

OSHA Update November 2, 2018

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Overview

- OSHA FY2018 Stats
- OSHA Emphasis Programs
- New/Updated Standards
- Recordkeeping Tips
- OSHA Regulatory Agenda
- Compliance Assistance Resources



Region 5 Fatality Statistics

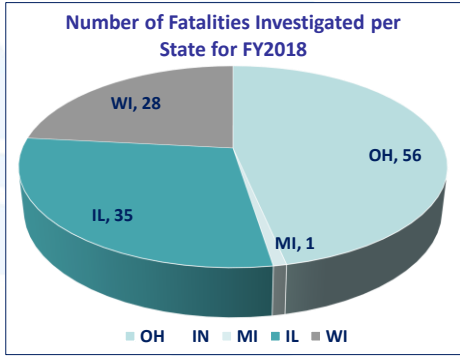
Fatalities Under OSHA's Jurisdiction

FATALITIES BY EVENT AND INDUSTRY SECTOR FY 2018			
	CONSTRUCTION NAICS 23*	MANUFACTURING NAICS 31*-33*	OTHER
CAUGHT	6	10	26
ELECTROCUTIONS	2	0	7
FALL	18	4	13
FIRE & EXPLOSION	0	0	5
OTHER/ PENDING	2	1	7
STRUCK-BY	11	8	13
TRENCH CAVE-INS (ALREADY INCLUDED IN CAUGHT)	2	0	0
TOTAL	39	23	71

Fiscal Year 2018	Fiscal Year 2017
133	99

OSHA fiscal year 2018:
October 1, 2017 to
September 30, 2018





National Emphasis Programs NEPs

- Trenching/Excavations
- Amputations
- Process Safety Management (PSM)
 - Ammonia
 - Refineries
 - Chemical Manufacturing
- Site-Specific Targeting 2016*



FY-2019 Local Emphasis Programs (LEPs) – Region V

- | | |
|--|---|
| <ul style="list-style-type: none"> • Falls in Construction and General Industry • Powered Industrial Vehicles (PIVs) – Dock Safety • Grain Handling Facilities • Lead • Wood Pallet | <ul style="list-style-type: none"> • Manufacturing • Building Renovation (Gut Rehab) • Federal Agencies • Noise (in development) • Silica (in development) |
|--|---|



Anything currently happening with OSHA Standards?

NEW/UPDATED STANDARDS



Beryllium Rule

Three separate standards

- General Industry (1910.1024)
- Construction (1926.1124)
- Shipyards (1915.1024)

Exposure Limits

- PEL = 0.2 $\mu\text{g}/\text{m}^3$ as an 8-hour TWA
- STEL = 2.0 $\mu\text{g}/\text{m}^3$ (15-minute sampling period)
- Action Level = 0.1 $\mu\text{g}/\text{m}^3$ as an 8-hour TWA



GI Beryllium Compliance Dates

- Compliance requirements contained in paragraphs (c), (d), (g), (k), and (l) of this standard: March 12, 2018;
- Change rooms and showers required by paragraph (i) of this standard: March 11, 2019;
- Engineering controls required by paragraph (f) of this standard: March 10, 2020; and
- All other obligations of this standard: December 12, 2018



GI Beryllium Medical Surveillance

- Employers must offer medical examinations to:
 - Employees exposed above the action level for more than 30 days per year
 - Employees who show signs or symptoms of chronic beryllium disease or other beryllium-related health effects
 - Employees' most recent written medical opinion recommends periodic medical surveillance



Respirable Crystalline Silica Rule



Two standards

- General industry and maritime
- Construction
- Published March 25, 2016

NEW Exposure Limits

- PEL = 50 µg/m³ as an 8-hour TWA
- Action Level = 25 µg/m³ as an 8-hour TWA



General Industry/Maritime – Compliance Dates

Employers must comply with all requirements of the standard by June 23, 2018, except:

- Good faith efforts evaluated 30 days
- Medical Surveillance requirements:
 - Workers exposed above PEL starting on June 23, 2018.
 - Workers exposed at or above the action level starting on **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**.



