

2024: OSHA UPDATE



ELIZABETH MORALES, CAS
Department of Labor-OSHA KC

Agenda

- OSHA update on recordkeeping and NEPs
- Nationwide Regulatory Agenda
- BLS data for Federal Agencies
- OSHA's violations and penalties
- National OSHA's Campaigns

OSHA's Mission...

- To assure safe and healthful working conditions for working men and women, by enforcement of the standards developed under the Act.

OSHA's Mission-Balanced Approach

- Enforcement
- Outreach
- Compliance Assistance



Employer Rights and Responsibilities

➤ Employers:

- ✓ must provide workplaces free from serious hazards.
- ✓ must provide training and protective equipment to employees.
- ✓ may develop workplace safety rules that exceed OSHA requirements.
- ✓ must enforce work rules to keep employees safe.

Section 11(c) of the OSH Act Worker Rights

Employees have the right to:

- Report **unsafe conditions and injuries** to management or OSHA
- Assist an **OSHA investigation**
- Request **Training**
- Request **PPE**

www.osha.gov/worker

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Employee's Rights: File a Complaint

https://www.osha.gov/workers/file_complaint.html

Occupational Safety and Health Administration

English | Spanish

ABOUT OSHA - WORKERS - EMPLOYERS - REGULATIONS - ENFORCEMENT - TOPICS - NEWS & PUBLICATIONS - DATA - TRAINING -

HOME // WORKERS // SAFETY AND HEALTH COMPLAINT

How to File a Safety and Health Complaint

The Occupational Safety and Health Act of 1970 gives employees and their representatives the right to file a complaint and request an OSHA inspection of their workplace if they believe there is a serious hazard or their employer is not following OSHA standards. Workers do not have to know whether a specific OSHA standard has been violated in order to file a complaint. **The complaint should be filed as soon as possible after noticing the hazard or lack of compliance because OSHA citations may only be issued for violations that currently exist or existed in the past 6 months.**

Complaints from workers or their representatives are taken seriously by OSHA. **OSHA will keep your information confidential.**

COMPLAINT FILING OPTIONS



Online - Go to the Online Complaint Form

Written complaints that are signed by workers or their representative and submitted to an OSHA Area or Regional Office are more likely to result in onsite OSHA inspections. Complaints received on line from workers in OSHA approved state plan states will be forwarded to the appropriate state plan for response.



Fax/Mail - Download the OSHA complaint form (En Español) (or request a copy from your local OSHA Regional or Area Office)

Complete it and then fax or mail it back to your local OSHA Regional or Area Office. Written complaints that are signed by a worker or representative and submitted to the closest OSHA Area Office are more likely to result in onsite OSHA inspections. Please include your name, address and telephone number so we can contact you to follow up.



Telephone - your local OSHA Regional or Area Office

OSHA staff can discuss your complaint and respond to any questions you have. **If there is an emergency or the hazard is immediately life-threatening, call your local OSHA Regional or Area Office or 1-800-321-OSHA.**

RELATED INFORMATION

- Learn more about your [rights](#) as a worker.
- You can [file a whistleblower complaint](#) if your employer has retaliated against you for exercising your rights as a worker.

Complaints

VIDEOS



Filing a Complaint with OSHA

[English](#) | [Spanish](#)



Know Your Rights

[English](#) | [Spanish](#)



[Young Workers' Rights](#)

