



Rising Temperatures, Rising Protections: OSHA’s Proposed Heat Rule Amendments

by Mattie Neira, Lloyd Gosselink

On August 30, 2024, the Occupational Safety and Health Administration (“OSHA”) published extensive amendments to six parts of the Code of Federal Regulations, each related to heat related injury and illness prevention. The proposed rule would provide more specific and stringent requirements for employers under OSHA’s jurisdiction during high heat. While the proposed rule includes many specific updates, each update generally falls under the following two categories: (1) requiring employers to draft a Heat Injury Prevention Plan (“HIPP”) which meets various requirements; and (2) creating an Initial Heat Trigger of 80 degrees (Heat Index) and a High Heat Trigger of 90 degrees (Heat Index), each requiring employers to implement various prevention and education methods when met. The full proposed rule was published and can be viewed at 89 Fed-

eral Register 70698.

The TxSWANA board of directors reviewed the proposed rule in detail and supports the rule as a whole, particularly as heat can pose such a severe risk in Texas. TxSWANA did, however, provide a few comments for OSHA’s consideration. Specifically, TxSWANA provided insight to OSHA on heat in southern states and some difficulties that the proposed rules would impose on employers and ways to minimize that impact.

First, TxSWANA found that the thresholds of 80 and 90 degrees may be too low for some southern states as (for one example) Houston reached the Initial Heat Trigger on 217 days in 2023, and the High Heat Trigger on 148 days. With this finding, TxSWANA specifically recommended that OSHA propose

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TXSWANA

Officers & Board of Directors

(effective September 1, 2024)

President:

Brian Boerner
City of Denton
1527 S Mayhill Road
Denton, TX 76208
(940) 349-8001
brian.boerner@cityofdenton.com

Vice President:

Clifton Gillespie
City of Dallas
3112 Canton St, Suite 200
Dallas, TX 75226
(214) 671-5345
clifton.gillespie@dallascityhall.com

Treasurer:

Shaquawanna Carter
City of Midland
P.O. Box 1152
Midland, TX 75702
(432) 685-7226
slcarter@midlandtexas.gov

Secretary & Director:

Scott Pasternak
Burns and McDonnell
8911 N Capital of Texas Hwy
Suite 3100
Austin, TX 78759-8496
(512)-589-3411
spasternak@burnsmcd.com

Past President:

Jeffrey D. Mayfield, P.E.
North Texas Municipal Water District
P.O. Box 2408
Wylie, TX 75098
(972) 442-5405
jmayfield@ntmwd.com

A.B. Rep & Director:

David Vartian
City of University Park
3800 University Blvd
Dallas, TX 75205
(214) 987-5454
dvartian@uptexas.org

Director:

Samantha Best
Brazos Valley Solid Waste
Management Agency
2960 SH 30
Anderson, TX 77830
(979) 764-3878
sbest@bvswma.com

Director:

Rey Flores
City of Corpus Christi
P.O. Box 9277
Corpus Christi, TX 78469
(361) 826-1975
reyf@cctexas.com

Director:

Brenda A. Haney, P.E.
City of Denton
1527 S Mayhill Rd
Denton, TX 76208
(940) 349-8056
Brenda.haney@cityofdenton.com

Director:

Robert H. "Holly" Holder, P. E.
Parkhill, Smith & Cooper
4222 85th Street
Lubbock, TX 79423
(806) 473-2200
hholder@team-psc.com

Director:

Richard McHale
City of Austin
P.O. Box 1088
Austin, TX 78767
(512) 974-4301
richard.mchale@austintexas.gov

Director:

Jeffrey S. Reed
Lloyd, Gosselink,
Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, TX 78701
(512) 322-5835
jreed@lglawfirm.com

Director:

Michael G. Rice, P.E.
City of Abilene
555 Walnut Street
Abilene, TX 79601
(325) 676-6386
michael.rice@abilenex.gov

Director:

Josephine Valencia
City of San Antonio
PO Box 839966
San Antonio, TX 78283
(210) 207-6406
Josephine.valencia@sanantonio.gov

Director:

Mark Wilfalk
City of Houston
611 Walker Street, 12th Floor
Houston, TX 77208
(713) 837-9176
Mark.wilfalk@houstontx.gov

Director:

Nicholas N. Ybarra, P.E.
City of El Paso
7968 San Paulo Drive
El Paso, TX 79907
(915) 212-6025
ybarraNN@elpasotexas.gov



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Message from the President

by Brian Boerner

The winter months usually mark a slower time of year for solid waste operations. Outside of our recent responses to the cold and winter weather, December and January has served as a time to catch up on things we have placed on the back burner. While we might be enjoying the respite this season's slower pace offers, there are a couple of items we need to complete promptly.