General Industry/Maritime Medical Surveillance

- Employers must offer medical examinations to workers who will be exposed at or above the action level for 30 or more days a year
- Employers must offer examinations every three years to workers who continue to be exposed at or above the AL
- Exam includes medical and work history, physical exam, chest X-ray, and pulmonary function test (TB test on initial exam only)(Appendix B)



OSHA Occupational Safety and Health Administration
www.osha.gov

Small Entity Compliance Guide
for the Respirable Crystalline Silica Standard for General Industry and Maritime

- Includes steps towards compliance
- Examples of written exposure control plans, and medical opinion forms.
- Silica Safety and Health Topic Webpage:
<https://www.osha.gov/dsg/topics/silicacrystalline>

OSHA RECORDKEEPING TIPS



1904.7 – General Recording Criteria

An injury or illness is recordable if it results in one or more of the following:

- Death
- Days away from work
- Restricted work activity
- Transfer to another job
- Medical treatment beyond first aid
- Loss of consciousness
- Significant injury or illness diagnosed by a PLHCP



1904.7(b)(5) – Medical Treatment

- Medical treatment is the management and care of a patient to combat disease or disorder.
- It does not include:
 - Visits to a PLHCP solely for observation or counseling
 - Diagnostic procedures
 - First aid



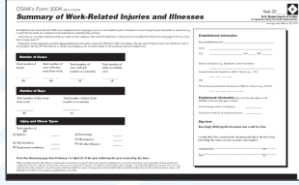
1904.31 – Covered Employees

- Exclude self-employed and partners
- Employees on payroll
- Employees not on payroll who are supervised on a day-to-day basis (temp or from another location)
- Temporary help agencies should not record the cases experienced by temp workers who are supervised by the host employer



1904.32 Annual Summary

- Requires the annual summary to be posted from February 1 through April 30
- Requires certification of the summary by a company executive



Common Annual Summary Mistakes

OSHA 300A- Annual Summary

- Signed by highest ranking official onsite
- Matching 300 log
- Missing number of employees and hours worked



Common Mistakes on 300 Log

Identify the person			Describe the case		Classify the case				CHECK ONLY ONE box for each case based on the most serious outcome for that case.		Enter the number of days the injured or ill worker lost		Check the "Any" column or choose one type of illness			
(A) Case No.	(B) Employer's Name	(C) Job Title (e.g., Volunteer)	(D) Date of injury or onset of illness	(E) When the event occurred (beginning and ending)	(F) Describe how or from what part of body affected, and identification that identifies (and or makes clear) it is a Second degree burn on right forearm from a high temperature	Days lost	Days lost from work	Days lost from work	Days lost from work	Days lost from work	Days lost from work	Days lost from work	Days lost from work	Days lost from work	Days lost from work	Days lost from work
1	Man	Worker	10/15	10/15	1st degree burn on right forearm from a high temperature	1	1	1	1	1	1	1	1			
2	Woman	Worker	10/15	10/15	Hand laceration from tool	1	1	1	1	1	1	1	1			



Recordkeeping Mistakes

OSHA 300 log

- Injury and illness description (column F)
- Event location (column E)
- Classification of injury (column G,H,I, J)
- Column Totals
- Not including supervised temporary workers



Recordkeeping Mistakes

OSHA 301 – Incident Reports

- Missing information
- Can use State of Ohio FROI or OSHA 301 equivalent



Maintaining Records

OSHA 300, 300A, 301 – retention requirements

- Must maintain five full calendar years
- Update when new information is received
- Maintain signed/posted annual summaries



WC Claim vs OSHA Recordable

- Recording or reporting a work-related injury, illness, or fatality does not mean that the employer or employee was at fault, or that an OSHA rule has been violated, or that the employee is eligible for workers' compensation or other benefits.



WC Claim vs OSHA Recordable

- Denied WC claims may not cause a case to be a OSHA non-recordable
- Employer cannot use WC as the only reason to keep an injury off their OSHA log
- WC may link cases together to consolidate claims but OSHA has specific criteria on when a case is new and when it is a re-occurrence of the same injury



Suggestions

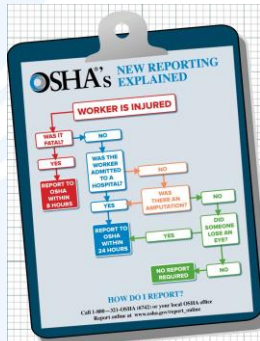
- Maintain in electronic format
- Have in central location
- Take a recordkeeping class
- Call an OSHA office if there are questions

Remember the log should be a trending tool.



