can be anticipated and avoided with education, training, and good planning. For more detailed information on this topic, visit the website maintained by the Occupational Safety & Health Administration at <http://www.osha.gov/SLTC/trenchingexcavation/index.html>

IRS Presents: Top Ten Tax Time Tips

The tax filing deadline is rapidly approaching and will be here before you know it. Here are the Internal Revenue Service’s top 10 tips that will help your tax filing process run smoother than ever this year.

1. Start gathering your records Round up any documents or forms you’ll need when filing your taxes: receipts, canceled checks and other documents that support an item of income or a deduction you’re taking on your return.

2. Be on the lookout W-2s and 1099s will be coming soon from your employer; you’ll need these to file your tax return.

3. Try e-file When you file electronically, the software will handle the math calculations for you. If you use direct deposit, you will get your refund in about half the time it takes when you file a paper return. E-file is now the way the majority of returns are filed. In fact, last year, 2 out of 3 taxpayers used e-file.

4. Check out Free File If your income is \$57,000 or less you may be eligible for free tax preparation software and free electronic filing. The IRS partners with 20 tax software companies to create this free service. Free File is for the cost conscious taxpayer who wants reliable question-and-answer software to help them prepare a return. Visit IRS.gov to learn more.

5. Consider other filing options There are many different options for filing your tax return. You can

prepare it yourself or go to a tax preparer. You may be eligible for free face-to-face help at an IRS office or volunteer site. Give yourself time to weigh all the different options and find the one that best suits your needs.

6. Consider Direct Deposit If you elect to have your refund directly deposited into your bank account, you'll receive it faster than waiting for a paper check.

7. Visit IRS.gov again and again The official IRS Web site is a great place to find everything you'll need to file your tax return: forms, tips, answers to frequently asked questions and updates on tax law changes.

8. Remember this number: 17 Check out Publication 17, Your Federal Income Tax on IRS.gov. It's a comprehensive collection of information for taxpayers

highlighting everything you'll need to know when filing your return.

9. Review! Review! Review! Don't rush. We all make mistakes when we rush. Mistakes will slow down the processing of your return. Be sure to double-check all the Social Security Numbers and math calculations on your return as these are the most common errors made by taxpayers.

10. Don't panic! If you run into a problem, remember the IRS is here to help. Try IRS.gov or call our customer service number at 800-829-1040.

Source: www.irs.gov

Five Tax Changes for 2009

As you get ready to prepare your 2009 tax return, the Internal Revenue Service wants to make sure you have all the details about tax law changes that may impact your tax return.

Here are the top five changes that may show up on your 2009 return.

1. The American Recovery and Reinvestment Act

ARRA provides several tax provisions that affect tax year 2009 individual tax returns due April 15, 2010. The recovery law provides tax incentives for first-time homebuyers, people who purchased new cars, those that made their homes more energy efficient, parents and students paying for college, and people who received unemployment compensation.

2. IRA Deduction Expanded

You may be able to take an IRA deduction if you were covered by a retirement plan and your 2009 modified adjusted gross income is less than \$65,000 or \$109,000 if you are married filing a joint return.

3. Standard Deduction Increased for Most Taxpayers

The 2009 basic standard deductions all increased. They are:

- \$11,400 for married couples filing a joint return and qualifying widows and widowers

- \$5,700 for singles and married individuals filing separate returns

- \$8,350 for heads of household

Taxpayers can now claim an additional standard deduction based on the state or local sales or excise taxes paid on the purchase of most new motor vehicles purchased after February 16, 2009. You can also increase your standard deduction by the state or local real estate taxes paid during the year or net disaster losses suffered from a federally declared disaster.

4. 2009 Standard Mileage Rates

The standard mileage rates changed for 2009. The standard mileage rates for business use of a vehicle:

- 55 cents per mile

The standard mileage rates for the cost of operating a vehicle for medical reasons or a deductible move:

- 24 cents per mile

The standard mileage rate for using a car to provide services to charitable organizations remains at 14 cents per mile.

