

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)



30th Annual Ride Safety Inspection Forum

January 2017

Presented by
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The Act's Coverage



- All 50 states, District of Columbia, Puerto Rico, and other territories under federal government jurisdiction.
- Not Covered:
 - Self employed persons
 - Farms at which only immediate members of the farm employer's family are employed
 - Working conditions regulated by other federal agencies under other federal statutes.
 - State and Local Governments

Duties

- Section 5(a)(1), General Duty Clause – Each employer shall furnish employment free from recognized hazards...
- Section 5(a)(2) – Each employer shall comply with OSHA standards
- Section 5(b) – Employees must comply with applicable rules and regulations

State Plans

- Alaska
- Arizona
- California
- Connecticut
- Hawaii
- Illinois
- Iowa
- Kentucky
- Maryland
- Michigan
- Minnesota
- Nevada
- New Jersey
- New Mexico
- New York
- North Carolina
- Oregon
- Puerto Rico
- South Carolina
- Tennessee
- Utah
- Vermont
- Virgin Islands
- Virginia
- Washington
- Wyoming

Connecticut, Illinois, New Jersey, New York and Virgin Islands plans cover public sector employment only.

Inspections

- Section 8(a) – OSHA representatives are authorized to:
 - 1) Enter without delay, at reasonable times, &
 - 2) Inspect during regular working hours and at reasonable times and to question privately employers and employees



Inspection Priorities

- **Imminent Danger – Top Priority**
Any condition where there is a reasonable certainty that a danger exists that can be expected to cause death or serious physical harm immediately, or before the danger can be eliminated through normal enforcement procedures.
- **Serious Injuries and Illnesses**
Second priority is given to investigation of fatalities and all work related hospitalizations, amputations, or losses of an eye.
- **Employee Complaints/referrals**
Third priority is given to employee complaints of alleged violation of standards or of unsafe or unhealthful working conditions.



Inspection Priorities



- Referrals
 - Hazards referred from other federal, state or local agencies, individuals, organizations or the media.
- Targeted Inspections - Local Emphasis Program, National Emphasis Program, particular hazards or industries.
- Follow-up Inspections
 - Determines whether previously cited violations have been corrected.

Targeted Inspections

Four leading causes of death that make up 90% of all construction fatalities:

- Falls from elevations 33%
- Struck by 22%
- Caught In/Between 18%
- Electrical Shock 17%

Focused Inspections



Will be conducted by OSHA at construction sites only if, upon investigation both of the following criteria apply:

- The site has an adequate safety and health program, and
- The site has a person responsible for and capable of implementing the program (competent person).

If not, the OSHA Inspector will perform a comprehensive inspection.

Violations



- Willful Violation – a violation in which the employer knowingly commits with plain indifference to the law or is aware that a hazardous condition existed and made no reasonable effort to eliminate it.
- Repeated Violation – a violation of any standard, regulation, rule, or order where, upon reinspection, a substantially similar violation exists.

Violations



- Serious Violation – a violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard.

OSHA Penalties



★ Became effective on August 2, 2016

- | | |
|-------------------------------------------------------------------|-----------|
| • Willful | |
| Maximum | \$124,709 |
| • Repeated | |
| Maximum | \$124,709 |
| • Serious & Other | |
| Maximum | \$12,471 |
| • Failure to Abate For Each Calendar Day
Beyond Abatement Date | \$12,471 |

OSHA Definitions

- “Approved” means sanctioned, endorsed, accredited, certified, or accepted as satisfactory by a duly constituted and nationally recognized authority or agency.
- “Authorized Person” means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the jobsite.
- “Qualified” means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

OSHA Definitions

- “Competent Person” means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.
- “Construction Work” means work for construction, alteration, and/or repair, including painting and decorating.
- “Employee” means someone who is employed by an employer who affects commerce.

OSHA Definitions

- “Employer” means a person engaged in a business affecting commerce who has employees; does not include United States or other government entity.

Recordkeeping Requirements

- All employers with 11 or more employees in most Standard Industrial Classifications must keep records of injuries and illnesses as they occur.
- OSHA Form 300 – Log of Work Related Injuries & Illnesses
- OSHA Form 300A – Summary of Work-Related Injuries and Illnesses
- OSHA Form 301 – Injury & Illness Incident Report

OSHA Form 300

- Log of work related Injuries and Illnesses for the calendar year
- Includes date of injury or illness, employee's name, occupation
- A brief description of the injury or illness is included
- Must be maintained in workplace and be available for review upon request from OSHA
- Records shall be maintained and updated for 5 years following the calendar year they cover.

Reporting Requirements

As of January 1, 2015, all employers must report

- All work-related fatalities (within 30 days of a work-related incident) within 8 hours.
- All work-related inpatient hospitalizations, all amputations and all losses of an eye within 24 hours (after learning about it).

You can report to OSHA by

- Calling OSHA's free and confidential number at 1-800-321-OSHA (6742).
- Calling your closest Area Office during normal business hours.
- Using the new online form that that is available.