Recordkeeping Reporting

- **Within 24 hours** the following must be reported to OSHA:
 - All in-patient hospitalization
 - Amputation
 - Loss of eye
- Report within 8 hours for fatality or hospitalization of 3 or more



How Can Employers Report To OSHA?

- Call the nearest OSHA office during normal business hours (8 am to 4:30 pm)
- Call the 24-hour OSHA hotline at 1-800-321-OSHA or 1-800-321-6742
- Report online at www.osha.gov/report_online

Be prepared to supply: Business name; names of employees affected; location and time of the incident, brief description of the incident; contact person and phone number.



Recordkeeping Electronic Submission Phase-In Dates

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

OSHA proposed to revise this provision of the recordkeeping standard. OSHA is not accepting 301, 300 forms.



Electronic Submittal Reporting Dates

- Certain employers must submit 2017 Form 300A to OSHA by **July 1, 2018** through ITA to be compliant.
 - ITA Stays open until January 1 of each year.
- Beginning in 2019, those establishments required to submit will have to submit the Form 300A information by **March 2** of the year after the calendar year covered.

Reports submitted through OSHA's Injury Tracking Application (ITA). <https://www.osha.gov/injuryreporting/>



Injury Tracking Application (ITA)

Injury Tracking Application <https://www.osha.gov/injuryreporting/> **Log In ITA**

Electronic Submission of Injury and Illness Records to OSHA

What: Click on "Launch ITA" to provide OSHA your 2016 OSHA Form 300A information. OSHA also published a [guide of proposed information](#) to establish the date by which certain employers are required to submit the information from their completed 2016 Form 300A electronically from July 1, 2017 to December 1, 2017.

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 NAICS codes with historically high rates of occupational injuries and illnesses. **Note that the following OSHA-approved State Plans have not yet allocated the requirement to submit injury and illness reports electronically:** CA, HI, IA, SC, UT, VA, and OR. Establishments in these states are not currently required to submit summary data through the ITA. Standards, state and local government establishments in IL, ME, NJ, and NY are not currently required to submit their data through the ITA. Contact information for each of the State Plans can be found at <https://www.osha-slc.gov/electronicreporting.html>.

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. 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.

Username or Email Address

Place email or username here

Password

Place password here

Forgot Password?

Log In <https://www.osha.gov/injuryreporting/ita/>



249-20 Establishments NAICS

Entire list of NAICS affected by the electronic submittal can be found at:

NAICS	Industry
11	Agriculture, forestry, fishing and hunting
22	Utilities
23	Construction
31-33	Manufacturing
42	Wholesale trade
4413	Automotive parts, accessories, and tire stores
4421	Furniture stores
4422	Home furnishings stores
4441	Building material and supplies dealers
4442	Lawn and garden equipment and supplies stores
4451	Grocery stores
4452	Specialty food stores
4521	Department stores
4529	Other general merchandise stores

<https://www.osha.gov/recordkeeping/NAICScodesforelectronicsubmission.html>

Recordkeeping Compliance Assistance

- News and updates to the recordkeeping rule:
<https://www.osha.gov/recordkeeping/index.html>
 - Recordkeeping Requirements
 - Maintaining and Posting Records
 - Electronic Submission of Records
 - Severe Injury Reporting



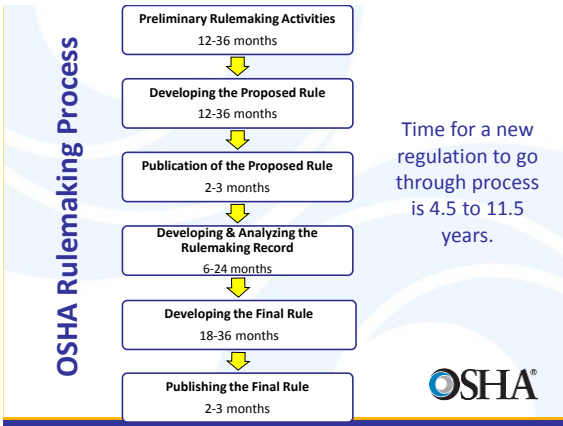
OSHA Regulatory Agenda Fall 2018

OSHA Standards

How are standards developed?