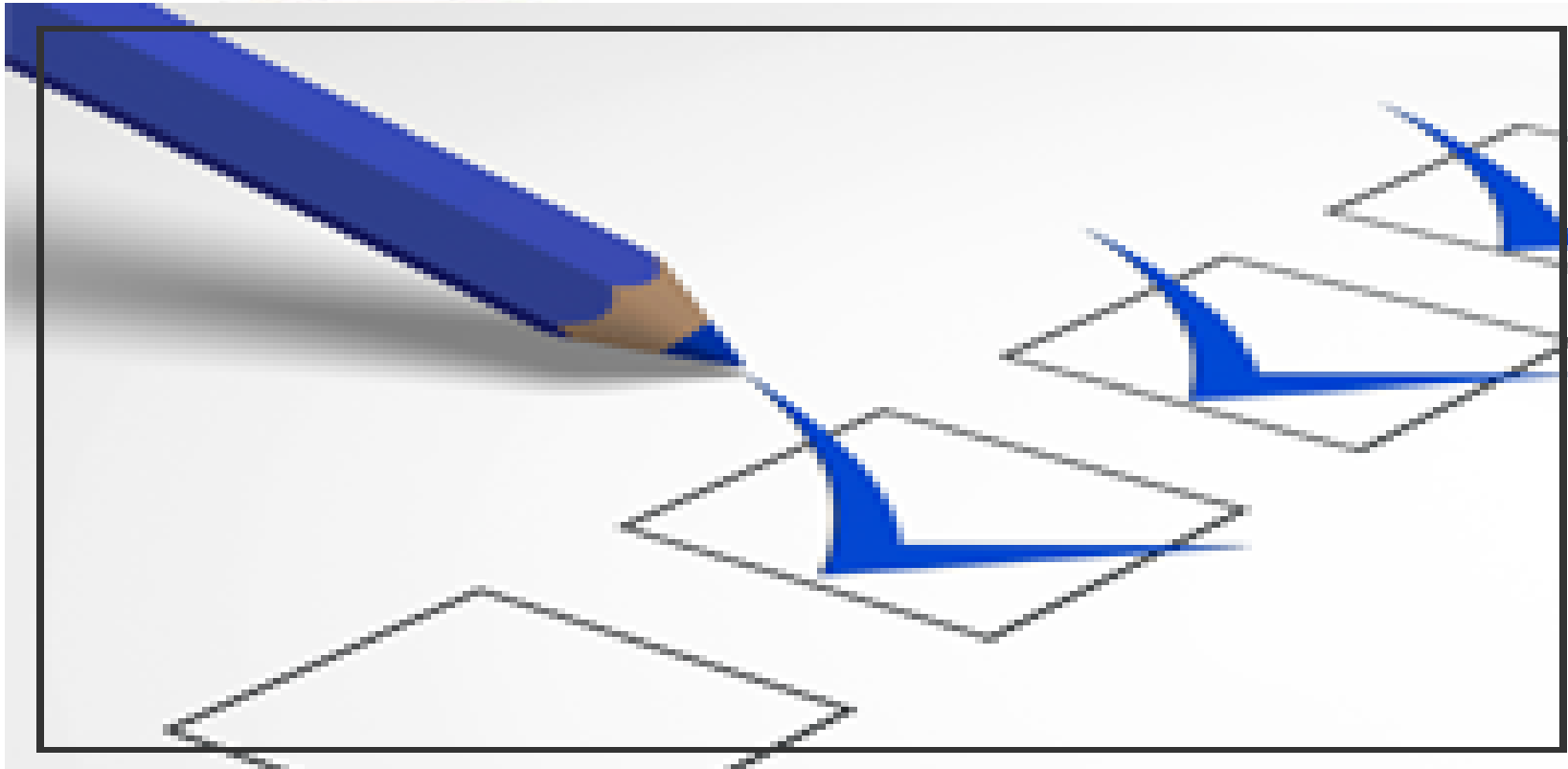
Whistleblower Protections

Employers cannot retaliate against workers who exercise their rights.

Retaliation includes:

- Reduction in pay or hours
- Being fired, laid off, or suspended
- Reassignment, discipline, or demotion
- Threats, harassment, and intimidation
- Blacklisting from hiring

OSHA Recordkeeping Update



Final rule to Amend Recordkeeping Requirements

- On July 21, 2023, OSHA published a final rule to amend federal occupational injury and illness recordkeeping regulation: 29 CFR 1904.41
- The final rule supports the agency's mission to assure safe and healthful working conditions for working people.

Final Rule Requirements

Establishments with 100 or more employees in the **highest-hazard industries** must electronically submit information from their Form 300 Log and Form 301 Incident Report.

Establishments with 20 or more employees in **certain high-hazard industries**, and **establishments with 250 or more** employees in industries that are routinely required to keep injury and illness records, must continue to electronically submit information from their Form 300A Annual Summary.

Establishments are required to include their **legal company name** in their submission.

Benefits of the Final Rule

- Increase OSHA's ability to identify and respond to emerging hazards.
- Improve the ability of employers, employees, employee representatives, and researchers to ***identify and mitigate*** workplace hazards and thereby prevent worker injuries and illnesses.

Benefits of the Final Rule

- Improve OSHA's ability to use its enforcement and compliance assistance resources by enabling OSHA to identify the workplaces where workers are at high risk.
- Increase OSHA's effectiveness and efficiency by providing establishment-specific, case-specific injury and illness data for analyses that are not currently possible.