5. Kiddie Tax Change

The amount of taxable investment income a child can have without it being subject to tax at the parent's rate has increased to \$1,900 for 2009.

For more information about these and other changes for tax year 2009, visit IRS.gov.

Source: www.irs.gov

Inspect Your Way to Safer Work Areas

The ideal workplace inspection isn't one that follows a safety incident. Nor is it a surprise visit from OSHA. The ideal inspection is one you arrange yourself.

Self-inspection audits are the most effective way to improve safety management, prevent accidents, and ensure compliance with safety regulations.

Work area inspections will:

- Tell you whether safety and health policies and procedures are being followed.
- Identify hazards so that they can be corrected before they cause injuries or illnesses.
- Determine the need for safety training.
- Ensure that your work areas will fare well in the event of an OSHA inspection.
- Show employees that you're concerned about their safety and health.

Although OSHA doesn't mandate safety and health audits, the Occupational Safety and Health Act does say that workplaces must be "periodically evaluated" to make sure that employees' working conditions are safe and healthful.

When and How

The timing of self-inspection audits depends on the type of work areas involved. Very hazardous areas might require formal, weekly inspections, whereas office areas may need only a monthly inspection.

Formal, scheduled inspections should be supplemented with informal daily walkaround inspections of most or all work areas. It's also a good idea to conduct some unscheduled inspections, especially targeting areas that have had more than their share of safety problems. And, of course, follow up to be certain that problems identified in prior inspections have been effectively fixed.

Use checklists for every safety inspection. For daily walkarounds, you may carry the list in your head. But for more detailed inspections, use a written checklist so you can check off each item as you inspect it. Make notes and describe issues that need attention.

Employee Involvement Is a Big Plus

Although management needs to take the lead in work area inspections and is ultimately responsible for making sure action is taken to correct problems, employees should definitely be involved.

Work area safety inspections are a great training tool and a good way to involve employees in safety programs. Getting employees involved also motivates them to work more safely.

Here are just a few ideas for involving employees in self inspection audits:

- Ask workers to help develop inspection checklists for their work areas.
- Appoint individuals—or, even better, a team—to conduct inspections. Team members might serve on a rotating basis so that everyone gets a chance to be involved.
- Meet with employee inspectors after inspections, and discuss safety problems and corrective actions.
- Talk about the results of work area inspections with all employees in weekly safety meetings.

Don't Wait for an Accident!

Safety is all about awareness and knowledge. Knowledge gives you the power to prevent accidents. One of the best ways to keep informed about ever-changing work area conditions is to perform routine safety inspections. Don't wait for an accident to find out about a hazard that could have been corrected.

Source: www.Safety.BLR.com



Emergency Response for Workplace Eye Injuries

Emergency workers responding to disasters like the recent earthquake in Haiti are exposed to numerous safety and health hazards; among them, eye injuries.

Most eye injuries need prompt medical attention. But while waiting for assistance to arrive, your workers can do a lot to help minimize eye damage. Quick response to an eye injury can make the difference between a speedy recovery and permanently impaired vision.

Here's a quick rundown of first aid for the most common workplace eye injuries.

For particles in the eye:

- Don't rub the eye.
- Lift the upper eyelid outward and down over the lower lid, and let tears wash out the particle.
- If that doesn't work, flush the eye with water until the particle comes out.
- If the particle still doesn't come out, or if pain or redness continues, bandage the eye lightly and get medical attention.

For chemical splashes or burns:

- Hold the eye open and use the emergency eyewash to flush with water for at least 15 minutes.
- Remove any contact lenses.
- Call for emergency assistance.
- Check the MSDS for information about the chemical and supply this information to emergency medical personnel.

For exposure to welding, lasers, or UV light:

- Seek medical treatment even if the victim doesn't feel any immediate discomfort. Pain, a gritty sensation, sensitivity to light, swelling, redness, or other burn symptoms might not appear for hours.
- Keep eyes closed while awaiting medical attention.

For blows to the eye:

- Apply a cold compress without pressure for 15 minutes to reduce pain and swelling.
- Get medical attention at once if pain continues or if vision is affected.

