OSHA Update

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Cleveland OSHA Office
May 10, 2018
Secretary of Labor

Alex Acosta

Still waiting for Assistant Secretary of Labor for OSHA to be confirmed......
OSHA’s Continuing Mission

- More than 4,000 Americans die from workplace injuries every year.

- Perhaps as many as 50,000 workers die from illnesses in which workplace exposures were a contributing factor.

- More than 3 million workers suffer a serious non-fatal injury or illness annually.
Workplace injuries and fatalities cost our economy $198.2 billion a year.

— National Safety Council “Injury Facts” 2014
Updates to OSHA’s Recordkeeping/Reporting Rule: Severe Injury Reporting

OSHA has **expanded** the list of severe injuries & illnesses that employers must report & **updated** the list of industries who are partially exempt from routinely keeping OSHA records.

For workplaces under Federal OSHA jurisdiction

- Final rule became effective **January 1, 2015**
Expanded reporting requirements

The rule expands the list of severe work-related injuries and illnesses that all covered employers must report to OSHA.

Since January 1, 2015, employers must report the following to OSHA:

- All work-related fatalities within 8 hours (same as previous requirement)
- All work-related in-patient hospitalizations of one or more employees within 24 hours
- All work-related amputations within 24 hours
- All work-related losses of an eye within 24 hours
How can employers report to OSHA?

- By telephone to the nearest OSHA office during normal business hours.

- By telephone to the 24-hour OSHA hotline (1-800-321-OSHA or 1-800-321-6742).

- Online: [www.osha.gov/report.html](http://www.osha.gov/report.html)

- Penalty for not reporting: Approaching $10,000; adjustments then taken for size, good faith, history
Inspections/RRIs by Area Office

Employer Reported Referrals by Area Office FY 2016

<table>
<thead>
<tr>
<th></th>
<th>Cincinnati</th>
<th>Cleveland</th>
<th>Columbus</th>
<th>Toledo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspections</td>
<td>89</td>
<td>122</td>
<td>93</td>
<td>101</td>
</tr>
<tr>
<td>RRIs</td>
<td>91</td>
<td>118</td>
<td>107</td>
<td>98</td>
</tr>
</tbody>
</table>
### Improving Tracking Final Rule: Timeline  
**Dec. 1, 2017**

- Final Rule Federal Register Notice – May 12, 2016
- Employee Rights effective date – August 10, 2016 (enforcement delayed to Dec. 1, 2016)
- Electronic Reporting effective date – January 1, 2017
- Phase-in data submission due dates

The online electronic submission application is working. Updates will be posted to the OSHA website at [www.osha.gov/recordkeeping](http://www.osha.gov/recordkeeping) when they are available.

<table>
<thead>
<tr>
<th>Submission year</th>
<th>Establishments with 250 or more employees in industries covered by the recordkeeping rule</th>
<th>Establishments with 20-249 employees in select industries</th>
<th>Submission deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>CY 2016 300A Form</td>
<td>CY 2016 300A Form</td>
<td>July 1, 2017</td>
</tr>
<tr>
<td>2018</td>
<td>CY 2017 300A, 300, 301 Forms <strong>JUST 300A!!!!! (for now)</strong></td>
<td>CY 2017 300A Form</td>
<td>July 1, 2018</td>
</tr>
<tr>
<td>2019 and beyond</td>
<td>300A, 300, 301 Forms</td>
<td>300A Form</td>
<td>March 2</td>
</tr>
</tbody>
</table>
Fatalities by Event FY 2004 - FY 2016
Region V  Ohio, Illinois, Wisconsin

- Struck: 449
- Fall: 426
- Caught: 393
- Electrocution: 126
- Exposure: 83
- Fire/Explosion: 65
- Other: 37
The “Big 3”
Falls, Caught-In, Struck-By

- The “Big 3” comprises 80% of all fatalities in Region V.
Newer OSHA Standards

• Silica

• Walking-Working Surfaces

• Beryllium
Silica: Most Important Reason for the Rule

- Previous PELs do not adequately protect workers
- Exposure to respirable crystalline silica has been linked to:
  - Silicosis
  - Lung cancer
  - Chronic obstructive pulmonary disease
  - Kidney disease
- Extensive epidemiologic evidence that lung cancer and silicosis occur at exposure levels below 100 μg/m³
Silica Standard: General Industry/Maritime Compliance Dates

- Employers must comply with all requirements of the standard by **June 23, 2018**, except:
- Employers must comply with the action level trigger for medical surveillance by June 23, 2020. (The PEL is the trigger from June 23, 2018 through June 23, 2020.)
- Hydraulic fracturing operations in the oil and gas industry must implement engineering controls to limit exposures to the new PEL by June 23, 2021.
Silica Standard: Construction Compliance Dates

• Employers must comply with all requirements (except methods of sample analysis) by
  **Oct. 23, 2017**

• Compliance with methods of sample analysis required by June 23, 2018

• **Current** policy is to conduct inspections only when a formal complaint is received.
Walking-Working Surfaces and PPE (Fall Protection) Rule:

Purpose

• To update the outdated subpart D standard, incorporating new technology and industry practices

• To increase consistency with OSHA’s construction standards (CFR 1926 subparts L, M, and X)

• To add new provisions to subpart I that set forth criteria requirements for personal fall protection equipment
Walking-Working Surfaces and PPE (Fall Protection) Rule

- OSHA estimates 6.9 million general industry establishments employing 112.3 million workers will be affected

- OSHA estimates the new rule will prevent 29 fatalities and 5,842 injuries annually
Walking-Working Surfaces and PPE (Fall Protection) Rule: Major Changes

