

MCAA 2016 OSHA Update

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Syracuse, NY
October 26, 2016



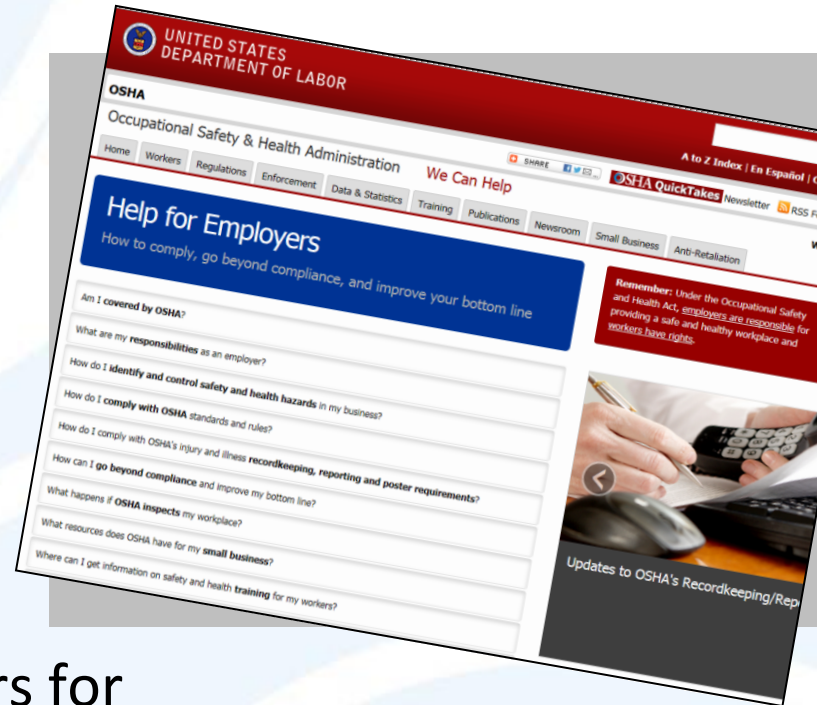
OSHA's Mission: Prevent Work Injury and Illness

- 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** cases of non-fatal workplace injuries are recorded annually by employers.



Employer Responsibility

- **OSH Law:** Workplace safety and health is the responsibility of **employers**
- **Cornerstone:** **Prevention**
- **Set the tone:** Make safety and health a workplace **priority**
- **Right incentives:** Reward workers for showing initiative, **raising safety concerns**, and participating in prevention efforts



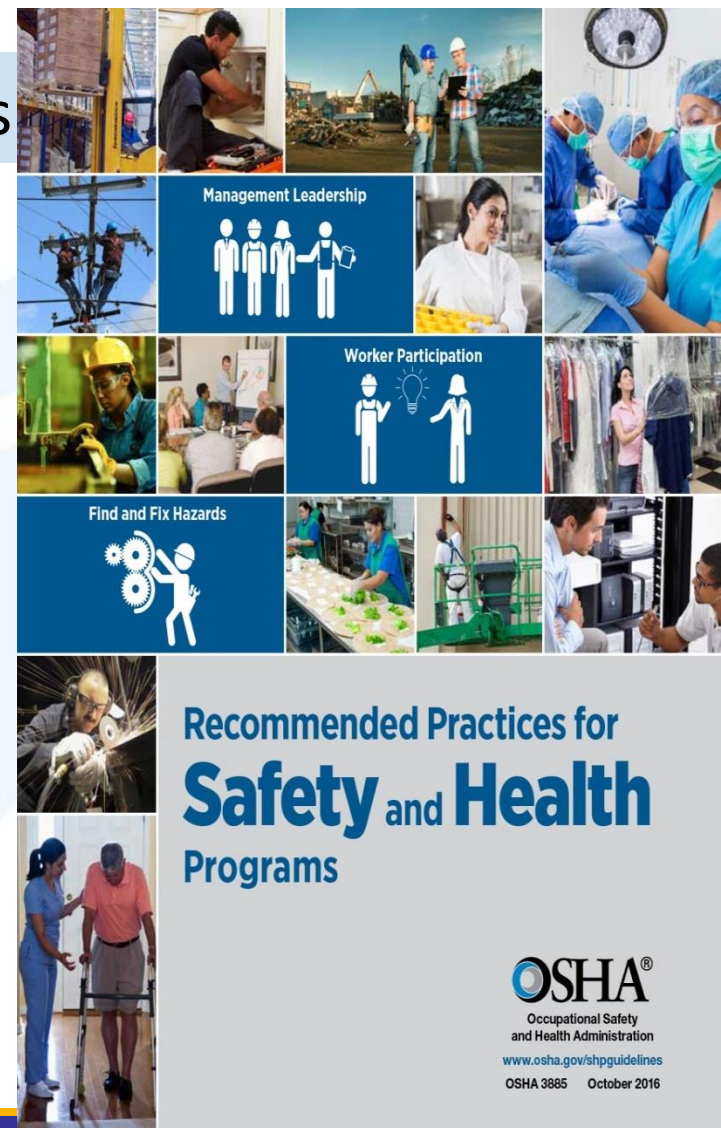
[osha.gov/employers](https://www.osha.gov/employers)



