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# **OSHA Update**

***Julie A. Weis, Compliance Assistance Specialist***

***Cleveland OSHA Office***

**October 20, 2017**

# Secretary of Labor



Alex Acosta

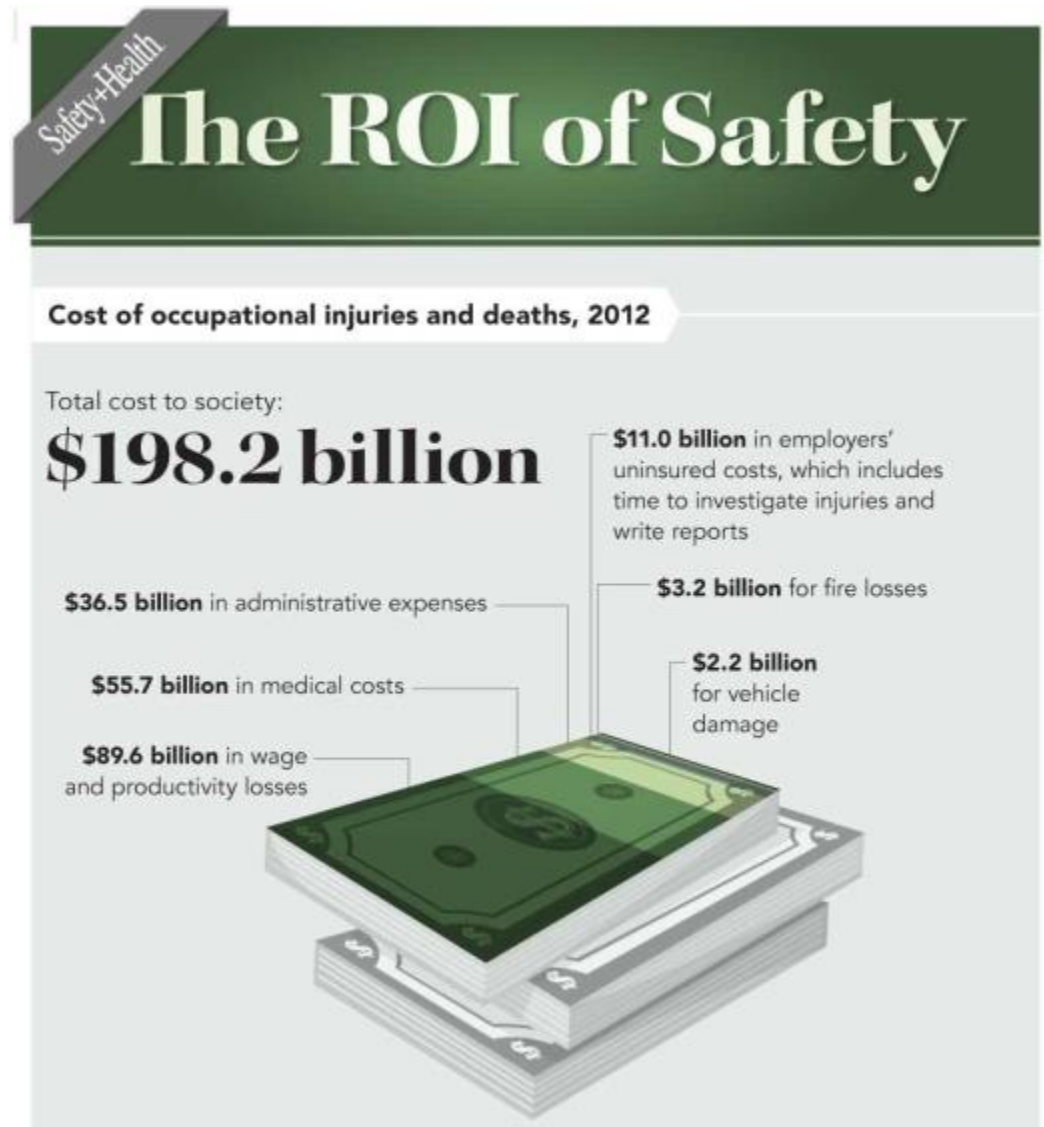
Still waiting for Assistant Secretary of Labor for OSHA to be announced.....

