OSHA Update

John Olaechea
OSHA Update 2018
Occupational Safety and Health Administration
John Olaechea, CSP
Compliance Assistance Specialist
OSHA Region VIII
1244 Speer Blvd
Suite 551
Denver, CO 80204
720-264-6586
olaechea.john@dol.gov
Update Topics

• Some Stats
• Emphasis Programs/SST
• Recordkeeping/Electronic Submission
• Crane Update
• Specific Questions
• Walking Working Surfaces

• Questions
Inspection Statistics  
Denver and Englewood Offices  
10/1/17- 9/30/18

• Total Inspections: 1194
  – Health: 190
  – Safety: 1004

• Unprogrammed Inspections: 749
  – Complaints: 411
  – Fatality/Catastrophe: 18
  – Referral: 171

• Programmed Inspections: 445
Inspection Statistics
Denver and Englewood Offices
10/1/17 - 9/30/18

- Construction: 772 (64.7%)
  - 422 were unprogrammed
- General Industry: 422 (35.3%)
- Not In Compliance: 754 (63.1%)
- Issued with SWRU: 594 (49.8%)
Inspection Statistics
Denver and Englewood Offices
10/1/17 - 9/30/18

- Total Penalty Issued: $5,795,097
- Total Penalty Current: $4,611,847
- Total Citations: 2195
  - Serious: 1422
  - Other-than-Serious: 655
  - Repeat: 101
  - Willful: 17
Top Ten Violations
Most frequently cited OSHA standards during FY 2018 inspections

1. Fall Protection – General Requirements (1926.501)
2. Hazard Communication (1910.1200)
3. Scaffolding (1926.451)
4. Respiratory Protection (1910.134)
5. Lockout/Tagout (1910.147)
6. Ladders (1926.1053)
7. Powered Industrial Trucks (1910.178)
8. Fall Protection – Training Requirements (1926.503)
10. Eye and Face Protection (1926.102)
Colorado Top 12 Cited Standards FY 2018

1. Hazard Communication (1910.1200) 308 (number of citations)
2. Fall Protection General Requirements (1926.501) 290
4. Lockout/Tagout (1910.147) 104
5. Scaffold General Requirements (1926.451) 96
6. Ladders (1926.1053) 84
7. General Safety and Health Provisions (1926.20) 62
   - 1926.20(b)(2) cited 60 times
8. Eye and Face Protection (1926.102) 60
10. PPE General Requirements (1910.132) 50
11. Electrical General (1910.303) 48
12. Excavations Specific Requirements (1910.651) 44
National and Regional Emphasis Programs
FY 19 NEPs

- Amputations in Manufacturing
- Lead Exposures (GI and Construction)
- Federal Agency Targeting Inspection Program
- Hexavalent Chromium Exposures
- Process Safety Management
- Combustible Dust
- Trenching and Excavation (Updated)
- Primary Metals Industries (Foundries)
- Shipbreaking
- Site Specific Targeting (SST) 2016

[Source: https://www.osha.gov/dep/neps/nep-programs.html]
SST - 2016

• Based on 2016 Calendar Data

• Inspections of:
  – Employers above certain DART rate
    • 50/50 split – Mfg/Non-Mfg (2200)
  – Employers below certain DART rate (100)
  – Employers that did not submit records
SST - 2016

• Initial records review not needed

• Comprehensive health or safety inspection

• Delete site if comprehensive inspection in last 36 months

• Sent out high rate letters – recommended consultation
FY 19 Regional and Local Eps (Region VIII)

• Regional Emphasis Programs
  – Fall Hazards in Construction
  – Roadway Work Zone Activities
  – Silica in Cut Stone and Slab Handling
  – Oil and Gas Industry
  – Grain Handling Facilities
  – Workplace Violence in Residential Intellectual and Developmental Disability Facilities

• Local Emphasis Programs
  – Hazards in Automotive Services (Billings/Bismarck/Englewood)
  – Asbestos Abatement (Englewood)
  – Scrap & Recycling (Englewood)
  – Wood Manufacturing and Processing (Billings)
  – Aircraft Support and Maintenance Facilities (Englewood)
  – Beverage Manufacturing (Englewood)
Local Emphasis Program for Beverage Manufacturing
(Starting 10/1/18)
(Englewood Area Office)
Who will be covered by the beverage program?

- NAICS codes:
  - 312111 (Soft Drink Mfg)
  - 312112 (Bottled Water Mfg)
  - 312113 (Ice Mfg)
  - 312120 (Breweries)
  - 312130 (Winery)
  - 312140 (Distilleries)

- Emphasis Programs can be found at: https://www.osha.gov/dep/leps/leps.html
Why Beverage Makers?

- Bureau of Labor Statistics (BLS) data reported injury and illness rates higher than national averages
  - Most injury and illness rates around double nat’tl avg
  - Musculoskeletal Disorders three times nat’tl average.
  - Hearing Loss Cases FIVE TIMES nat’tl average
Why Beverage Makers?

• In past 4 years, 22 OSHA inspections in CO, 29 citations issued
• Most common citations:
  – Respiratory Protection
  – Hazard Communication
  – Control of Hazardous Energy (Lockout/Tag-out)
  – Medical Services and First Aid
  – Personal Protective Equipment
Anticipated OSHA Standards

• Powered Industrial Trucks (1910.178)
• Control of Hazardous Energy (1910.147)
• Ergonomics (OSH Act 1970, Section (5)(a)(1))
• Process Safety Management (1910.119)
• Hazardous Noise (1910.95)
• Confined Spaces (1910.146)
• Hazardous Chemical Exposure (1910.1000, 1910.1200)
• Materials Handling and Storage (1910.176)
## Who Must Submit Electronic Records?