Protection of Worker Privacy- OSHA will...

- **Not collect** names and addresses of employees or healthcare providers.
- OSHA will design the data collection system to **retain age instead of** birthdate.
- OSHA will remind employers during the data submission process **not to submit information** that could directly identify workers, such as names, addresses, telephone numbers, etc.

Protection of Worker Privacy

OSHA will...

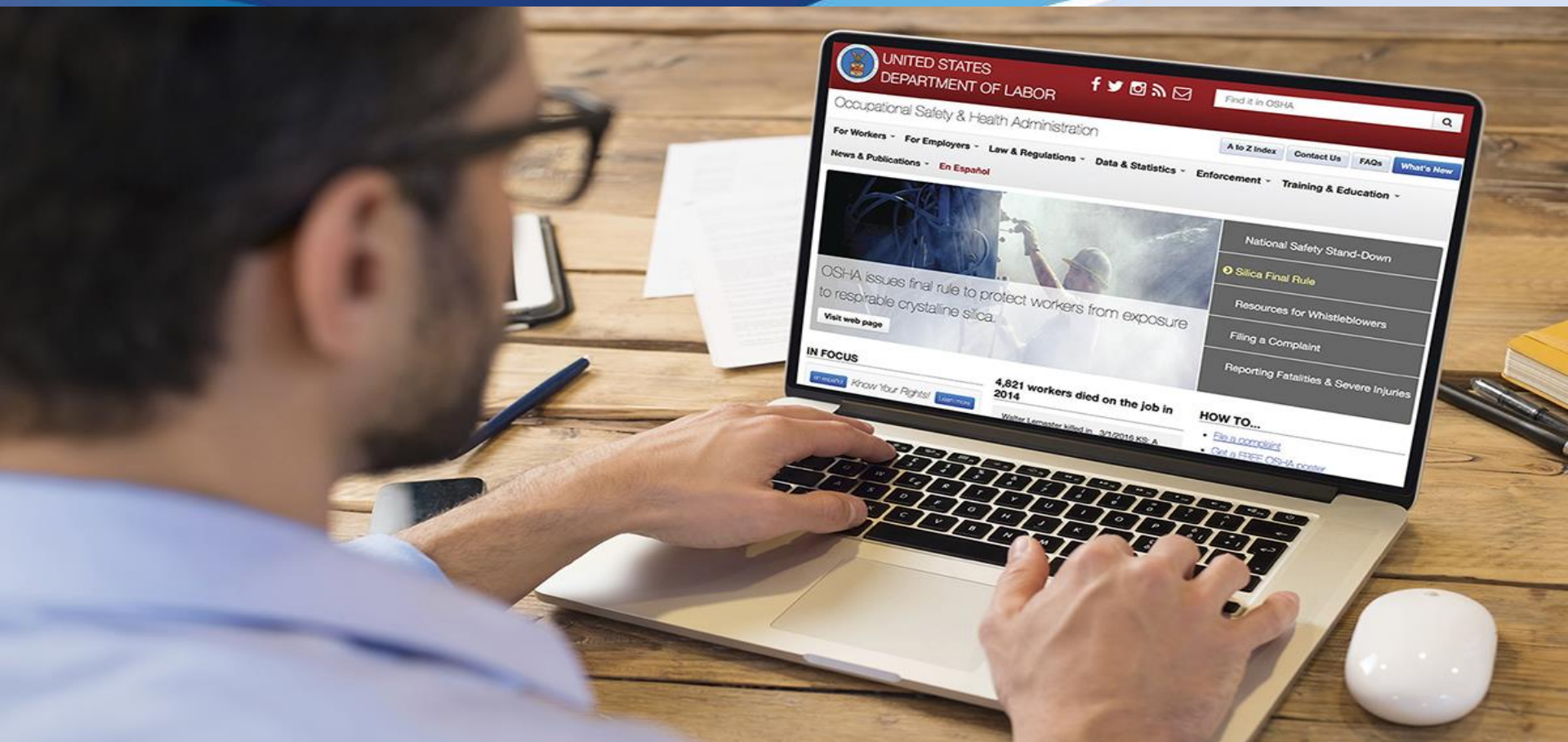
- Not make public the data fields on worker age, gender, date hired, and whether the worker was treated in an emergency room and/or admitted to a hospital as an in-patient.
- Use automated information technology, as well as some manual review, to detect and remove any remaining information that could directly identify workers.