Exceptions to Reporting

- Resulted from a motor vehicle accident on a public street or highway. Employers must report the event if it happened in a construction work zone.
- Occurred on a commercial or public transportation system (airplane, subway, bus, ferry, streetcar, light rail, train).
- Occurred more than 30 days after the work-related incident in the case of a fatality or more than 24 hours after the work-related incident in the case of an inpatient hospitalization, amputation, or loss of an eye.
- Employers do not have to report an inpatient hospitalization if it was for diagnostic testing or observation only. An inpatient hospitalization is defined as a formal admission to the inpatient service of a hospital or clinic for care or treatment.
- Employers do have to report an inpatient hospitalization due to a heart attack, if the heart attack resulted from a work-related incident.

New Electronic Reporting Required

- **Who:** Establishments with 250 or more employees that are currently required to keep OSHA injury and illness records, and establishments with 20-249 employees that are classified in [certain industries](#) with historically high rates of occupational injuries and illnesses.
- **What:** Covered establishments with 250 or more employees must electronically submit information from OSHA Forms 300 (Log of Work-Related Injuries and Illnesses), 300A (Summary of Work-Related Injuries and Illnesses), and 301 (Injury and Illness Incident Report). Covered establishments with 20-249 employees must electronically submit information from OSHA Form 300A.
- **When:** The requirement becomes effective on January 1, 2017. The new reporting requirements will be phased in over two years. In 2017, all covered establishments must submit information from their completed 2016 Form 300A by July 1, 2017. In 2018, covered establishments with 250 or more employees must submit information from all completed 2017 forms (300A, 300, and 301) by July 1, 2018, and covered establishments with 20-249 employees must submit information from their completed 2017 Form 300A by July 1, 2018. Beginning in 2019 and every year thereafter, covered establishments must submit the information by March 2.

New Electronic Reporting Required

- **How:** OSHA will provide a secure website that offers three options for data submission. First, users will be able to manually enter data into a web form. Second, users will be able to upload a CSV file to process single or multiple establishments at the same time. Last, users of automated recordkeeping systems will have the ability to transmit data electronically via an API (application programming interface). We will provide status updates and related information here as it becomes available

1926 Construction Standards

- Subpart C General Safety and Health Provisions
- Subpart D Occupational Health and Environmental Controls
- Subpart E Personal Protective and Life Saving Equipment
- Subpart F Fire Protection and Prevention
- Subpart G Signs, Signals, and Barricades
- Subpart H Materials Handling, Storage, Use, and Disposal
- Subpart I Tools – Hand and Power
- Subpart J Welding and Cutting
- Subpart K Electrical
- Subpart L Scaffolds
- Subpart M Fall Protection
- Subpart N Cranes, Derricks, Hoists, Elevators, and Conveyors

1926 Construction Standards

- Subpart O Motor Vehicles, Mechanized Equipment, and Marine Operations
- Subpart P Excavations
- Subpart Q Concrete and Masonry Construction
- Subpart R Steel Erection
- Subpart S Underground Construction, Caissons, Cofferdams and Compressed Air
- Subpart T Demolition
- Subpart U Blasting and the Use of Explosives
- Subpart V Power Transmission and Distribution
- Subpart W Rollover Protection Structures; Overhead Protection
- Subpart X Stairways and Ladders
- Subpart Y Diving
- Subpart Z Toxic and Hazardous Substances

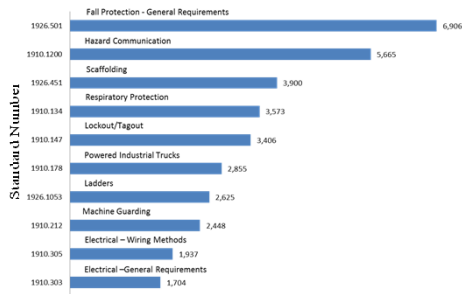
1910 General Industry Standards

- Subpart D Walking-Working Surfaces
 - Ladders, Scaffolding
- Subpart E Exit Routes and Emergency Planning
- Subpart F Powered Platforms, Manlifts, and vehicle mounted work platforms.
- Subpart G Occupational Health and Environmental Control
 - Noise Exposure
- Subpart H Hazardous Materials
- Subpart I Personal Protective Equipment
- Subpart J General Environmental Controls
 - Confined Spaces, Lockout/Tagout
- Subpart K Medical and First Aid
- Subpart L Fire Protection
- Subpart M Compressed Gas and Compressed Air Equipment

1910 General Industry Standards

- Subpart N Materials Handling and Storage
 - Forklifts, Multi-piece rims
- Subpart O Machinery and Machine Guarding
- Subpart P Hand and Portable Powered Tools and Other Hand Held Equipment
- Subpart Q Welding, Cutting, and Brazing
- Subpart R Special Industries
- Subpart S Electrical
- Subpart T Commercial Diving Operations
- Subpart Z Toxic and Hazardous Substances
 - Bloodborne Pathogens, Hazard Communication

OSHA's Top 10 Cited Serious Violations



Fiscal Year 2016

Hierarchy of Hazard Removal