## 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







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## **Safety Pays**

**Investing in preventing hazards  
saves lives, prevents injuries  
and saves you money**

**OSHA's Updated Safety Pays Program helps  
show the impact of injuries and illnesses**



## 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**

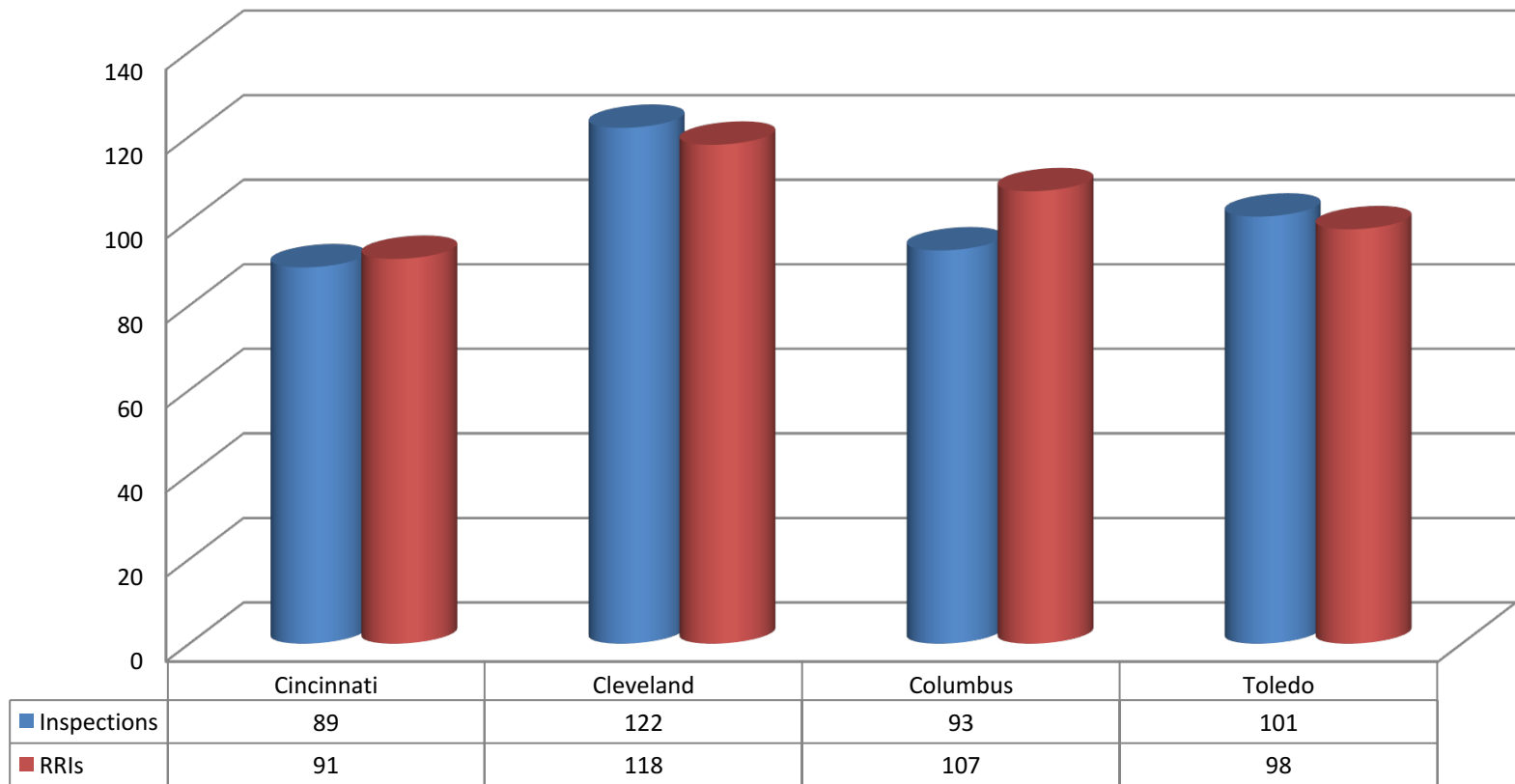
## How can employers report to OSHA?

- 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)



# Inspections/RRIs by Area Office

**Employer Reported Referrals by Area Office FY 2016**





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## 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

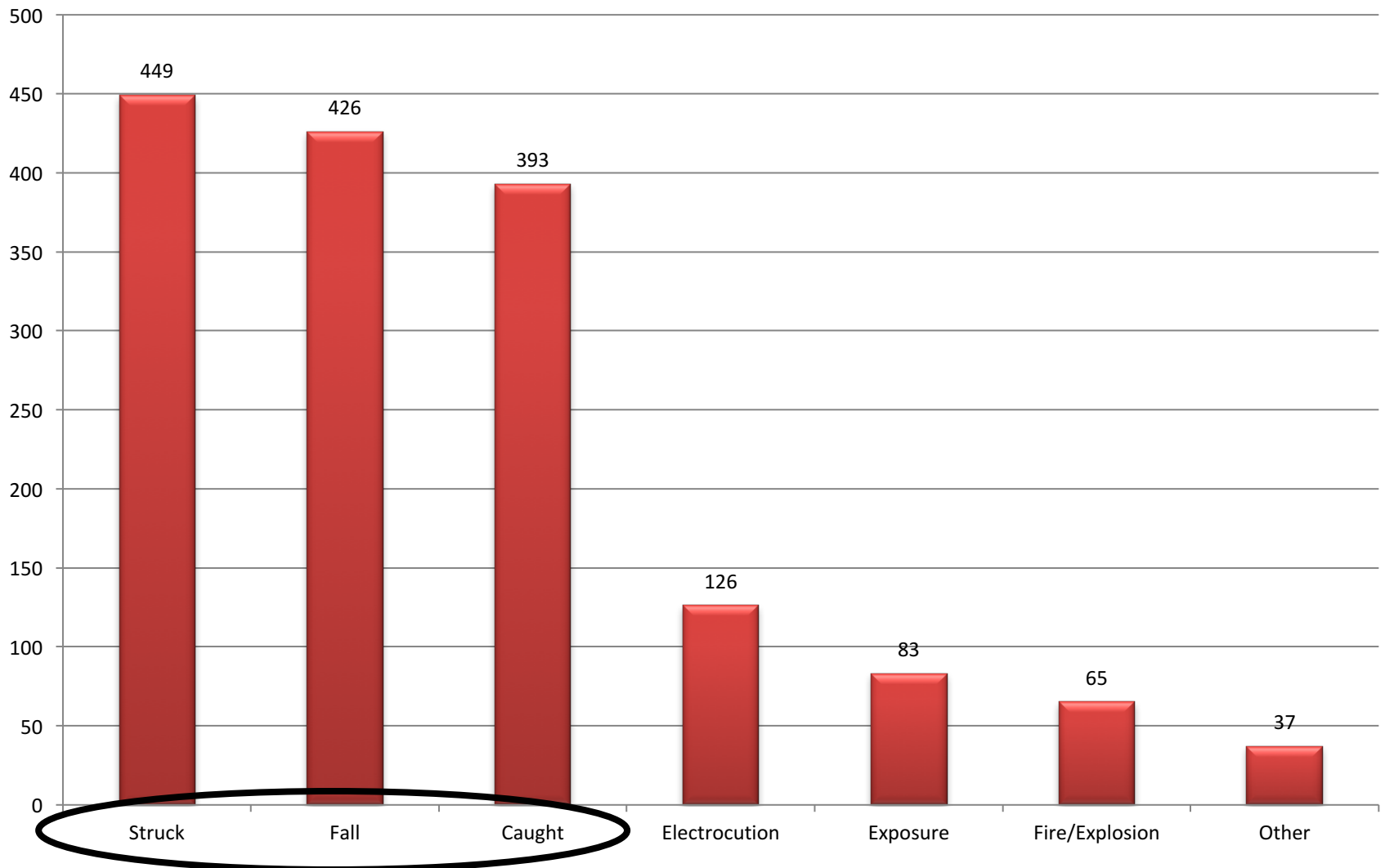
As of August 1<sup>st</sup>, the online electronic submission applications is working. Updates will be posted to the OSHA website at [www.osha.gov/recordkeeping](http://www.osha.gov/recordkeeping) when they are available.

