Welby, Brady & Greenblatt, LLP
ATTORNEYS AT LAW

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REPORT

WELCOME

Message to our Readers

Thank you for reading the Spring 2016 issue of the Welby, Brady & Greenblatt, LLP Construction Report. We are pleased to bring you a summary of new legal happenings related to the construction industry as well as highlight the impact Firm Partners and Associates are making on the Legal Industry and the markets we serve.

In this issue, we are pleased to present articles written by our team. Alexander A. Miuccio, CIC & BCA General Counsel, shares his monthly contribution, *Attorney's Column*, published in the Construction Industry Council newsletter, Town is Not Stopped from Denying Contractor's Delay Claim; Our new Associate, Kriton A. Pantelidis, presents Selecting Counsel – The Right of an Insured Under a Reservation of Rights; and Thomas H. Welby, Partner, shares his monthly contribution, Safety Policy, also published in the Construction Industry Council newsletter, Minimizing the Dangers of Hydrogen Sulfide in the Construction Workplace.

For more articles like these, visit our website at **www.wbgllp.com** or scan this QR code with your smartphone.

SAFETY POLICY: Minimizing the Dangers of Hydrogen Sulfide in the Construction Workplace

By: Thomas H. Welby, Partner

Thomas H. Welby

We've all caught a whiff of hydrogen sulfide gas, with its odor of rotten eggs. It's a colorless, extremely toxic gas, produced from decaying organic matter. It is detectable at concentrations as low as 0.13 parts per million, but a temporary loss of smell ("olfactory fatigue") can occur at levels of 100 to 150 ppm, which can result in the mistaken, and potentially lethal, belief that the gas has cleared away.

The applicable OSHA construction standard limits H2S exposure to 10 ppm, with an 8-hour limit. Exposure to levels above 300 ppm can cause coma in less than 20 minutes, and serious eye damage, while 500 ppm can cause loss of coordination and unconsciousness within 5 minutes. Exposure at levels over 1,000 ppm can cause almost immediate coma and death. The inhalation of H2S can also cause fluid to build up in the lungs (pulmonary edema) 24 to 72 hours after exposure. Other effects of exposure include nausea, tearing of the eyes, conjunctivitis, headaches, loss of sleep, bronchial construction, fatigue, drowsiness, loss of appetite, headaches, irritability, throat irritation, and coughing.

In the construction industry, H2S sickness and fatalities are most commonly associated with confined spaces (pits, manholes, tunnels, and wells) and work in or near sewers or landfills. Work in marshy areas and in hot weather (which accelerates the breakdown of organic material) also heightens the risks of exposure. In researching this article,

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