For a penetrating object in the eye:

- Call for emergency medical attention immediately.
- Do not remove, move, or put pressure on the object.
- Immobilize the object by placing a soft, bulky dressing around the object and securing it in place with a bandage.
- Bandage the other eye as well so that the victim will keep the injured eye still.

For cuts near the eye:

- Bandage loosely and get medical attention.
- Don't put pressure on the eye.
- Don't rub or wash the cut to prevent further damage.

Source: www.Safety.BLR.com

Move-over Law Effective January 2010

Heads up drivers... California enacted a "Move-over" law, effective January 1, 2010. The cost of the ticket is \$754, three license points and a mandatory court appearance. The law states that if an emergency vehicle is on the side of the road, drivers are to move into the far lane if available.

The law was enacted to ensure the safety of law endorsement officers while carrying out their duties.

Go to the following website for more information:

<http://www.moveoveramerica.com/>

Source: www.moveoveramerica.com and North Coast Builders Exchange

Lose Weight, Save Money

According to the Centers for Disease Control and Prevention (CDC), almost 1 in 5 American adults are now considered obese, and more than half of all Americans are overweight. Since the early 1960s, the percent of overweight American adults has increased from 45 percent to 65 percent.

Help your workers determine if they are overweight by showing them how to calculate their body mass index, or BMI. Have trainees complete the worksheet below. Bring a calculator (or several) to the meeting and help trainees make the calculations required.

How to Calculate Your BMI

To determine BMI, you need to do a little math, using the following formula:

$$\frac{\text{Weight (in pounds)}}{\text{Height (in inches)} \times \text{Height (in inches)}} \times 703 = \text{BMI}$$

For example, say a person is 5'7" (67 inches tall) and weighs 140 pounds:

$$\text{BMI} = \frac{140}{67 \times 67} \times 703 = 21.9$$

Calculate your BMI:

$$\frac{\text{_____}}{\text{_____} \times \text{_____}} \times 703 = \text{_____ (your BMI)}$$

Are you maintaining a healthy weight? For adults, a BMI of 18.5 to 24.9 indicates a healthy weight. A person with a BMI of 25 to 29.9 is considered overweight, and a person with a BMI over 30 is considered obese.

When trainees are finished calculating their BMI, discuss the U.S. Surgeon General's suggestions for maintaining a healthy weight. To achieve and maintain a healthy weight, the surgeon general suggests three simple steps:

1. Be active:

- Keep physically active to balance the calories you consume.
- Be physically active for at least 30 minutes on most days of the week.

2. Eat well:

- Select sensible portion sizes of nutritious food.



- Follow the Dietary Guidelines for Americans (www.health.gov/dietaryguidelines).

3. Aim for a healthy weight:

- If you're overweight or obese, losing just 10 percent of your body weight can improve your health.
- If you need to lose weight, do so gradually—one-half to 2 pounds a week.

By encouraging and equipping your workers with the information and resources to lose weight, you will be saving your employer money in lost worktime from injuries and illnesses, health insurance expenses, and more. But those savings may take some time to show up if you have a number of overweight workers who need to lose weight safely at a pound or 2 a week for 6 months or more.

Why It Matters

- The surgeon general reports that more than half of American adults do not get enough exercise, and a quarter of all American adults get no exercise at all.
- Researchers estimate that preventable illnesses make up approximately 70 percent of the burden of illness and the associated cost.
- More than 95 percent of the nation's health expenditures, including most of the billions of dollars employers spend on health coverage, are committed to diagnosing and treating disease only after it becomes manifest.

Source www.Safety.BLR.com

Purchase and Sale/Option to Purchase

By Sam K. Abdulaziz
Abdulaziz, Grossbart & Rudman

Although this case dealt with an option to purchase, it is really a straight contract issue in that the terms of the option were in dispute. The decision was a unanimous decision by the Supreme Court, which overturned the judgment of the Court of Appeal.