Submission year	Establishments with 250 or more employees in industries covered by the recordkeeping rule	Establishments with 20-249 employees In select industries	Submission deadline
2017	CY 2016 300A Form	CY 2016 300A Form	July 1, 2017
2018	CY 2017 300A, 300, 301 Forms	CY 2017 300A Form	July 1, 2018
2019 and beyond	300A, 300, 301 Forms	300A Form	March 2



## Fatalities by Event FY 2004 - FY 2016

### Region V Ohio, Illinois, Wisconsin



# *The “Big 3” Falls, Caught-In, Struck-By*

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



## New 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  $100 \mu\text{g}/\text{m}^3$



## 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  
**Sept. 23, 2017 extended to (Oct. 23, 2017)**
- Compliance with methods of sample analysis required by June 23, 2018



## 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





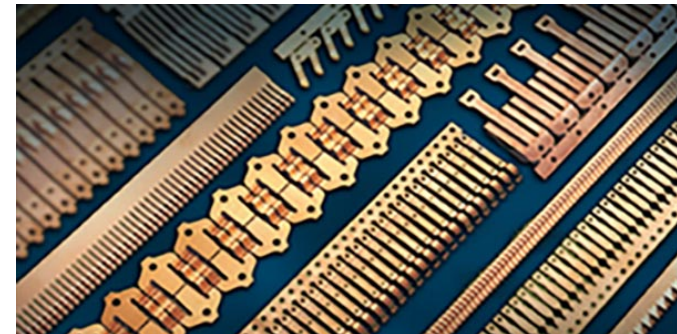
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## Walking-Working Surfaces and PPE (Fall Protection) Rule: Major Changes

- Fall Protection Flexibility
- Updated Scaffold Requirements
- Phase-in of ladder safety systems or personal fall arrest systems on fixed ladders
- Phase-out of “qualified climbers” on outdoor advertising structures
- Rope descent systems (RDS)
- 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 micrograms per cubic meter of air, averaged over 8-hours.
- 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

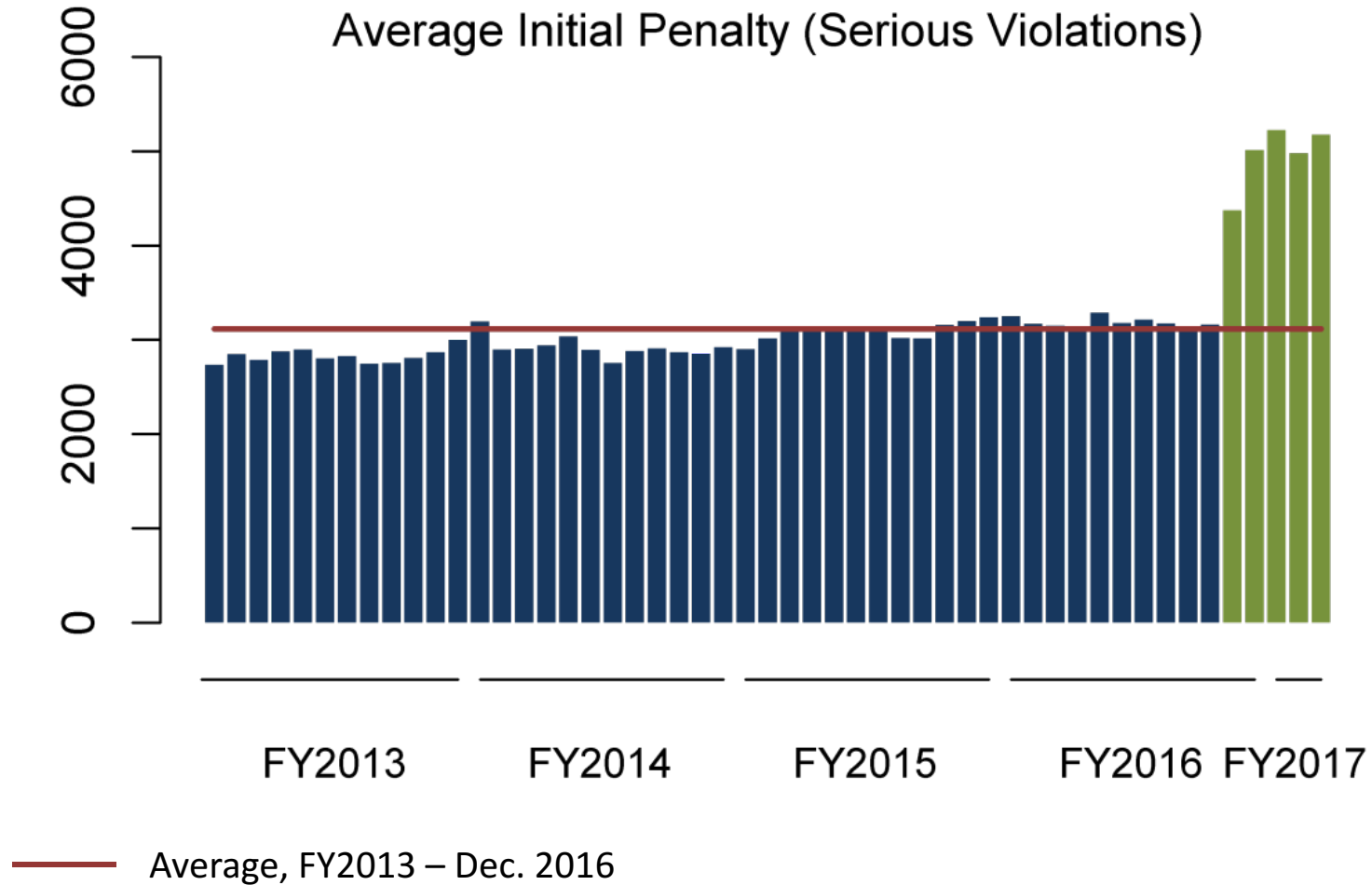
- As of Aug. 1, 2016, the penalties OSHA can impose increased. This was a one-time catch-up adjustment.
- There will also be annual adjustments based on inflation. New penalty amounts as of Jan. 13, 2017:

Type of Violation	Penalty
Serious	\$12,675 per violation
Failure to Abate	\$12,675 per day beyond the abatement date
Willful or Repeated	\$126,749 per violation

See [www.osha.gov/penalties](http://www.osha.gov/penalties)

# National Monthly Violation Metrics

## Federal OSHA





## **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 training required by 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
- Provide, train, and pay for PPE



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## OSHA's Initiatives



Protecting Temporary Workers



Preventing Falls



Heat Illness Prevention

## Safety and Health Programs

IMPLEMENTING a safety and health program PREVENTS workplace injuries and illnesses



can help employers avoid **DIRECT COSTS**



such as high **WORKERS COMPENSATION PREMIUMS**



**INDIRECT COSTS** \$ that result from **WORKPLACE INCIDENTS**



Such as...

**TIME LOST**



due to work stoppages and investigations



training and other costs associated with **REPLACING INJURED WORKERS**



**LOSS OR DAMAGE**

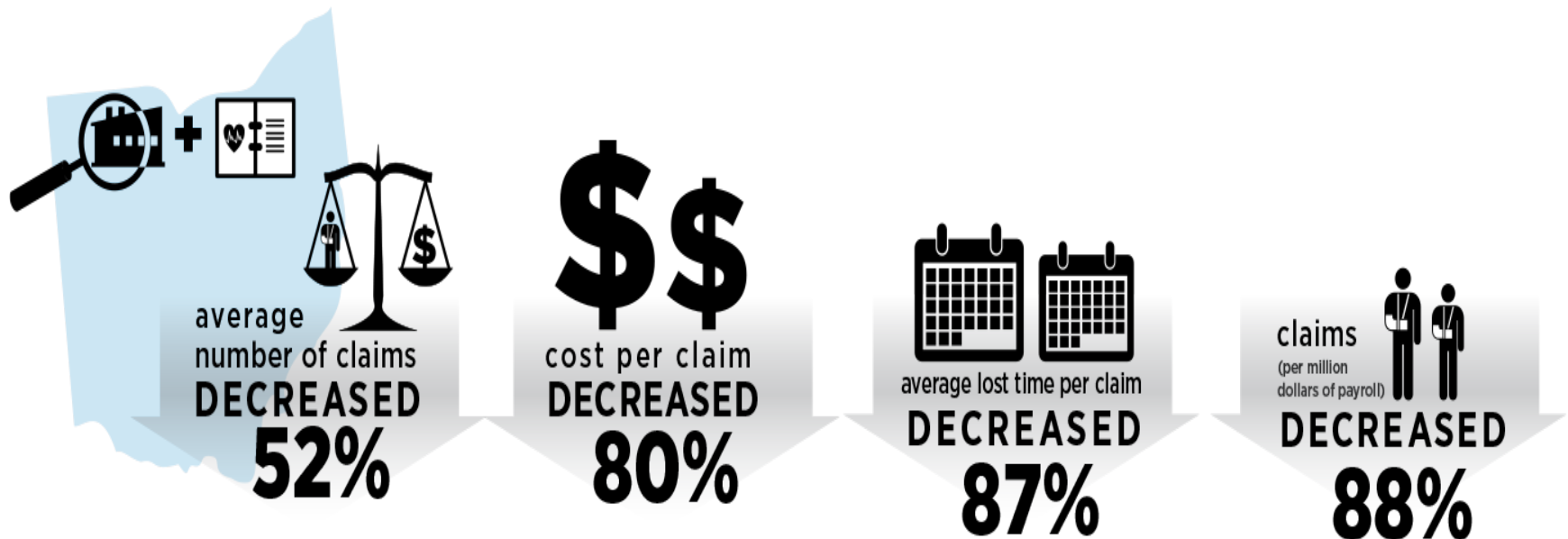


to material, machinery and property.