- Fall Protection Flexibility
- Updated Scaffold Requirements
- Phase-in of ladder safety systems or personal fall arrest systems on fixed ladders
- Adds requirements for personal fall protection equipment (final §1910.140)
- Rule overall: January 17, 2017
Beryllium Standard

- Final rule to prevent chronic beryllium disease and lung cancer; Standards for general industry, construction, shipyards
- Reduces the permissible exposure limit (PEL) for beryllium to 0.2 ug/m³, averaged over 8-hours, from 2 ug/m³
- OSHA estimates the rule will save 94 lives and prevent 46 new cases of chronic beryllium disease each year
- Effective date is May 20, 2017; (Challenges in court)
Higher OSHA Penalties

• As of Aug. 1, 2016, the penalties OSHA can impose increased. This was a one-time catch-up adjustment.
• There will also be annual adjustments based on inflation. New penalty amounts as of Jan. 13, 2018:

<table>
<thead>
<tr>
<th>Type of Violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serious</td>
<td>$12,934 per violation</td>
</tr>
<tr>
<td>Failure to Abate</td>
<td>$12,934 per day beyond the abatement date</td>
</tr>
<tr>
<td>Willful or Repeated</td>
<td>$129,336 per violation</td>
</tr>
</tbody>
</table>

See www.osha.gov/penalties
Top Ten Violations
Most frequently cited OSHA standards during FY 2017 inspections

1. Fall Protection—General Requirements
2. Hazard Communication
3. Scaffolding
4. Respiratory Protection
5. Lockout/Tagout
6. Ladders
7. Powered Industrial Trucks
8. Machine Guarding
9. Fall Protection – Training
10. Electrical – Wiring Methods
Employer’s Responsibility to…
Train Your Employees

• Workers have a right to get training from employers on a variety of health and safety hazards and standards that employers must follow.

  ▶ Required training covers topics such as, lockout-tagout, first-aid, bloodborne pathogens, haz. com., noise, confined spaces, personal protective equipment, forklift operation, emergency action plan, fire extinguishers, cranes, respiratory program (if respirators provided), among others.

****The Compliance Officer may ask for documentation on these topics****
Employer’s Responsibilities:

• Provide a workplace free from recognized hazards and comply with OSHA standards
• Provide medical exams when required by OSHA standards and provide workers access to their exposure and medical records
• Not discriminate against workers who exercise their rights under the Act (Section 11(c))
• Post OSHA citations and abatement verification notices
OSHA’s Initiatives

- Protecting Temporary Workers
- Preventing Falls
- Heat Illness Prevention

SAFE WORKPLACE
SOUND BUSINESS
Campaign for Safety & Health Programs
OSHA’s Recommended Practices for Safety and Health Programs: Website

[Image of a computer screen displaying the OSHA website]

osha.gov/shpguidelines
Protecting Temporary Workers

- 3 million people are employed by staffing companies every week.
- 11 million temporary and contract employees are hired by U.S. staffing firms over the course of a year.

Source: American Staffing Association
Why Are Temp Workers At High Risk of Injury?

- New workers are at increased risk of injury.
- Host employers don’t have the same commitment to temporary employees as to permanent ones.
- Employer who bears the risk of the injury (temp agency) does not control safety and health investment.
Temporary Workers: Outreach & Education

- Alliance with American Staffing Association
- Issued Temporary Worker Recommended Practices
- Developed Series of Compliance Assistance Bulletins
<table>
<thead>
<tr>
<th>Heat Index</th>
<th>Risk Level</th>
<th>Protective Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 91°F</td>
<td>Lower (Caution)</td>
<td>Basic heat safety and planning</td>
</tr>
<tr>
<td>91°F to 103°F</td>
<td>Moderate</td>
<td>Implement precautions and heighten awareness</td>
</tr>
<tr>
<td>103°F to 115°F</td>
<td>High</td>
<td>Additional precautions to protect workers</td>
</tr>
<tr>
<td>Greater than 115°F</td>
<td>Very High to Extreme</td>
<td>Triggers even more aggressive protective measures</td>
</tr>
</tbody>
</table>

For the upcoming summer......Develop a Heat Stress Policy; Download OSHA’s App on Heat Stress
New OSHA Resources

For a listing of new OSHA publications, web pages, videos, and other resources, visit OSHA’s Help for Employers page (www.osha.gov/employers), and click on “New Products” in the Quick Links box.
OSHA QuickTakes

- **Free** OSHA e-newsletter delivered twice monthly to 170,000 subscribers

- **Latest news** about OSHA initiatives and products to help employers and workers find and prevent workplace hazards

- Sign up at [www.osha.gov](http://www.osha.gov)
Posting Form 300A starting Feb. 1

Employers must prominently display 2017 summary of work-related injuries and illnesses in their workplaces from Feb. through April.

Training Made Easier

Get information on job safety classes, trainers, and 10-hour and 30-hour cards more easily using our webpage.
What’s an employer to do if you get an OSHA Inspection?

• Prepare in advance; do you have a SHMS?
• Be honest with the compliance officer
• Good faith plays a big role in how your case is evaluated
• If you receive citations and penalties, come in to the informal conference and discuss your case with the Area Director to obtain a workable settlement agreement…and bring with you abatement documentation!
• National Safety Stand-down to promote proactive safety and health activities, such as implementation/enhancement of safety and health programs, **August 13-19, 2018**

• OSHA is working with NIOSH/ASSE/NSC/AIHA

• Please have your company participate!!

“SAVE THESE DATES"
On-Site Consultation (Free Service)
1-800-282-1425

Walkthrough Surveys/Air Monitoring
Help with Written Programs
Written Report

https://www.osha.gov/dcsp/smallbusiness/consult.html
Thank You!!!
Cleveland OSHA Office
216-447-4194
www.osha.gov