You need to register for the 2025 annual TxSWANA conference, scheduled for April 20-23, 2025 in Austin. Hotel rooms are filling quickly. If you have not yet, please register to attend, ASAP!

Also, the Texas Legislature is in full swing. For the next 120 days (+/-), Texas Representatives and Senators will work to pass a state budget and appropriations for the next 2 years and pass legislation designed to protect and improve the lives of Texas residents. Your TxSWANA Board of Directors and its Legislative /Regulatory Committee will be working hard to monitor and provide comments on bills potentially affecting the solid waste and recycling industry. If you, your city, or your organization has concerns about any proposed legislation, please tell us. We will include your concerns and comments in our deliberation.

See you at the Conference! Register today!

Brian Boerner

(Continued from page 1) regional thresholds as the measures required at each threshold may become less effective when implemented frequently. For example, the proposed rule would require employers to hold a hazard alert meeting at the beginning of every shift every day that the High Heat Trigger is met, in order to remind employees of symptoms of heat injuries and ways to avoid them. TxSWANA has concerns about such presentations becoming “white noise” when provided so frequently and thus specifically recommended that weekly rather than daily presentations and/or improved communication may be more impactful.

Second, TxSWANA found that many requirements of the proposed rule do not take into account workers who drive routes. For example, the proposed rule would require that the HIPP include a list of specific break spots for workers to take and that it be available at each work site, which poses difficulty when routes change and work site is not well defined; TxSWANA therefore suggested that the HIPP provide examples of break spots, rather than specifying each specific break spot along every route. The proposed rule would also require that shade in shade areas, required as break spots and cool down zones, not be created by equipment, which poses difficulty in rural areas where trees and/or convenience stores may be few and far between. TxSWANA also rec-

ommended that the HIPP need only be available at the site where vehicles are picked up and stored.

Upon filing its comments with OSHA, TxSWANA provided its comments for SWANA’s review and consideration. SWANA supported and restated several of TxSWANA’s comments and added a few of its own. Specifically, SWANA supported TxSWANA’s request for regionalized heat thresholds and that break spots be generally described in the HIPP. SWANA further recommended in its comment that: (1) the HIPP be more concise; (2) the final rule be applicable to all employers and not just those with 10 or more employees; and (3) OSHA provide grants or low interest loans to employers who need to change infrastructure (for example equipment or operational changes) in order to comply with the final rule.

Comments were accepted through January 14th and OSHA received many comments in addition to those provided by TxSWANA and SWANA. TxSWANA is hopeful that the final rule considers the climate of southern states and the particular difficulties of employees who drive routes.

*Mattie Neira is an Associate with
Lloyd Gosselink Rochelle & Townsend, P.C.*



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SAVE THE DATE

Mark your calendar today for the 2025 TxSWANA State Championship, June 6 – 7 in Houston, TX.

Mark Your Calendars!

The 2025 State Road-E-O is coming to Houston, Texas, the weekend of June 6, 2025. Hosted by the Lone Star Chapter, this exciting event celebrates the expertise of solid waste collection and landfill equipment operators.

Join us to witness skilled operators competing on roll-offs, automated side loaders, rear loaders, tractor-trailers, and landfill equipment. The Road-E-O highlights the talent of professionals from solid waste organizations, private companies, and public agencies, from across Texas.

This annual competition not only tests technical skills but also fosters professionalism, community recognition, and a spirit of goodwill within the industry. Don't miss this opportunity to support and celebrate the backbone of solid waste management—the dedicated field personnel who keep our communities running.

Stay tuned for more details. We hope to see you there!