## Safety and Health Programs Work

A study of small employers in Ohio found that workers' compensation claims fell dramatically after working with OSHA's SHARP program to adopt programs similar to those described in these recommended practices.

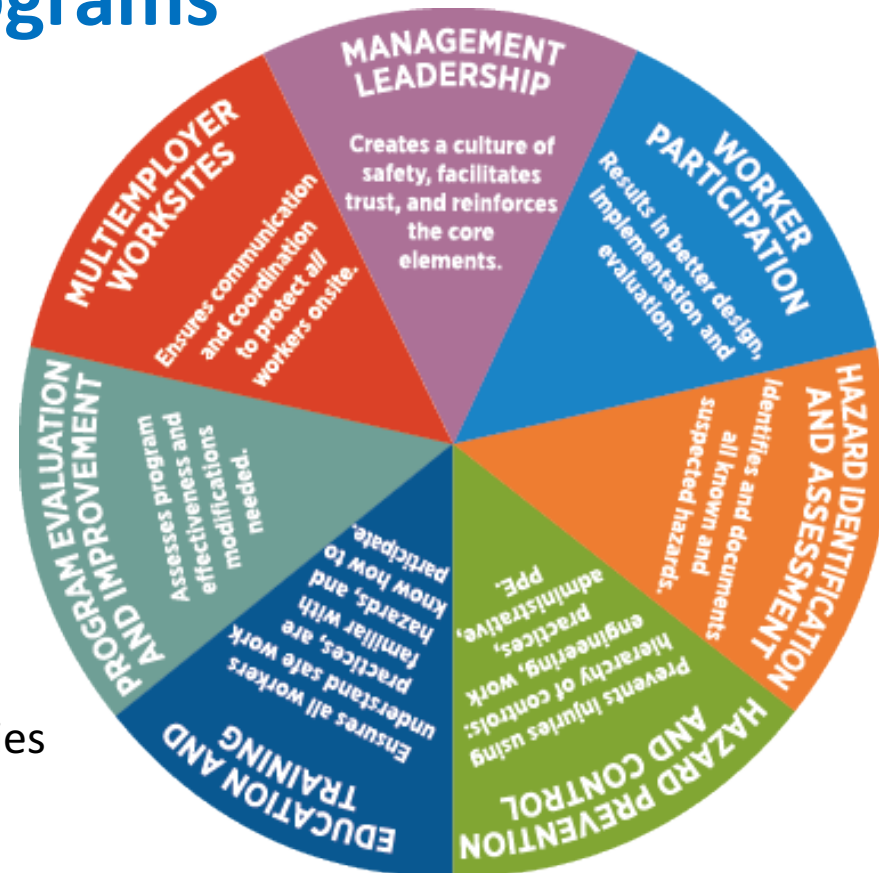


*Source: Ohio Bureau of Workers' Compensation (2011), Ohio 21(d) SHARP Program Performance Assessment.*



## OSHA's Recommended Practices for Safety and Health Programs

1. Management leadership
2. Worker participation
3. Hazard identification and assessment
4. Hazard prevention and control
5. Education and training
6. Program evaluation and improvement
7. Communication and coordination for host employers, contractors and staffing agencies





[www.osha.gov](http://www.osha.gov)

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## OSHA's Recommended Practices for Safety and Health Programs: Website



[osha.gov/shpguidelines](http://osha.gov/shpguidelines)

## Safe and Sound Week: June 2017 *(Inaugural Event)*

- Safe and Sound Week: Was held June 12-18 2017.
- National Safety Stand-down to promote proactive safety and health activities, such as implementation/enhancement of safety and health programs
- OSHA is working with NIOSH/ASSE/NSC/AIHA





[www.osha.gov](http://www.osha.gov)

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## Campaign Website



[osha.gov/shpcampaign](http://osha.gov/shpcampaign)



## Protecting Temporary Workers

- 
- A light gray map of the United States is shown in the background. A large, semi-transparent blue arrow originates from the bottom left corner (near Alaska) and points diagonally upwards towards the top right corner (near the Northeast), passing behind the text of the list items.
- **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.**

# Protecting Temporary Workers:

## A joint responsibility

- **Both host employers and staffing agencies** have roles in complying with workplace health and safety requirements and they share responsibility for ensuring worker safety and health.
- Legally, **both the host employer and the staffing agency** are employers of the temporary worker.

