American Society of Safety Professionals – Wisconsin Chapter Potowatomi Casino & Hotel

OSHA Update Risk, Health & Safety for All Annual Conference

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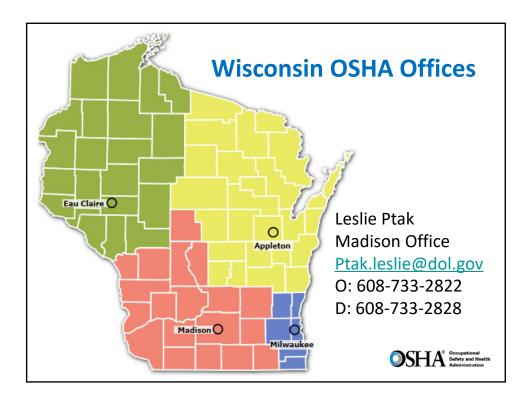
Disclaimer

This information has been developed by an OSHA Compliance Assistance Specialist and is intended to assist employers, workers, and others as they strive to improve workplace health and safety. While we attempt to thoroughly address specific topics [or hazards], it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in a

presentation of this nature. Thus, this information must be understood as a tool for addressing workplace hazards, rather than an exhaustive statement of an employer's legal obligations, which are defined by statute, regulations, and standards.

Likewise, to the extent that this information references practices or procedures that may enhance health or safety, but which are not required by a statute, regulation, or standard, it cannot, and does not, create additional legal obligations. Finally, over time, OSHA may modify rules and interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, or to review information on a wide range of occupational safety and health topics, you can visit OSHA's website at www.osha.gov.





Agenda

- What is new with OSHA?
- OSHA inspections
- Safe + Sound Campaign
- Regulatory actions
- Answer <u>your questions!</u>





Wis. Inspection Statistics

October 1, 2018 - September 30, 2019

- Wisconsin did 1,251 inspections
 - 563 construction
 - 23 fatality investigations
 - 2,041 complaints/referrals received
 - 554 Severe injury reports
 - 76% of violations had penalties assessed
 - Average violations/inspection was 2.55
 - Average assessed penalty/"serious" violation was \$5,663



National Office Priorities

Sectors

- Construction
- Healthcare
- Agriculture
- Maritime
- Oil & Gas
- Federal Agencies

Special Initiatives

- Safety and Health Programs
- Communication Towers
- Heat Illness
- Poultry Processing
- Temporary Workers
- Fall Prevention (1926 & 1910)
- Workplace Violence

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National Emphasis Programs

- Chemical Plants /PSM
- Hazardous machinery
- Trenching & Excavation
- Combustible Dust
- Hexavalent Chromium
- Primary Metal Industries
- Shipbreaking



Local Emphasis Programs, Region V

- Fall hazards in construction & general industry
- Grain handling facilities
- Powered industrial vehicles
- High-rise construction
- * Noise in manufacturing

- Building renovation & rehabilitation
- Maritime industries
- Federal agencies
- Wood pallet manufacturers



OSHA Cites Manufacturer for Machine Hazards

- September 2019
- Complaint initiated the inspection
- 16 violations
 - -9 classified as SERIOUS
 - One WILLFUL
 - -5 REPEAT
- Total proposed penalty: \$202,123



OSHA Cites Contractor for Trenching Hazards

- September 2019
- 8 foot deep trench
- 4 violations
 - One classified as OTHER
 - One SERIOUS
 - One WILLFUL
 - One REPEAT

- National Emphasis Program inspection
- Total proposed penalty: \$65,921



OSHA Cites Wisconsin Cookie Dough Manufacturer

- August 2019 in Wisconsin
- Complaint received in the area office resulted in an inspection
- OSHA issued five egregious WILLFUL violations of the LOTO standard, as well as machine guarding and forklift regulations
- Company last inspected in October 2016
- The company faces \$782,526 in penalties



OSHA Cites Wisconsin Refinery

- October 2018 in Wisconsin
- Investigators cited the refinery for eight SERIOUS violations of OSHA's process safety management (1910.119) procedures.
- Ensuring the mechanical integrity of critical equipment used during the refinery shutdown operation could have prevented the incident.
- The company faces \$83,150 in proposed penalties.