Save the Date: June 6, 2025

Location: Houston, Texas

We hope to see you in Houston!

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YP Update!



TXSWANA YOUNG PROFESSIONALS!

We are counting down the days to our 2025 Annual TXSWANA Conference (April 20th-23rd) and have some great activities for you to look forward to:



- Monday April 21st @ 8pm-10pm YP Networking Event – Terry Black’s BBQ
1003 Barton Springs Rd, Austin, TX 78704
- Time and Date TBD Minute mentoring session – Meet and network with our TXSWANA Leadership!

VOLUNTEER for the 2025 TXSWANA Road-E-O!

In the spirit of industry growth, we ask our Texas YPs to come to Houston to support our competitors at this years TXSWANA Road-E-O

Please reach out to Troylisa Henderson to help spearhead set up, Dates: **June 6th & 7th**

Troylisa.henderson@houstontx.gov



To Learn More about upcoming events and/or opportunities to get more involved with our Young Professional group, please reach out to:

Lucas DeVilliers | YP Representative
Lucas.devilliers@vanguardtrucks.com
(713) 545-5807



City of Waco Landfill Manager

Minimum starting salary: \$100,000.00 annually, depending on qualifications

Minimum Qualifications:

Required:

- Driver's License
 - Bachelor's degree in Civil or Environmental Engineering, Business or Public Administration, or a related field
 - 4 years of solid waste or public works program experience, including supervisory experience;
 - or an equivalent combination of education and experience
- Municipal Solid Waste Class A license from Texas Commission on Environmental Quality within 90 days of hire

Preferred:

Manager of Landfill Operations Certification from Solid Waste Association of North America (SWANA) certification

Position Overview:

Under general supervision, manages the operations of the Solid Waste Department (SWD) landfills and transfer station; maintains operations records and coordinates equipment maintenance.

Essential Functions:

- Manages all SWD landfill and transfer station operations; manages equipment and facilities maintenance and repairs; manages budgets, revenues, and expenditures of the landfill and transfer station enterprise fund; assures operations are in compliance with state and federal regulations and City policies and procedures.
 - Manages SWD staff, assigns tasks and projects; trains staff, monitors work, develops staff skills and evaluates performance; analyzes workload trends and develops staffing and assignment adjustments.
 - Ensures all SWD landfill and transfer station operations comply with the Site Operating Permit for each permitted facility. This includes but is not limited to personnel and training, equipment, operational procedures, detection and prevention of disposal of unauthorized wastes, fire protection, and record-keeping.
 - Ensures all SWD landfill and transfer station operations comply with all settlement agreements.
 - Manages SWD staff, assigns task and projects; trains staff, monitors work, develops staff skills and evaluates performance; analyzes workload trends and develops staffing and assignment adjustments.
- May be required to respond afterhours, including holidays and weekends, in the event of a departmental or City-wide emergency.

Website: <https://www.waco-texas.com/jobs>

Texas Lone Star Chapter Solid Waste Association of North America, Inc.

Applications for the TxSWANA 2025 Scholarship Program Accepted Soon!

Scholarships are awarded to children and grandchildren of TxSWANA members in good standing. Top ranked applications will be forwarded to SWANA National for consideration in their scholarship program.

Applications, completion instructions, and timelines will be available on the TxSWANA website (<https://txswana.org/Scholarships>). Applications **and** supporting materials may be submitted **beginning March, 2025**, and all applications must be received no later than April 30, 2025.

Scholarship questions and submittals can be submitted to Scholarship@txswana.org



TxSWANA Annual Conference

April 20 - 23, 2025 | Austin, Texas

About the event

TxSWANA ANNUAL CONFERENCE

The 2025 TxSWANA Annual Conference is the premier event for solid waste education and trade in Texas, offering attendees an exciting opportunity to explore the latest in equipment, waste management trends, and regulatory updates.

This dynamic conference is designed to maximize the value of your TxSWANA investment, providing attendees with the chance to earn continuing education units while connecting with industry peers to exchange ideas and best practices. Don't miss out—join hundreds of professionals for engaging facility tours, cutting-edge technical sessions, vibrant exhibits, and unmatched networking opportunities!

...And did we mention that the 2025 Conference will be held in the one and only Live Music Capital of the World?