Reporting Fatalities and Severe Injuries

- All employers are required to notify OSHA when an employee is **killed** on the job or suffers a work-related **hospitalization, amputation, or loss of an eye**.
- A fatality must be reported **within 8 hours**.
- An in-patient hospitalization, amputation, or eye loss must be reported **within 24 hours**.



OSHA RECORDKEEPING DUE DATE: MARCH 2, 2024



National Emphasis Programs

- **Heat**
- **Falls**
- **Trenching and Excavations**

National Emphasis Program (NEP) on Outdoor & Indoor Heat Hazards

- EFFECTIVE: On April 8, 2022
- In effect: Next 3 years *
- CPL-03-00-024
- Applies: OSHA Nationwide
- Scope: General Industry and Construction
- Programmed inspections will be initiated after 90 days outreach and compliance assistance period.

What is the purpose of this NEP on Heat hazards?

- To protect employees from heat-related hazards and resulting injuries and illnesses in outdoor and indoor workplaces.
- **Focus on:**
 - New workers
 - Returning workers
 - Adequate training
 - Acclimatization procedures

What type of enforcement activities are part of this Heat NEP?

- OSHA will be inspecting **ANY** alleged heat-related fatality/catastrophe, complaint, or referral regardless of whether the worksite falls within the targeted high-risk industries or any day that the **National Weather Service** has announced a **heat warning** or advisory in your local area.

National Emphasis Program (NEP) on Falls

Purpose:

To reduce or eliminate injuries and fatalities associated with falls while working at heights in **all** industries.



National Emphasis Program (NEP) **on Falls**

- EFFECTIVE: On May 1, 2023
- CPL-03-00-024
- Applies: OSHA Nationwide
- **Scope:** *General Industry and Construction*

National Emphasis Program (NEP): Trenching and Excavation

- Effective: October 1, 2018
- CPL- 02-00-161
- Applies: OSHA Nationwide
- Purpose: To reduce workplace hazards associated with trenching/excavations operations.



OSHA Regulatory Agenda Fall 2023

What is the Regulatory Agenda?

- **Regulatory Agenda** informs public of federal agencies' regulatory priorities
 - Published twice a year in Spring and Fall in [Reginfo.gov](https://www.reginfo.gov)
- **Regulatory Plan** (published as part of Fall Agenda) has more details about the most significant regulatory actions

Regulatory Agenda Components

- **Current Regulatory Agenda**

- Pre-Rule Actions
- Proposed Rules
- Final Rules

- **Long-Term Actions**

- Items for which agency does not expect to have regulatory action within a year
- Appears on separate list in [Reginfo.gov](https://www.reginfo.gov)

OSHA: Pre-Rule Stage

- Process Safety Management and Prevention of Major Chemical Incidents
- Mechanical Power Presses Update
- Prevention of Workplace Violence in Health Care and Social Assistance
- Blood Lead Level for Medical Removal
- Heat Illness Prevention in Indoor and Outdoor Settings

Workplace Violence in Health Care and Social Assistance



- Issued a request for information (RFI) in December 2016 outlining OSHA's history with the issue and requesting information from the health care community about the impact of workplace violence and prevention strategies.
- Petitioned by labor unions to issue a standard, which OSHA granted in January 2017.
- OSHA completed the Small Business Regulatory Enforcement Fairness Act (SBREFA) process on May 1, 2023, and is currently **analyzing the SBREFA report.**

Blood Lead Level for Medical Removal



- Issued an Advanced Notice of Proposed Rulemaking (ANPRM) in June 2022 on reducing the current Blood Lead Level (BLL) triggers in the medical surveillance and medical removal protection provisions and modifying other requirements.
 - Recent medical findings indicate that BLL lower than the current triggers in adults can result in adverse health effects.
- OSHA is **analyzing public comments.**

Proposed Rule Stage

- **Infectious Diseases**
- Cranes and Derricks in Construction Amendments
- Communication Towers
- Emergency Response
- **Lock-out/Tag-out Update**
- Tree Care
- Welding in Construction Confined Spaces
- **PPE in Construction**
- Powered Industrial Truck Design Standard Update
- Walking Working Surfaces
- **Silica- Revisions to Medical Surveillance Provisions for Removal Protection**
- **Worker Walkaround Representative Designation Process**

Infectious Diseases



- Employees in health care and other **high-risk** environments face long-standing infectious disease hazards
- OSHA is examining regulatory alternatives for control measures to protect employees in certain workplaces from infectious disease exposures to pathogens that can cause significant disease.
- **Proposed Rule expected** in June 2024.