**Shared control over worker = Shared responsibility for worker**

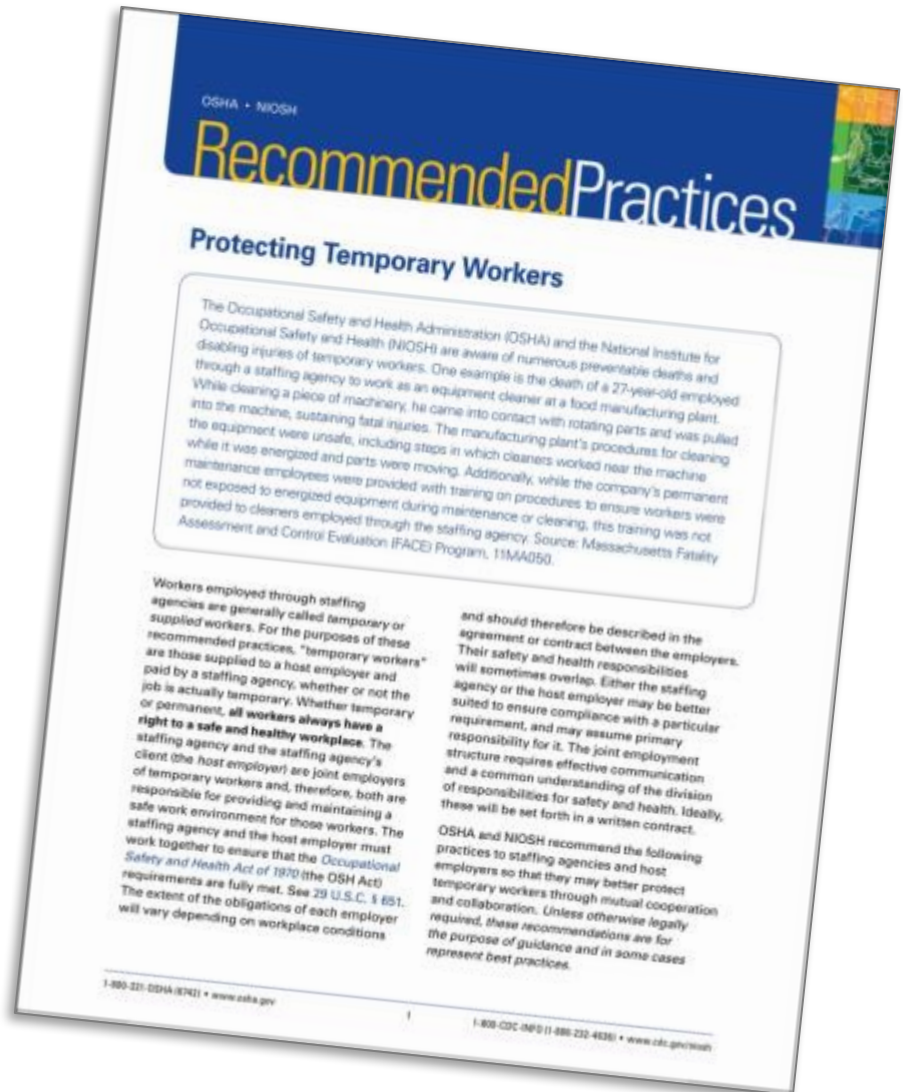


## Why Are Temp Workers At High Risk of Injury?

- 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.

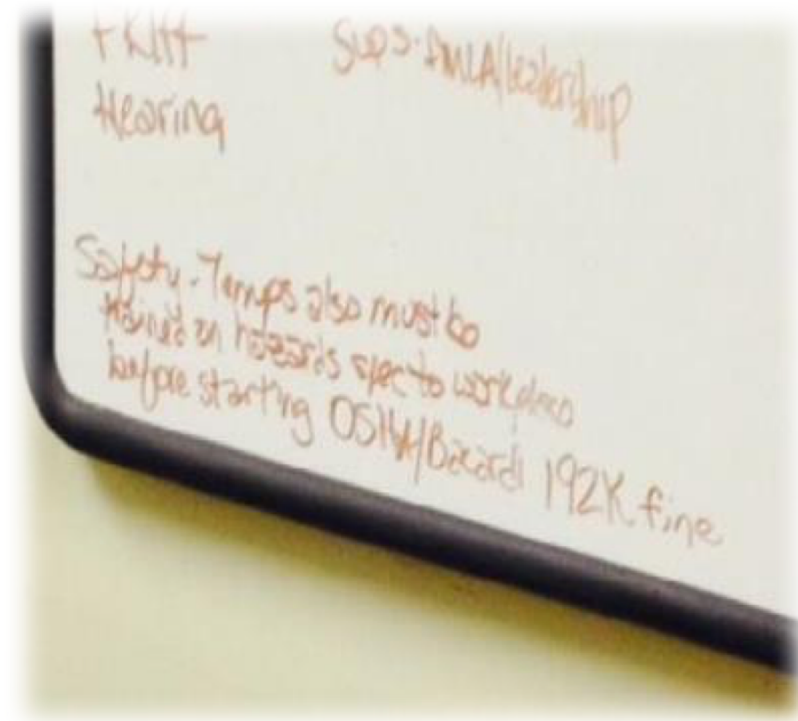
## Temporary Workers: Outreach & Education

- Alliance with American Staffing Association
- Issued Temporary Worker Recommended Practices
- Developed Series of Compliance Assistance Bulletins



## Temporary Worker Initiative

- In all inspections, OSHA's inspectors ask about the **presence** of temp workers, the **hazards** to which they are exposed, and the **training** they have received.
- **We are seeing an impact.**





## Campaign to Prevent Heat Illness in Outdoor Workers

Heat Index	Risk Level	Protective Measures
Less than 91°F	<u><a href="#">Lower (Caution)</a></u>	Basic heat safety and planning
91°F to 103°F	<u><a href="#">Moderate</a></u>	Implement precautions and heighten awareness
103°F to 115°F	<u><a href="#">High</a></u>	Additional precautions to protect workers
Greater than 115°F	<u><a href="#">Very High to Extreme</a></u>	Triggers even more aggressive protective measures

**For next summer.....Develop a Heat Stress Policy**



## WATER. REST. SHADE.

The work can't get done without them.

**A HEAT SAFETY FACT SHEET**

### Two types of heat illness:

**Heat Exhaustion**

**Heat Stroke**

**Heat kills – get help right away!**

### Stay safe and healthy!

Drink water even if you aren't thirsty every 15 minutes.