That's right—join us in the iconic city of Austin, where the energy is electric, and the possibilities are endless!

Register Now @ <https://web.cvent.com/event/61dod6a4-d468-474c-be29-b3269ccffb92/regProcessStep1>



City of Abilene, TX

City Engineer

The Public Works Department delivers and manages a number of systems, services, and projects that are vital to the City of Abilene. Under the general direction of the Director of Public Works, the City Engineer oversees the City of Abilene's Engineering Services Division. This position plans, organizes, directs, supervises, and coordinates the engineering activities for the City. The City Engineer has nine direct reports in the Engineering Division. The City Engineer will work with Engineering Division staff on planned engineering projects; develop short- and long-range plans for City engineering projects; assign engineering plans, including schedules, feasibility studies and cost estimates; and perform overall project management for public works. This position reviews engineering plans and programs and the development of project scope requirements. They prepare the Engineering Division budget, review operational procedures, and assist in the hiring, supervising, and evaluating of staff.

The City of Abilene seeks an experienced, solutions-oriented leader to serve as its next City Engineer. The ideal candidate will be knowledgeable in the principles and practices of engineering as applied to public works or utilities construction and maintenance, including methods, materials, and techniques. This position requires a bachelor's degree from an EAC/ABET-accredited university with major course work in civil engineering or a related engineering field. Experience in organizational management activities, including budgetary control, and five (5) years of progressively responsible engineering experience after registration is required. Graduate-level engineering education may be substituted for engineering experience on a year-per-year basis. Experience in land development, including grading, drainage, and street and utility design, is preferred. Municipal City Engineer experience is preferred. A relevant combination of education, experience, and training may be considered.

Required certifications include:

- Licensed Professional Engineer by the State of Texas Board of Professional Engineers and Land Surveyors (or ability to obtain within six months).
- A valid Texas driver's license (or the ability to obtain one within 90 days or a military waiver).
- Certified Floodplain Manager certification (or the ability to obtain one within 12 months).

The City of Abilene offers a competitive salary range of \$114,325-\$171,488, depending on qualifications and experience.

Please apply online: <http://www.governmentresource.com/recruitment-employer-resources/open-recruitments/abilene-tx-city-engineer>

For more information on this position contact:

Marsha Reed, Sr. Vice President, Strategic Government Resources
MarshaReed@GovernmentResource.com or 806-789-9641

MEET THE DIRECTOR

REY FLORES is the Assistant Director for the Solid Waste Department in the City of Corpus Christi where he directly oversees all collections for the city consisting of Garbage, Recycle, Brush, and Bulky items. Rey has over 10 years' experience in Administration and Route Management. Rey's expertise is in leadership and efficiency. Besides handling the day-to-day operations for solid waste collections, he is also responsible for overseeing the departments \$51 million dollar budget.



Rey's biggest joy is keeping Corpus Christi clean and improving his community. Rey works with local vendors and coordinates beach clean ups as well as local park clean ups. Rey serves as the chair of the city's partnership board with the United Way Foundation. Rey works with all types of local nonprofit organizations which goals are to improve the Corpus Christi community and support other members of the community. Rey works do anything and everything to expand his city's potential and create a better place for the future to come.

Rey was born and raised in the city of Corpus Christi and received a Bachelor of Business Administration from Texas A&M University Corpus Christi. Rey has built his career upon excelling in operations and efficiency. Rey has been in the Solid Waste industry for 6 years now. Outside of work Rey enjoys spending time with his wife and 2 children. His family lives in Corpus Christi, and they are usually either at his son's youth baseball games or his daughter's dance competitions. Rey's family likes to sneak in family vacations when the opportunities arise, and they frequently head out to their family ranch in Rocksprings Texas for some good ole hunting!

Welcome Rey !!!