Lock-Out/Tag-Out



- Technological advancements using computer-based controls of hazardous energy (e.g., mechanical, electrical, etc.,) are more prevalent and conflict with the current standard.
- Computer-based controls are accepted internationally and harmonized through consensus standards.
- OSHA issued a request for information (RFI) in May 2019 to understand the strengths and limitations of this new technology, and potential hazards to workers.
- **Proposed Rule expected** in August 2024.

PPE in Construction

- Proposal to clarify requirements for the fit of PPE in construction.
- **Proposed Rule was expected** but was not issued by the end of November 2023.



Silica - Medical Removal Protection

- OSHA's silica standards (construction and general industry/maritime) do not provide for medical removal protection.
- Industry and labor petitioned for review.
- A federal court concluded OSHA did not adequately explain the omission and sent it back to OSHA for consideration.
- **Proposed Rule expected** in January 2024.



Worker Walkaround Representative Designation Process

- Clarification of a worker's and certified bargaining unit's right to specify a **worker** or **union representative** to accompany an OSHA inspector regardless of whether the representative is an employee of the employer.
- OSHA issued a Notice of Proposed Rulemaking in August 2023
- OSHA is **analyzing public comments**.

Regulatory Agenda Entry Example

 An official website of the United States government



OFFICE of INFORMATION and REGULATORY AFFAIRS
OFFICE of MANAGEMENT and BUDGET
EXECUTIVE OFFICE of THE PRESIDENT

Reginfo.gov

U.S. General
Services
Administration



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View Rule

[View EO 12866 Meetings](#)

[Printer-Friendly Version](#) [Download RIN Data in XML](#)

DOL/OSHA

RIN: 1218-AD26

Publication ID: Fall 2022

Title: Powered Industrial Trucks Design Standard Update

Abstract:

OSHA is proposing to update its reference to the ANSI B56.1-1969 Safety Standard for Powered Industrial Trucks found in its powered industrial truck standards to also include the latest version of ANSI/ITSDF B56.1a-2018, Safety Standard for Low Lift and High Lift Trucks. This rulemaking will incorporate by reference the consensus standard provisions related to the design and construction of powered industrial trucks, and is a continuation of OSHA's ongoing effort to update references to consensus standards published by standards-developing organizations. The purpose of these rulemakings is to improve worker safety and health by ensuring that consensus standards referenced in OSHA rules address current industry practice and state-of-the-art technology. In a separate action (RIN 1218-AC99), OSHA is collecting information to evaluate the need to update requirements related to the maintenance and use of powered industrial trucks and training of operators.

Agency: Department of Labor(DOL)

RIN Status: Previously published in the Unified Agenda

Major: No

CFR Citation: [29 CFR 1910.178](#) [20 CFR 1926.602](#)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/16/2022	87 FR 8755
NPRM Comment Period End	05/17/2022	
NPRM Analyze Comments	12/00/2022	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Included in the Regulatory Plan: No

RIN Data Printed in the FR: No

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule Stage

Unfunded Mandates: No

Government Levels Affected: Undetermined

Federalism: No

Final Rule Stage

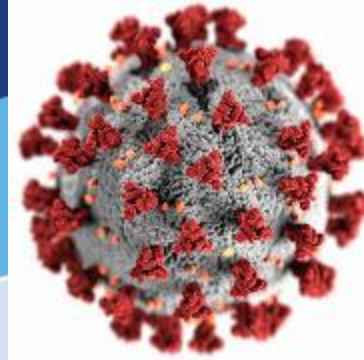
- Update to the Hazard Communication Standard
- Procedures for Handling Retaliation Complaints under the:
 - Whistleblower Protection Statutes
- Occupational Exposure to COVID-19 in Healthcare Settings

Hazard Communication



- This rulemaking will:
 - Harmonize the HCS to the seventh edition of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS), and
 - Codify enforcement policies OSHA has issued since the 2012 standard.
- **Final Rule was expected** by the end of November 2023 but was not issued.