- OSHA can begin standards-setting procedures on its own initiative or in response to petitions
- Regulatory Agenda- OSHA priorities
- Rulemaking process





Proposed Rule Stage: Tracking of Workplace Injuries and Illnesses

- OSHA proposed rule in [July 2018](#) to revise provisions of the rule:
 - OSHA plans to propose to remove the requirement to electronically submit information from OSHA Forms 300 and 301 for establishments with 250 or more employees that are required to routinely keep injury/illness records. Under the proposal, these establishments would be required to electronically submit **only information from the OSHA Form 300A**.
 - OSHA has also proposed to add the Employer Identification Number to the data collection.
 - Final rule expected in June 2019.

Proposed Rule Stage: Beryllium in General Industry



- Final rule in Jan. 2017 reduced exposure limits in general industry, construction, and shipyards.
- OSHA plans to issue a proposed rule to revise the general industry standard in response to stakeholder feedback and to resolve pending litigation.
- Proposed rule expected in Dec. 2018

OSHA: Pre-Rule Stage

- Communication Towers
- Emergency Response and Preparedness
- Mechanical Power Presses
- Powered Industrial Trucks
- Lock-Out/Tag-Out Update
- Tree Care Standard
- Workplace Violence in Health Care and Social Assistance
- Blood Lead Level for Medical Removal
- Crystalline Silica: Table 1 in Construction Standard



Pre-Rule Stage: Emergency Response and Preparedness



- Current OSHA standards do not reflect all the major developments in safety and health practices that have already been accepted by the emergency response community and incorporated into industry consensus standards.
- OSHA's standards do not address the full range of hazards or concerns facing emergency responders, nor do they reflect major changes in performance specifications for protective clothing and equipment.
- OSHA plans to initiate the Small Business Regulatory Enforcement Fairness Act (SBREFA) process in October 2018.



Pre-Rule Stage: Workplace Violence in Health Care and 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.
- OSHA plans to initiate the Small Business Regulatory Enforcement Fairness Act (SBREFA) process in March 2019.



Pre-Rule Stage: Blood Lead Level for Medical Removal



- Recent medical findings indicate that, even at levels below the OSHA standard, blood lead levels (BLLs) in adults can result in adverse health effects. OSHA is exploring regulatory options to lower blood leads in affected workers.
- 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 µg/dL.
- OSHA plans to issue an Advanced Notice of Proposed Rulemaking in March 2019 to help identify possible areas of the lead standards for revision to improve protection of workers in industries and occupations where preventable exposure to lead continues to occur.



OSHA: Long-Term Actions

- Injury and Illness Recordkeeping
 - Restore Musculoskeletal Disorders (MSD) column to OSHA 300 log
- Infectious Diseases
 - Require health care and other high-risk industries to establish infection control programs
- Process Safety Management and Prevention of Major Chemical Accidents
 - Modernize PSM standard to prevent major chemical accidents
- Shipyard Fall Protection: Scaffolds, Ladders, and Other Working Surfaces
 - Update shipyard fall prevention standard to provide more comprehensive coverage and reflect national consensus standards



www.osha.gov

**COMPLIANCE ASSISTANCE
RESOURCES**



SAFE + SOUND

Showing Commitment to Safety

- A good first step to ensuring a safe workplace and sharing your commitment to safety is to develop a **safety and health program**
- All successful safety and health programs involve three key components:
 - **Management leadership**
 - **Worker participation**
 - A systematic approach to **finding and fixing hazards**

www.osha.gov/safeandsound



OSHA QuickTakes



- **Free** OSHA e-newsletter delivered twice monthly to nearly 72,000 subscribers
- **Latest news** about OSHA initiatives and products to help employers and workers find and prevent workplace hazards
- Sign up at www.osha.gov



Help for Small Businesses: OSHA's On-site Consultation Program

OSHA On-site Consultation Program provides help to small to medium sized employers.

Services

- Hazard identification and correction
- Assistance in Safety and Health Program development

Benefits

- Service is **FREE** and confidential
- Exemption from OSHA's programmed inspections
- Training and technical assistance available

www.osha.gov/dcsp/smallbusiness/consult.html
or call (800) 282-1425