OSHA Cites Food Processor

- September 2018 in Wisconsin
- The employer was cited for machine guarding violations that led to an employee suffering serious injuries after becoming caught in an unguarded machine.
- OSHA cited the company for one WILLFUL and 10 SERIOUS violations, with proposed penalties of \$221,726.



OSHA Cites Contractor

- July 2018 in Wisconsin
- OSHA cited a roofing contractor, for the sixth time in the past five years for exposing employees to falls.
- OSHA proposed penalties totaling \$48,777.



OSHA Cites Different Contractor... again

- June 2018 in Wisconsin
- OSHA inspectors observed employees exposed to falls and other safety hazards at two Wisconsin job sites.
- Contractor was cited for one REPEAT and two WILLFUL violations for failing to provide fall protection, train workers on fall hazards, properly install an extension ladder for safe egress, and provide required ladder jack scaffold components.
- OSHA proposed penalties of \$120,320.



OSHA Cites Service Contractor

- July 2018 in Wisconsin
- OSHA cited two utility contractors Bear Communications LLC of Lawrence, Kansas, and subcontractor V C Tech Inc. of Ypsilanti, Michigan because they failed to establish the location of underground utilities prior to beginning excavation work
- An underground gas line was struck resulting in a catastrophic explosion and fire

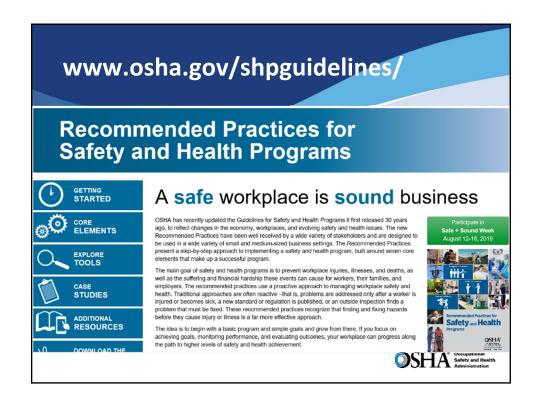
OSHA cites battery manufacturer

- May 2018 in Wisconsin
- Manufacturer was cited for exposing employees to lead and failing to implement an effective lead management program.
- OSHA determined that 14 employees were exposed to airborne lead at levels 11 times the permissible exposure limit.

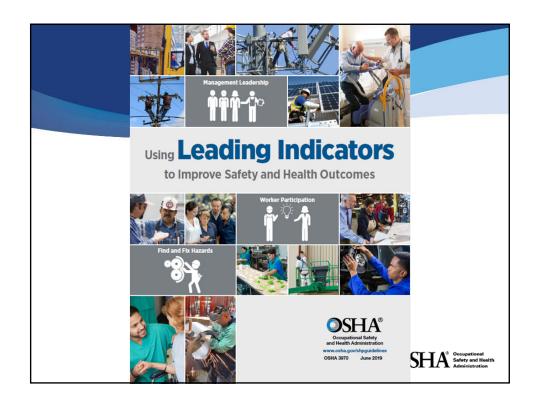


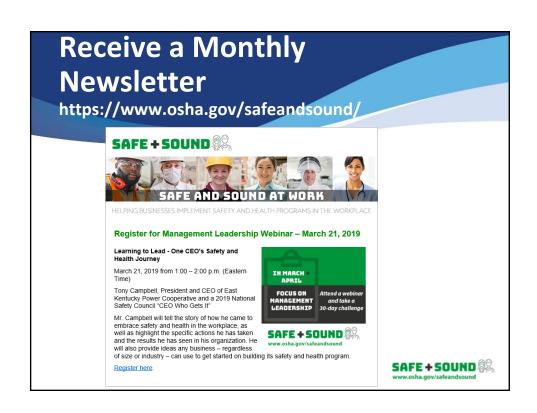












Anti-Retaliation Provisions

1904.36 (Prohibition against discrimination) makes it a violation for an employer to **discourage employee** reporting of injuries and illnesses.