Occupational Exposure to COVID-19 in Healthcare Settings



- In June 2021, OSHA issued an emergency temporary standard (ETS) to address the grave danger of COVID-19 in healthcare workplaces.
- OSHA continues to work expeditiously to issue a final standard that will protect workers from COVID-19.
- **Final Rule expected**, but was not issued, in December 2023.

OSHA's Top 10 Violations

Top Ten Violations

Most frequently cited OSHA standards during FY 2022 inspections.

1. Fall Protection – General Requirements (1926.501)
2. Hazard Communication (1910.1200)
3. Ladders (1926.1053)
4. Respiratory Protection (1910.134)
5. Scaffolding (1926.451)

Top Ten Violations

Most frequently cited OSHA standards during FY 2022 inspections.

- 6. Lockout/Tagout (1910.147)**
- 7. Powered Industrial Trucks (1910.178)**
- 8. Fall Protection – Training Requirements (1926.503)**
- 9. Eye and Face Protection (1926.102)**
- 10. Machine Guarding (1910.212)**

FY22-Top Ten Violations in Construction



CONSTRUCTION INDUSTRY

- 1. Fall Protection, Duty to Have (1926.501)**
- 2. Ladders (1926.1053)**
- 3. Scaffolding (1926.451)**
- 4. Fall Protection, Training (1926.503)**
- 5. Eye and Face Protection (1926.102)**
- 6. Head Protection (1926.100)**
- 7. General Safety and Health Provisions (1926.20)**
- 8. Aerial Lift (1926.453)**
- 9. Excavations – Specific Requirements (1926.651)**
- 10. Hazard Communication (1910.1200) (1926.59 identical)**

Top Ten Violations in General Industry FY 2022

- 1. Respiratory Protection (1910.134)**
- 2. Hazard Communication (1910.1200)**
- 3. Powered Industrial Trucks (1910.178)**
- 4. General Requirements, Electrical
(1910.303)**
- 5. Control of Hazardous Energy,
Lockout/Tagout (1910.147)**

Top Ten Violations in General Industry FY 2022

- 6. Wiring Methods, Components, and Equipment for General use (1910.305)**
- 7. Maintenance, safeguards, and operational features for exit routes (1910.37)**
- 8. General Requirements, PPE (1910.132)**
- 9. Portable Fire Extinguishers (1910.157)**
- 10. Healthcare (1910.502) (Note: ETS withdrawn 12/2022)**

2024: Annual Adjustments to OSHA Civil Penalties

Type of Violation	New Maximum
<ul style="list-style-type: none">• Serious and• Other-Than-Serious• Posting Requirements	\$15,625 per violation
Willful or Repeated	\$156,259 per violation
Failure to Abate	\$15,625 per day beyond the abatement date

2024 OSHA's National Campaigns and Initiatives

Protecting Young Workers April-May 2024

Workers of all ages have rights to safe workplaces:

- to raise concerns about hazards without fear of retaliation
- to receive training and PPE
- to ask questions if something seems unsafe



[OSHA: Young
Workers' Rights
\(Spanish\)](#)

[OSHA: Young
Workers' Rights
\(English\)](#)



www.osha.gov/youngworkers
[#MySafeSummerJob](#)

HEAT ILLNESS PREVENTION

April 28, 2024

Sun Safety at Work

Sun exposure causes skin cancer, premature aging of the skin, and cataracts.

- ✓ **Cover up.** Wear tightly-woven clothing that blocks out light.
- ✓ **Use sunscreen.** Use a sunscreen that has a sun protection factor (SPF) of at least 15.
- ✓ **Wear a hat.** A wide brim hat protects the neck, ears, eyes, forehead, nose, and scalp.
- ✓ **Wear UV-absorbent shades.** Sunglasses should block UVA and UVB radiation.
- ✓ **Limit exposure.** UV rays are most intense between 10 a.m. and 4 p.m.

[osha.gov/heat](https://www.osha.gov/heat)



OSHA[®]

Mental Health Resources for Employers



**MAY...
Mental
Health
Awareness
May 1- 31,
2024**



Plan. Provide. Train.

Three simple steps to preventing falls.