The Defendant and his wife owned a condominium in San Diego. The Plaintiff expressed an interest in leasing the property with an option to buy. The Defendant signed the following proposal:

“We propose to rent our condominium... at a monthly rate of \$1,400.00 starting August 7, 2003 for one year ending August 6, 2004; with a security deposit of \$1,200.00 and the following option to buy:

Through the end of the year 2003, the selling price is \$290,000. The selling price increases by 3% through the end of the year 2004 and cancels with expiration of your occupancy. Should this option to buy be exercised, \$1,200.00 shall be refunded to you.

Please indicate your acceptance by signing below and returning to me at the above referenced fax.”

The Plaintiff signed the proposal, with a handwritten amendment providing an option to renew until August 2005. It also contained a paragraph “option to buy is attached.”

In July 2004, the Plaintiff sent the Defendant a letter enclosing a notice that he was exercising the option at the agreed price of \$298,700.00. The Defendant then

sent the Plaintiff a Purchase Agreement referring to the option agreement and included an “as is” clause, a requirement of a 10% deposit and some other information. After some additional matters, the Defendant stated, “if you want to buy the condominium, you buy it on my bid.” Plaintiff filed suit seeking specific performance (specific performance is requiring someone to do something that is set out).

The trial court made a decision that the right to purchase the property and the terms of the contract were sufficiently clear to carry out the objective.

The Court of Appeal reversed it in a split decision.

The Supreme Court then held that the equitable remedy of specific performance couldn’t be granted if the terms of the contract are not certain enough for the court to know what to enforce. “However, the law does not favor but leans against the destruction of contracts because of uncertainty; and it will, if feasible, so construct the agreements as to carry into effect the reasonable intention of the parties if it can be ascertained.”

The Supreme Court went on to state that the law does not require that all terms and conditions of the proposed agreement be set forth in the contract. The usual and reasonable conditions of such contracts are in the contemplation of the parties, a part of the agreement. The Court found that there was no substantial dispute or uncertainty over the **manner** of payment. Disputes were in fact minor. That was the 10% deposit. Another area of dispute was the length of the escrow period, in that it was unspecified. However, there is a case called “King” which states that the escrow period is not a necessary term in the contract of sale.... by implication.... the court stated that this could be done by implication.

OSHA 300 Logs

Q. What’s the difference between the OSHA Form 200 and 300 A and when do I need to post these?

A. If your company had 10 or fewer employees at all times during the last calendar year, you do not need to keep Cal/OSHA injury and illness records (unless there was a fatality on-site). All other employers are required to post the Form 300 Log beginning on February 1.

The [Form 300](#) is used to record, or log, all injuries and illnesses, except those that have been determined to be first aid only. Typically this form is not posted due to privacy issues.

The Form 300A must be completed and posted beginning February 1 and remain posted through April 30. This form contains a summary of the total number of job related injuries and illness that occurred during the previous year. The summary must list the total number of job

related injuries and illness that were logged on the Form 300. Employment information about the annual average number of employees and total hours worked during the calendar year also is required to assist in calculating incidence rates.

Companies with no recordable injuries or illness in the previous year must post the summary with zeros on the “total” line. A company executive must certify the summary. The summary is to be displayed in a common area where notices to employee are posted. Employers must make a copy of the summary available to

employees who move from worksite to worksite (i.e. construction workers) and employees who telecommute or do not report to any fixed establishment on a regular basis.

All employers must report verbally within in eight hours to the nearest OSHA office all fatal accidents or hospitalize of three or more employees. For more information visit the [OSHA website](https://www.osha.gov).

Source: www.osha.gov

The Invisible Threat of Compressed Gases

Compressed gases present many serious hazards from asphyxiation to explosion and fire. Our Safety Training Tips editor has some advice for making sure your workers know how to identify hazards for the gases used in their work area.