Typically done by creating a culture where employees feel intimidated into not reporting injuries and illnesses (1) drug testing programs, (2) disciplinary programs, or (3) incentive programs.



Anti-Retaliation Citations

- June 2019 in Kentucky
- A truck driver terminated after he refused to operate a commercial motor vehicle in hazardous road conditions caused by inclement winter weather.
- The court ordered the employer to reinstate the employee and clear his personnel file of any reference to the issues involved in the investigation. The employer must also post a notice informing all employees of their whistleblower protections under STAA.



Anti-Retaliation Citations

- October 2018 in Wisconsin
- A machine operator has been awarded \$100,000 in back wages and compensatory damages after his employer terminated him for reporting injuries he and a coworker sustained.
- The court considered whether the company terminated the employee based on the company's policy of assigning disciplinary points to employees who reported injuries.
 The court found this policy to be a potential deterrent to reporting work-related injuries.



Anti-Retaliation Citations

- October 2018 in Massachusetts
- An employee faced an investigative hearing with possible disciplinary action or termination for reporting an on-the-job injury
- The company notified the employee of a mandatory hearing one day after he sustained and reported his injury, and was subjected to the hearing.
- OSHA ordered the company to pay the employee \$10,000 in compensatory damages, \$75,000 in punitive damages, and attorney's fees.



Anti-Retaliation Citations

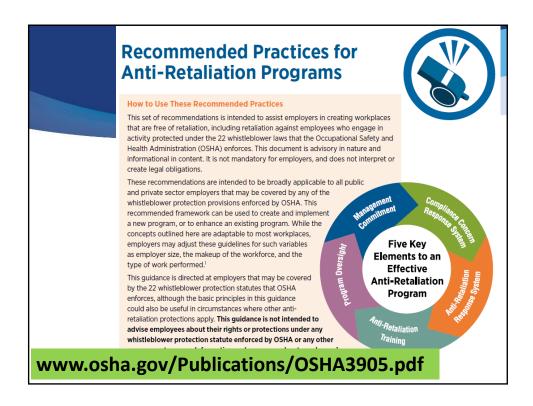
- March 2019 in Massachusetts
- An employee reported a serious injury to his employer a fall from a ladder.
- The company retaliated by notifying the U.S.
 Immigration and Customs Enforcement
- OSHA ordered the company to pay the employee back wages, interest, compensatory damages and punitive damages.



Anti-Retaliation Citations

- April 2019 in Pennsylvania
- In 2014, a worker suffered the amputation of three fingers after a machine without safety guards crushed his hand. The company fired him immediately after the incident.
- The injured worker filed an OSHA complaint and an inspection was conducted with citations and penalties of \$822,000.
- The employer fired a worker who cooperated with the OSHA inspection. Both workers filed whistleblower complaints.
- Federal Judge ordered company to pay 1.04 million to workers.





Electronic Reporting Establishments with Establishments with 250 or more Submission Submission employees in industries covered 20-249 employees In year deadline by the recordkeeping rule select industries 2019 March 2 of 300A Form 300A Form onward every year Forget to submit by March 2nd, and you have until the last day of December to do so. Submit the

records late as it shows good faith.