May 6-10, 2024



Trench and Excavation Week

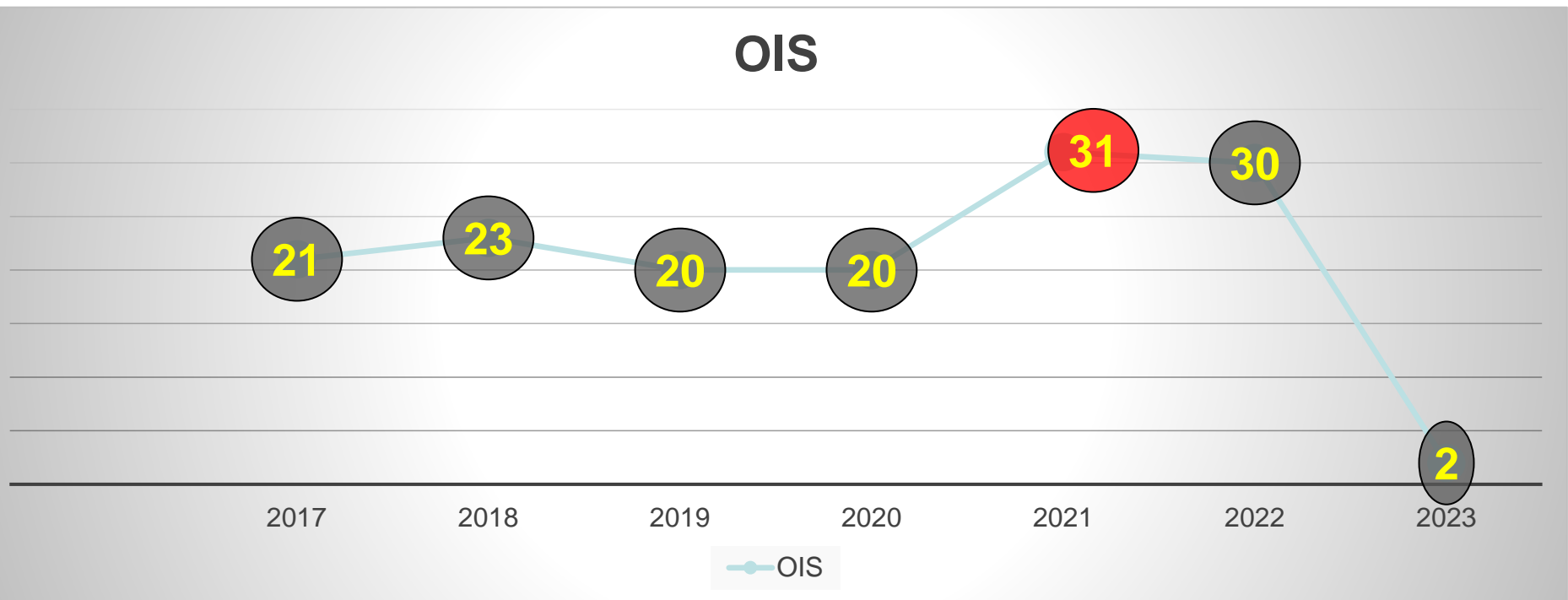
June 14-18, 2024

Practice the Three S'
of Trench Safety:
**Sloping, Shoring,
and Shields**

#TrenchSafetyMonth



OSHA Information System (OIS) Data: Trenching Fatalities Nationwide Data (2016-2023)



August, 2024

SAFE + SOUND



is a year-round campaign to encourage every workplace to have a safety and health program.

[DEVELOP YOUR PROGRAM](#)

[SAFE + SOUND WEEK](#)

[MEET OUR SUPPORTERS](#)

[Contact Us](#)

SUICIDE PREVENTION IN CONSTRUCTION

September 8-14, 2024

Get help now.

If you're having trouble coping with work-related stress,
talk with someone who can help.

- Call the new three-digit dialing code 988
or find online chat at 988lifeline.org/chat



Compliance Assistance Specialists (CAS) – Region 7

- Maryanne Martin, St. Louis Area Office
314-410-2413
Martin.Maryanne.T@dol.gov
- Elizabeth Morales, Kansas City Area Office
816-502-0317
Morales.Elizabeth@dol.gov
- Brian Wood, Kansas City Regional Office
816-502-9034,
Wood.Brian.L@dol.gov

Compliance Assistance Specialists (CAS) – Region 7

- David McDonnell, Wichita Area Office
316-796-8837,
McDonnell.David@dol.gov
- Dan Dwyer, Omaha Area Office
402-553-0171
Dwyer.Daniel@dol.gov
- Christopher Downs, Iowa OSHA Office
515-725-5649
Christopher.Downs@iwd.iowa.gov

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www.osha.gov/quicktakes