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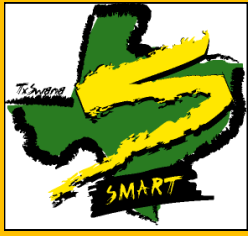
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Allison Trulock, Managing Director
atrulock@newgenstrategies.net
(407) 247-2370

TXSWANA
2025
ANNUAL ROAD-E-O

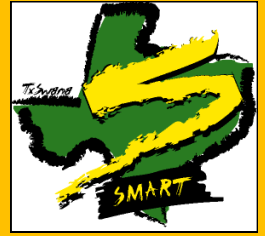


HOUSTON, TX
JUNE 6-7, 2025



Seven Steps in Recognizing Workplace Violence

by David Vartian, City of University Park



As solid waste professionals, we are not sheltered from the possible. The possible success, the possible inquiry, the possible injury.....the possible.... We consistently plan our work strategies for many possibilities. We strive to foster cultures where continuity of operations is a given during times of turbulence, we implement succession planning policies and procedures so that our operations and grow and foster, we strive to learn new techniques to promote efficiencies that include practices that champion a decrease in both injuries and accidents, However what we do not do as well, is to focus in on an area that has seen a growth in concern.

According to the Bureau of Labor Statistics Census of Fatal Occupational Injuries (2021), 521 of the 4,349 fatal work-related injuries were classified as workplace homicide. That is 12%, which is frightfully astounding. This is workplace violence in its most extreme form, the FOURTH leading cause of fatal work injuries. With a recent increase in workplace assaults, many work settings have observed the environmental conditions associated with workplace violence, identified them, and implemented control strategies to work to prevent these incidents from recurring.

The Occupational Safety & Health Administration (OSHA) has released a series of guidelines and recommendations involving workplace violence to the public. However, OSHA has yet to initiate official rule-making or create a true set of standards for these situations. Over 25 states have adopted their own OSHA approved standards and enforcement policies.

Workplace violence has been defined as “incidents where people are assaulted, abused or threatened in circumstances relating to work. The level of violence is typically classified as the behavior with the potential to cause harm. When workplace violence situation occurs it can cause a challenge to worker safety, health and well-being.

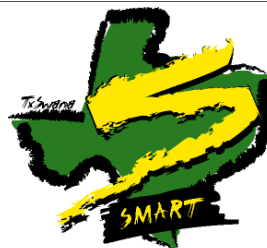
Workplace violence can be separated into three broad categories:

- The lowest form is “non-physical violence” in which the assaults are primarily verbal.
- The second form is “physical violence,” is used in reference to fights in which no additional weapons are used.
- The third and most dangerous form is “aggravated physical violence” in which violent acts are committed with the use of an item or weapon, such as a gun, knife or even work-related objects.

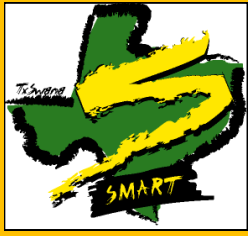
Regardless of the intensity, any form of violence should be seen as harmful to both the company and its workers. Verbal abuse can cause tension, increase stress or lead to more dangerous situations with staff. On the business side workplace violence will decrease value, staff morale and even public image. These are the possible risks along with the necessary financial compensation which comes when injuries occur within the organization. If negligence can be proven as a factor leading to a violent act, the company can come under legal attack and face large fines, compensation payments and higher insurance costs.

The optimum way to decrease workplace violence is to prevent it from happening. It is important to know why these violent outbreaks typically occur. While it should seem as a last result to many, violence is seen as a ‘functional’ behavior in psychological terms, meaning it is a way someone can get what they want, or the act provides them with some tangible benefit. What they want to accomplish can range from influencing others to calling attention towards themselves.

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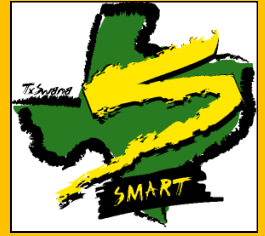


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Seven Steps in Recognizing Workplace Violence (continued)

by David Vartian, City of University Park



(Continued from page 14) The best course of action in reducing workplace violence occurrences is to build a culture of safety within the office and promote physical and mental well being. These acts can lead to a less stressful environment and potentially preventing workplace violence. Beyond prevention the next best step is to be able to “recognize” or observe a situation that can potentially escalate into a violent issue. Typically there will be an increasing set of clues that precede an act of violence; unfortunately, these clues are often ignored thus escalating the chance of an outburst.