Revised Penalties as of January 2019	
Violation Type	Amount
Posting Requirements	\$13,260
Other-than-Serious	\$13,260
Serious	\$13,260
Failure to Abate	\$13,260/day
Repeated	\$132,598
Willful	\$132,598

Staffing Agency Workers

www.osha.gov/temp_workers/index.html

- Recommended Practices: Protecting Temporary Workers
- No. 1 OSHA Recordkeeping
- No. 2 PPE
- No. 3 Whistleblower Protections
- No. 4 Safety and Health Training
- No. 5 Hazard Communication
- No. 6 Bloodborne Pathogens
- No. 7 Powered Industrial Trucks
- No. 8 Respiratory Protection No. 9 – Noise and Hearing Conservation
- No. 10 Control of Hazardous Energy LOTO
- Etc., etc., etc.







Final Rule Stage: Employee Medical Records

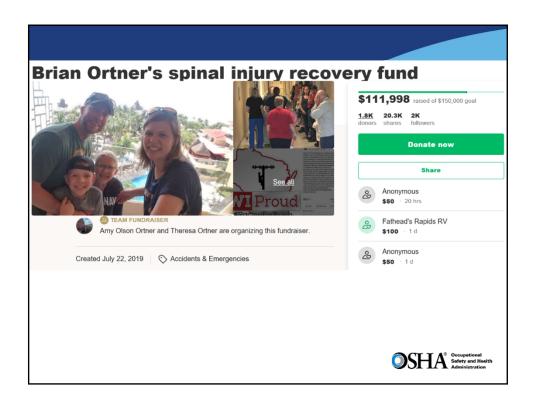
- OSHA's regulation at 29 CFR 1913.10 includes internal procedures that OSHA personnel follow when obtaining and using personally identifiable employee medical information.
- OSHA plans to amend this regulation to improve its efficiency in implementing these internal procedures.



Proposed Rule Stage: Hazard Communication Standard

- Maintain alignment with Globally Harmonized System of Classification and Labeling of Chemicals (GHS)
- Revised 2012 Hazard Communication Standard refers to GHS Revision 3
- GHS is now on Revision 8 (2019)





Pre-Rule Stage: Tree Care Standard

- There is no OSHA standard for tree care operations.
 OSHA applies a patchwork of standards to address the serious hazards in this industry.
- The tree care industry has petitioned OSHA to initiate a rulemaking.





Pre-Rule Stage: Workplace Violence in Health Care & Social Assistance

- Labor unions and National Nurses United
 petitioned OSHA to issue a standard on
 preventing workplace violence in health care. OSHA
 granted the petitions in January 2017.
- OSHA previously issued a request for information (RFI) asking health care employers and workers about the impact of workplace violence and prevention strategies.



Pre-Rule Stage: Blood Lead Level for Medical Removal

- OSHA's lead standards for general industry and construction are based on lead toxicity information that is over 35 years old.
 - The standards allow for the return of the employee to former job status at a BLL < 40 $\mu g/dL$.
- Latest science recommends that BLLs among all adults be reduced to <10 μg/dL.





Deaths of 9/11 first responders from Ground Zero-related illnesses are on the rise.

Pre-Rule Stage: Emergency Response and Preparedness

- Current OSHA standards are outdated and do not address current technology
- OSHA's standards do not address the full range of hazards
- OSHA plans a request for information (RFI) and public meetings.



Pre-Rule Stage: Lockout Tagout

- OSHA's LOTO standard was published in 1989 and has not changed since
- Machinery has changed and is much more sophisticated
- OSHA is considering changes to 1910.147
- Request for information was announced this summer and comments were allowed until August 18, 2019.



Pre-Rule Stage: PIVs

- OSHA's powered industrial truck standard, 1910,178, is based on 1969 consensus standards.
- OSHA is considering revising it and opened the rulemaking record this spring – comments were due by June 10, 2019.



Pre-Rule Stage: Mechanical Power Presses

- Current OSHA standard is 40 years old and does not address technological changes or the use of hydraulic or pneumatic power presses.
- OSHA plans to issue a request for information (RFI) to determine how to proceed.