Watch out for each other.

Wear a hat and light-colored clothing.

Never where you are working is where you want to call 911.

Rest in the shade.

### Heat illness can be prevented!

By law your employer must have:

✓ Water

✓ Shade and Rest

✓ Training

✓ Emergency Plan

U.S. Department of Labor  
Occupational Safety and Health  
OSHA 3092 (Rev. 10-11)

## AGUA. SOMBRA. DESCANSOS.

Sin ellos no se puede trabajar.

**UNA HOJA INFORMATIVA SOBRE EL CALOR**

### Dos tipos de enfermedades por calor:

**Agotamiento**

**Insolación**

**El calor mata – ¡Conseguir ayuda de inmediato!**

### ¡Manténgase seguro y sano!

Tome agua incluso si no tiene sed – cada 15 minutos.

Sea paciente si no se recupera.

Use sombreros y ropa ligera de colores claros.

Nunca donde está trabajando sea el único lugar al 911.

Descansen en la sombra.

### ¡Se pueden prevenir las enfermedades por calor!

Por ley su empleador debe tener:

✓ Agua

✓ Sombra y descansos

✓ Capacitación

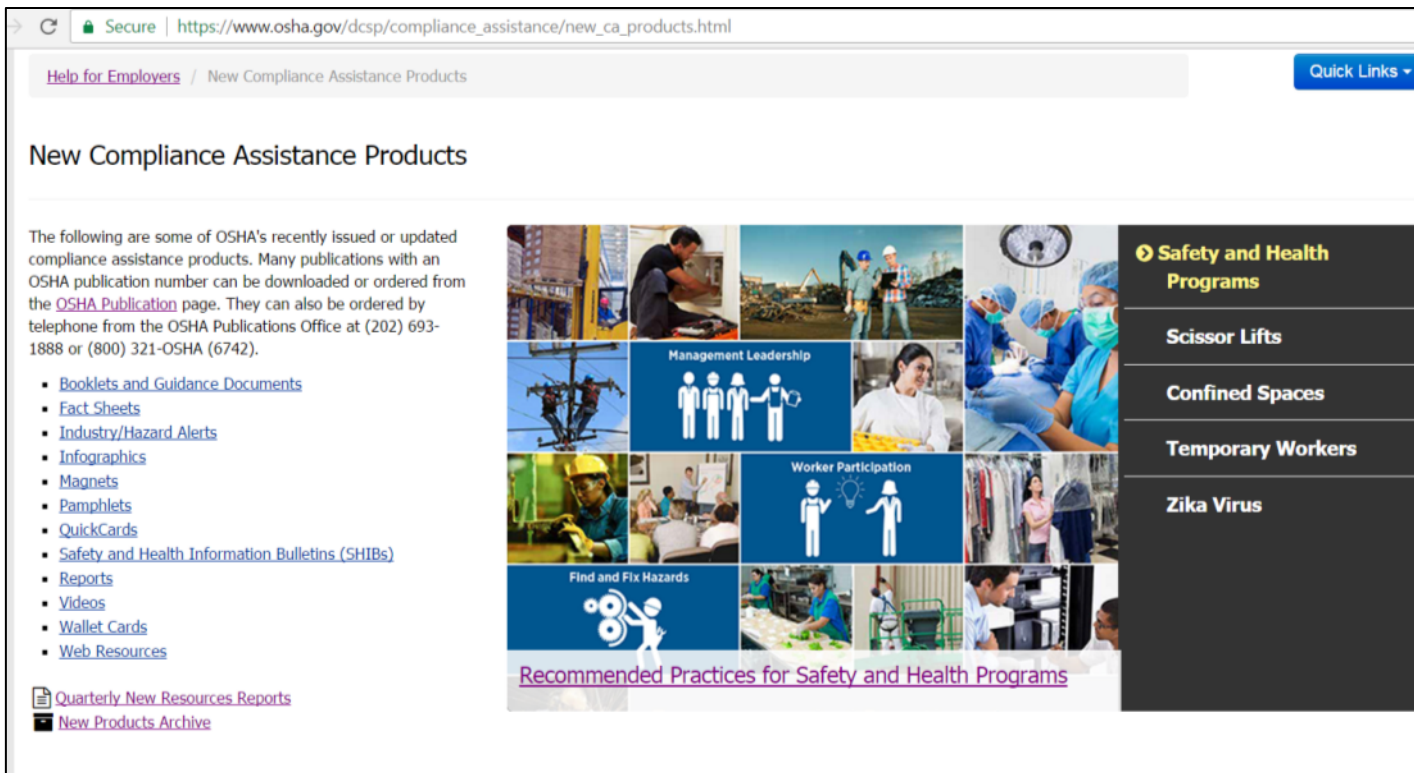
✓ Plan de emergencia

U.S. Department of Labor  
Occupational Safety and Health  
OSHA 3092 (Rev. 10-11)



## 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](http://www.osha.gov/employers)), and click on "New Products" in the Quick Links box.



Secure | [https://www.osha.gov/dcsp/compliance\\_assistance/new\\_ca\\_products.html](https://www.osha.gov/dcsp/compliance_assistance/new_ca_products.html)

[Help for Employers](#) / New Compliance Assistance Products [Quick Links](#)

### New Compliance Assistance Products

The following are some of OSHA's recently issued or updated compliance assistance products. Many publications with an OSHA publication number can be downloaded or ordered from the [OSHA Publication](#) page. They can also be ordered by telephone from the OSHA Publications Office at (202) 693-1888 or (800) 321-OSHA (6742).