The following 7 behaviors can be seen as potential ‘Warning Signs’ that may lead to eventual workplace violence. Recognizing these occurrences and properly addressing them will exponentially increase workplace safety:

If a worker has a chemical dependence with any alcohol or drug which can cause an increase in paranoia or aggressive behavior

Requiring repeated instruction, repetition of errors and other concentration problems can be signs of a troubled employee

Depression can lead to outbursts so it is important to watch for signs of depression including a slowed work pace, blank facial expressions, inappropriate guilt/shame, etc.

If the worker has a history of violence

Negative reactions to poor performance reviews, especially if the individual cares a great deal of the work they are doing

Romantic obsessions which may lead to inappropriate behavior such as multiple phone calls, stalking and unwanted visits

Any form of verbal threat or other activity that is seen as ‘out of character’ for a co-worker

If any of the above signs are noted from fellow employees it is critical that you speak with your employer and disclose any potential risks to the company. Once the employer is made aware of the situation it is best to develop a plan to relax the situation or calm the

troubled employee down. The first job of any worker is to always be aware and be ready.

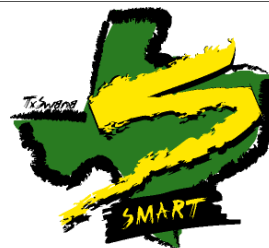
Recognizing workplace violence behavioral tendencies is critical in reducing the number of workplace violence instances. It all begins when a new employee enters the company. Are they taught to observe and encouraged to report unusual occurrences? Are plans in place to assess the situation? These are questions an employer must ask themselves. Wherever they may find deficiencies it is of immediate importance to find a solution to the problem.

Safety in the workplace is everyone’s concern. The health and welfare of our teams are essential for us to realize the success that we strive for. The growth and development of a sound safety culture is in the best interest of everyone and understanding the concerns and issues involving Workplace Violence is one area that can make a positive impact.

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This safety tidbit is brought to you by your Safety Management Resource Team (S.M.A.R.T). If you should have any solid waste safety question, please feel free to reach out. You mail email our Committee Secretary, Otis Smith @ Otis.Smith@midlandtexas.gov, our Committee Vice Chair, Janet [Gilbert@dallas.gov](mailto:Janet.Gilbert@dallas.gov), or David Vartian @ dvartian@uptexas.org

As always, please make it a Safe Day!



Use S.M.A.R.T.
We’re part of the Solution!

MEMBERSHIP UPDATE

We Welcome the Following New Members (through Feb. 20, 2025)

Thomas Brabandt	Brabandt Equipment
Jill Busby	City of Lubbock
Avery Cantrell	Trans Lease Inc.
Miles Charlesworth	Sniffer Robotics, LLC
Ty Cieloha	Routeware, Inc.
Manuel Cruz	City of Dalhart
Seth Cunningham	NewGen Strategies and Solutions
Karlis Ercums	Hill Coutry Waste Solutions
Byambasuren Ganbaatar	Mongolian National Recycling Assoc.
Isidro Hernandez	City of Lubbock
Katie Kinnear	Routeware, Inc.
Charles Magee	Michelli Weighing & Measurement

Sherri Mata	City of Fort Worth
Sean Moree	City of Lubbock
Hannah Ordonez	North Central Texas COG
Mark Owens	Roy's Trucks & Equipment, Inc.
Jim Paules	Peak Trailer Group
Brent Perdue	Burns & McDonnell
Lisa Puckett	Bay Area Compliance Laboratories Corp
John Reid	Vulcan On-Board Scales
Caleb Rude	San Marcos, TX
Victor Salas	City of Lubbock
Michael Springer	City of Dallas
Doug Travis	Stella Environmental Services, LLC

Calendar of Events

BOARD OF DIRECTORS

2025 MEETINGS

March 14	Lubbock
April 23	Austin
May 9	Dallas
June 6	Houston
July 11	El Paso
Aug. 8	Dallas
Sept. 12	Austin
Oct. 10	San Antonio

**2025 TXSWANA
Annual Conference**
April 21-23, 2025
Austin, TX

2025 TXSWANA Road-e-o
June 6-7
Houston, TX

2025 RCon
Nov. 12-15, 2025
Columbus, OH