Done!!: <u>Two New Quantitative</u> Fit Test Protocols

Modified ambient aerosol condensation nuclei counter (CNC) quantitative fit testing protocol

- Applies to full-facepiece, half-mask elastomeric and filtering facepiece respirators
- Fewer test exercises
- Short test duration
- Streamlined sampling sequence
- Effective September 26, 2019



Pre-Rule Stage: Silica in Construction

- OSHA plans a request for information (RFI) on the effectiveness of control measures not currently included for tasks and tools listed in Table 1.
- OSHA will address general industry and Table 1 tasks.
- Submit comments on or before October 15, 2019.
- Comment now! www.regulations.gov/document?D=OSHA-2010-0034-4254



Proposed Rule Stage: Cranes and Derricks in Construction

- OSHA is also proposing to expand exemptions affecting railroad roadway work.
- OSHA issued proposed rule in July 2018 and expects to issue a final rule in December 2019



Proposed Rule Stage: Cranes and Derricks in Construction

OSHA is proposing various corrections and amendments to Subpart CC issued in 2010.

1.Correct references to power line voltage for direct current (DC) voltages as well as alternating current (AC) voltages; 2. broadens the exclusion for forklifts carrying loads under the forks from "winch or hook" to with a "winch and boom"; 3. clarifies an exclusion for work activities by articulating cranes; 4. provides four definitions inadvertently omitted in the final standard; 5. replaces "minimum approach distance" with "minimum clearance distance" throughout to remove ambiguity; 6. clarifies the use of demarcated boundaries for work near power lines; 7. corrects an error permitting body belts to be used as a personal fall arrest system rather than a personal fall restraint system; 8. replaces the verb "must" with "may" used in error in several provisions; 9. corrects an error in a caption on standard hand signals; and 10. resolves an issue of "NRTL-approved" safety equipment (e.g., proximity alarms and insulating devices) that is required by the final standard, but is not yet available.



Proposed Rule: Welding in Construction Confined Spaces

- OSHA will clarify the definition of confined space that applies to welding activities in construction
- Proposed rule expected in December 2019



Pre-Rule Stage: Communication Towers

- High fatality rate in this industry falls are leading cause of death.
- Communication tower construction and maintenance activities may not be adequately covered by current OSHA fall protection and personnel hoisting standards.



OSHA: Long-Term Actions

- Injury & Illness Recordkeeping
 - Restore musculoskeletal disorders column to OSHA 300
- Require health care and other high-risk industries to establish infection control programs
- Modernize 1992 Process Safety Management standard to prevent major chemical accidents



OSHA: Long-Term Actions (continued)

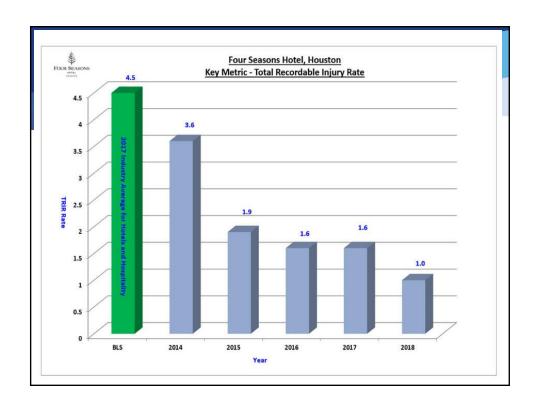
- Drug Test Program & Safety Incentives Rule
 - Clarify that 29 CFR 1904.36 does not prohibit post-incident drug testing or safety incentive programs.
- Personal Protective Equipment in Construction
 - Clarify requirements for the fit of PPE in construction











http://www.agcwi.org/osha-construction-workshops.html The Most Dangerous Task — October 3rd Suicide in Construction — October 31st Ladder Safety — March 26th Utility Strikes & Trenching — April 30th Safe Work & Human Behavior — May 28th

AGCWLORG/OSHA-CONSTRUCTION-WORKSHOP