Here are some common gases and their hazards:

- **Acetylene** is very flammable and explosive, and its safe maximum pressure is just 15 pounds per square inch for small-diameter piping systems.
 - **Ammonia** is flammable, but also poses a danger of freeze burns, severe eye injury, and inhalation. Inhaling high concentrations of ammonia can kill you, so respirators, eye and face protectors, and impervious protective clothing are musts.
 - **Carbon dioxide** can, in high concentrations, be toxic. It can also asphyxiate you. Although it will smother fires of petroleum, coal, and wood, carbon dioxide burns rapidly with other substances such as magnesium, sodium, potassium, and metal hydrides.
 - **Chlorine** can explode in reactions with alcohols, ethers, and petroleum products. If you mix it with acetylene, it will explode when exposed to sunlight. If you mix it with water, it will eat into iron and steel.
 - **Fluorine** is both corrosive and poisonous and attacks most materials. If you mix it with acetylene, it may explode when exposed to light.
 - **Hydrogen** is extremely flammable and explosive. It requires good ventilation, particularly in storage.
 - **Oxygen** doesn't burn by itself, but flammable materials burn much faster in it. It can produce spontaneous ignition when combined with other elements and compounds.
- OSHA regulations specify how to work safely with compressed gas cylinders.** Workers need to know the safety precautions for identifying, storing, and moving cylinders.
- Each cylinder should be marked with its identity, so you know which material safety data sheet (MSDS) to check to find out about hazards and protections. Empty cylinders have to be identified, too, with the letters “MT.”
 - Compressed gases must be stored in a dry, well-ventilated area at least 20 feet from combustible materials, and away from any heat source or electrical wiring.
 - Keep cylinders away from stairs and elevators. They should be stored on a level, fireproof floor in a place where they won't be banged or knocked over. Secure them in an upright position by chain, cable, or something similar.
 - Oxygen cylinders also have to be stored at least 20 feet from combustible materials or full gas cylinders. When cylinders are in storage, valves have to be closed and valve protection caps should be screwed down to the last thread.
 - Storage areas need to be organized so that workers always go for the cylinders that have been there the longest. Put the newest ones received in the back.
 - The safest way to move gas cylinders is to secure them upright to a hand truck. Be careful that they don't drop or get banged or bumped.

When using compressed gases, workers need to follow several precautions. General precautions are listed below. Train your workers on these, plus any specific precautions for the gases they use.

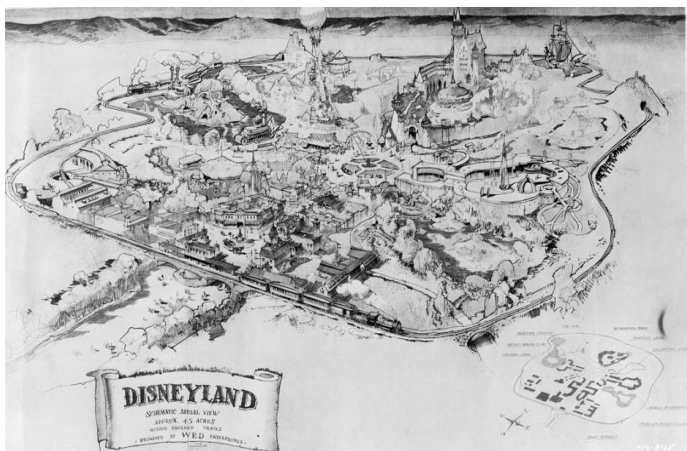
- Keep cylinders away from operations that create sparks, heat, and fire, as well as electrical circuits.
- Don't use oil or grease on cylinders or handle them with oily hands or gloves.
- Don't let oxygen spray on an oily or greasy surface or on your clothes.
- Don't use cylinders in unventilated areas.
- Open valves by hand, not with a wrench or other tool. If they don't open, notify the supplier.
- Don't tamper with safety devices.

- Open, then close, valves quickly. Then open them slowly, standing to the side, rather than in front of the outlet.

Why It Matters

- According to the Office of Compliance, “pressurized cylinders can result in some of the most serious violations” because:
- “A rapid loss of pressure can turn a cylinder into an unguided missile powerful enough to break through a concrete wall.”
- “If the cylinder’s gas is flammable, that power may also be accompanied by a fire or explosion.”

Source: www.Safety.BLR.com



Disneyland Construction Photos (1954– 1955) Courtesy of University of Southern California, on behalf of the USC Special Collections.