- [Booklets and Guidance Documents](#)
- [Fact Sheets](#)
- [Industry/Hazard Alerts](#)
- [Infographics](#)
- [Magnets](#)
- [Pamphlets](#)
- [QuickCards](#)
- [Safety and Health Information Bulletins \(SHIBs\)](#)
- [Reports](#)
- [Videos](#)
- [Wallet Cards](#)
- [Web Resources](#)

[Quarterly New Resources Reports](#)  
[New Products Archive](#)

**Management Leadership**

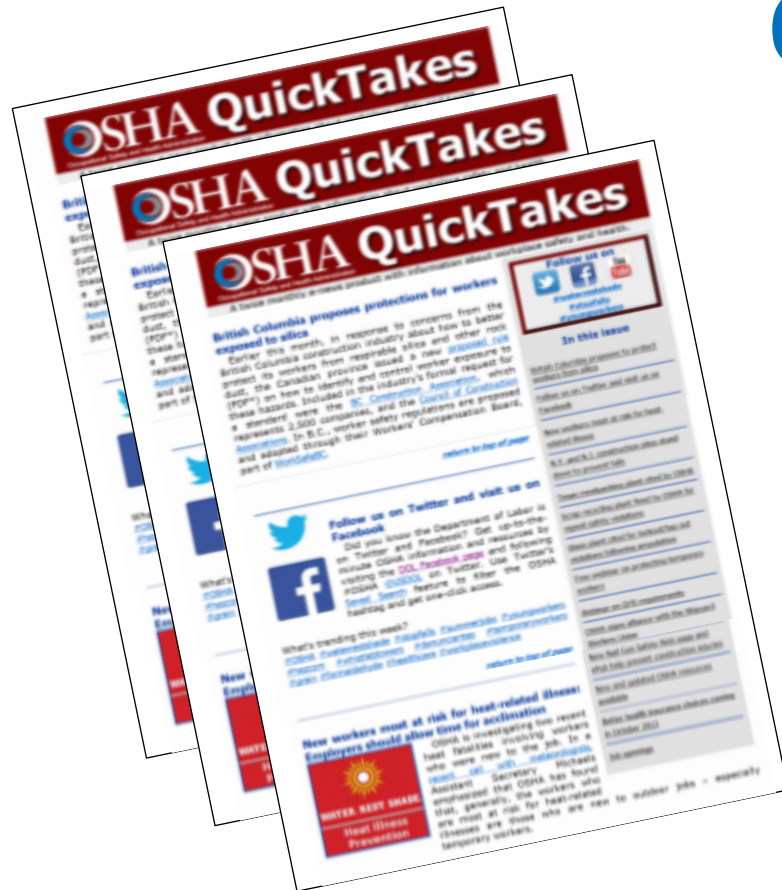
**Worker Participation**

**Find and Fix Hazards**

**Recommended Practices for Safety and Health Programs**

- **Safety and Health Programs**
- Scissor Lifts
- Confined Spaces
- Temporary Workers
- Zika Virus

## OSHA QuickTakes



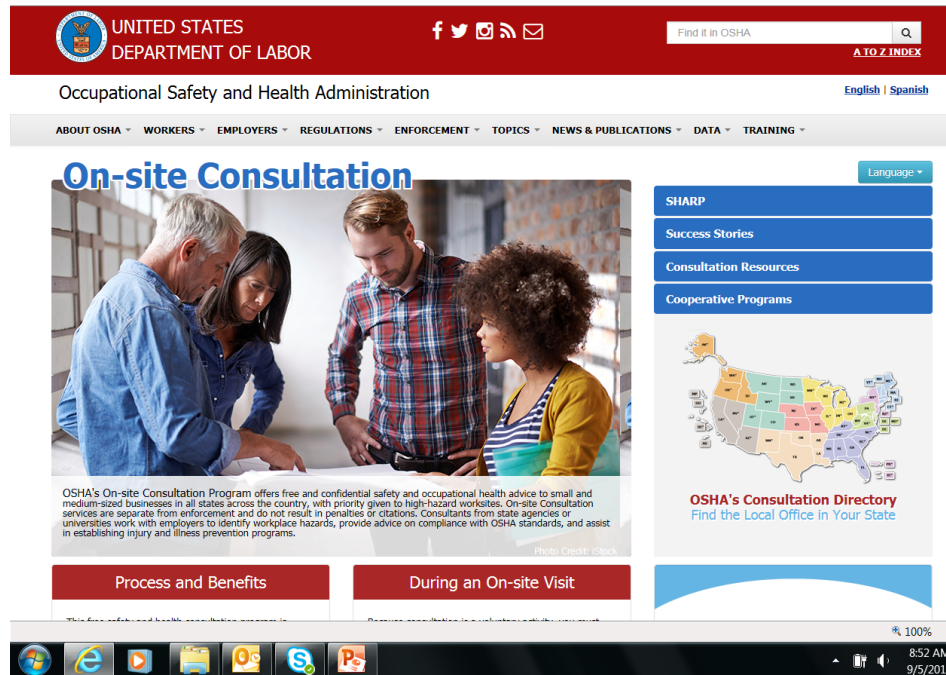
- **Free** OSHA e-newsletter delivered twice monthly to 170,000 subscribers
- **Latest news** about OSHA initiatives and products to help employers and workers find and prevent workplace hazards
- Sign up at [www.osha.gov](http://www.osha.gov)

# What's an employer to do?

- Prepare in advance; do you have a SHMS?
- Be honest with the compliance officer
- Good faith plays a 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!

# 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**