<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>Dec 31, 2018</td>
</tr>
<tr>
<td>2018</td>
<td>CY 2017 300A, 300, 301 Forms</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>

*Note: OSHA has proposed a rule change to eliminate submission of 300/301 forms for large employers*
Electronic Reporting

• 1904.41(a)(2) covered Industries
  – Ag., forestry and fishing (NAICS 11)
  – Utilities (NAICS 22)
  – Construction (NAICS 23)
  – Manufacturing (NAICS 31-33)
  – Wholesale Trade (NAICS 42)
  – Industry groups (4-digit NAICS) with a three year average DART rate of 2.0 or greater in the Retail, Transportation, Information, Finance, Real Estate and Service sectors.

  – Full list: https://www.osha.gov/recordkeeping/NAICScodesforelectronicsubmission.pdf
Cranes in Construction

• Final Standard for Operator Qualification (1926.1427) issued 11/9/18

• Effective 12/10/18

• Evaluation and Documentation effective 2/7/19
Cranes in Construction

• Major changes from 2010 rule:
  – Certification not required by capacity
  – Now requires evaluation of operator by employer
Cranes in Construction

• How to certify:
  – State/Local license where required
  – Accredited crane operator testing organization
  – Employer audited program
    • Testing developed by accredited craned operator testing organization or auditer they certify
    • Auditers must be 3\textsuperscript{rd} party, not employee
    • Program audited within 3 months and every 3 years
    • Not portable to another employer
Cranes in Construction

- **Operator Training:**
  - Employer provides
  - Formal and practical instruction
  - Rules about operators in training

- **Operator Evaluations:**
  - Evaluate to determine if the operator is qualified
  - Certificate or degree alone is not sufficient
  - Evaluator must be an employee or agent of the employer
  - Must be documented
Submitted Crane Questions

• What qualifications does the person conducting the evaluation need to have? “has the knowledge, training, and experience necessary to assess equipment operators”

• Is there a standard evaluation form that is to be used with certain evaluation criteria? No

• Do existing operators need to be evaluated or are they grandfathered in? Yes, they must be evaluated if they weren’t already

• Will the existing operators with NCCCO certification need to get a new card with the types of cranes they can operate or will their cert still be valid? No, only when their current certification expires (generally 5 years or less)
HAZCOM
Letter of Interpretation

• LOI issued 9/18/18 on foreign manufactured chemicals
• Responsible party for the SDS is the first party to import the chemical (could be an employer)
• The responsible party info must be in section 1 of SDS – not the foreign entity
Walking Working Surfaces
Subpart D
New Additions to Walking Working Surfaces FAQs

• What is considered the length of the ladder?

• Typo in the standard stairs less than 44 inches – should require hand rail and stair rail on each open side.

Walking Working Surfaces (Effective 1/17/17)

• 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
## Organization of Subpart D

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>§1910.21</td>
<td>§1910.26 – Scope, Application and Definitions Dockboards</td>
</tr>
<tr>
<td>§1910.22</td>
<td>§1910.27 – General Requirements Scaffolds and Rope Descent Systems</td>
</tr>
<tr>
<td>§1910.23</td>
<td>§1910.28 – Ladders Duty to Have Fall Protection</td>
</tr>
<tr>
<td>§1910.24</td>
<td>§1910.29 – Step bolts and Manhole Steps Fall Protection Systems Criteria and Practices</td>
</tr>
<tr>
<td>§1910.25</td>
<td>§1910.30 – Stairways Training Requirements</td>
</tr>
</tbody>
</table>
§1910.28

• Generally requires falling object protection and fall protection meeting criteria in 1910.29

• 1910.28(b) Protection from fall hazards: **4 feet** or more above a lower level:
  • Guardrail systems
  • Safety net systems; or
  • Personal fall protection systems

➢ PFAS
➢ Travel restraint
➢ Positioning system

OSHA®
§1910.28

1910.28(b)(2) – (b)(15): requirements for special conditions including:

- Hoist Areas
- Holes
- Dockboards
- Runways
- Dangerous Equipment
- Repair/Service Pits < 10 ft in depth
- Fixed Ladders
- Outdoor Advertising
- Scaffolds and Rope Descent Systems
- Low-Slope Roofs
- Slaughtering Facility Platforms
- Surfaces not Otherwise Covered
§1910.29

§1910.29 – Fall protection systems criteria

Specifies design and installation requirements of each fall protection system available to employers including:

- Guardrails
  - Top rail: 42 ± 3”
  - Midrail or Screen or Vertical posts 19” or closer

- Stair rails
  - 42”
  - Handrail: 30-38”
  - 1 system: 36-38”

- Designated Areas
- Safety Nets
- Covers
- Cages and wells
- Ladder safety systems
- Toeboards

OSHA®
New Resources

Fact Sheets available for all 18 Table 1 listed tasks

https://www.osha.gov/dsg/topics/silicacrystalline/construction.html#tableOneTasks

Handheld Masonry Saws

Handheld Grinders (Tuckpointing)
OSHA Compliance Assistance

• Regional Compliance Assistance Newsletter

• Send request to olaechea.john@dol.gov to subscribe
OSHA QuickTakes

- **Free** OSHA e-newsletter delivered twice monthly to more than 110,000 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)
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, 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.
Working Together, We Can Help

www.osha.gov
800-321-OSHA (6742)