Safety & Health Program Management Guidelines

OCTOBER 2016: Final published guidelines

- Based on best thinking and experiences of **successful employers**
- Will help **small and medium-sized employers** find and fix hazards before workers are harmed
- Shows how **multiple employers** on same worksite **can coordinate efforts** to ensure all workers are given equal protection



OSHA[®]

Occupational Safety
and Health Administration

www.osha.gov/shpguidelines

OSHA 3885 October 2016

Safety & Health Program Management Systems

Seven Core Elements

- Management leadership
- Worker participation
- Hazard identification and assessment
- Hazard prevention and control
- Education and training
- Program evaluation and improvement
- Coordination and Communication on Multi-Employer Worksites



OSHA INITIATIVES



Protecting Temporary Workers



Heat Illness Prevention



Preventing Falls



Protecting Health Care Workers



Chemical Hazards



Workplace Violence

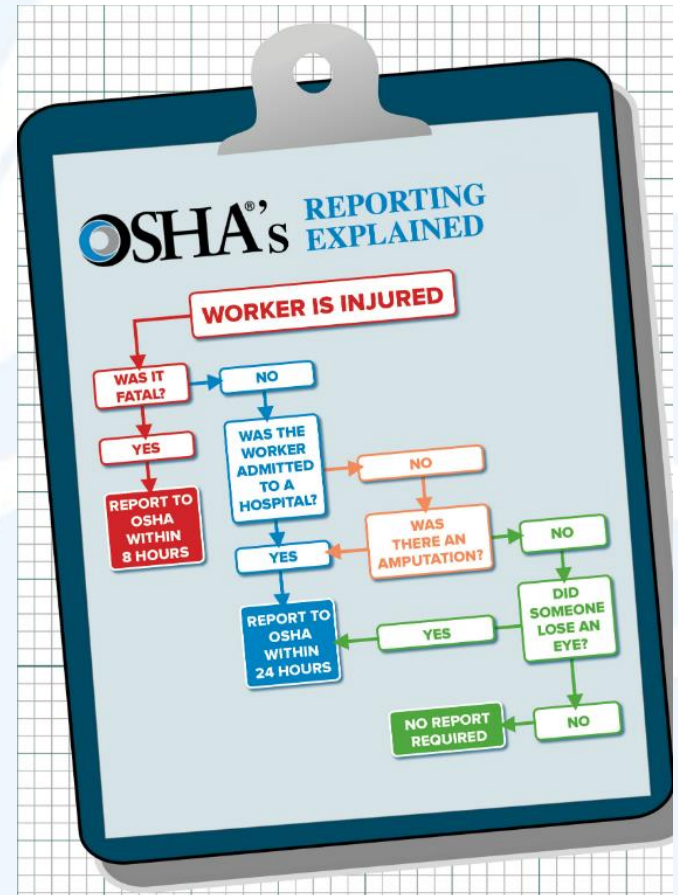


Emergency Preparedness



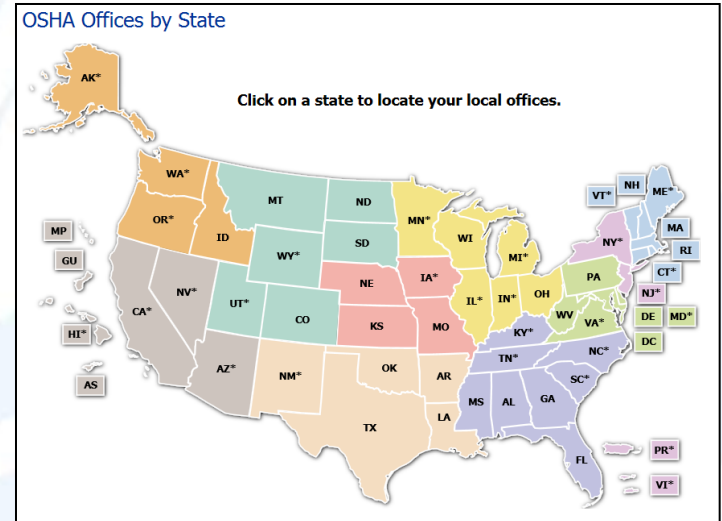
Report a fatality or severe injury

- All employers are required to notify OSHA when an employee is **killed** on the job or suffers a work-related **hospitalization, amputation, or loss of an eye**.
- A fatality must be reported **within 8 hours**.
- An in-patient hospitalization, amputation, or eye loss must be reported **within 24 hours**.



How can employers report to OSHA?

- During business hours, call the nearest OSHA office
- Or call the OSHA 24-hour hotline 1-800-321-6742 (OSHA)
- Electronically online at www.osha.gov
 - Be prepared to supply:
Name of the establishment,
location and time of the incident,
names of employees affected,
brief description of incident, and
a contact person and phone
number



Severe Injury Reporting



RAPID RESPONSE INVESTIGATION (RRI)

- Collaborative, problem-solving approach
- Invites an employer and an OSHA Area Office expert to **work together** toward **shared goal**:

Find and fix hazards, and improve overall safety

Incident Investigations: A Guide for Employers

Incident Investigations help employers:

- prevent injuries and illnesses
- save lives
- save money
- demonstrate commitment to safety and health
- promote positive workplace morale

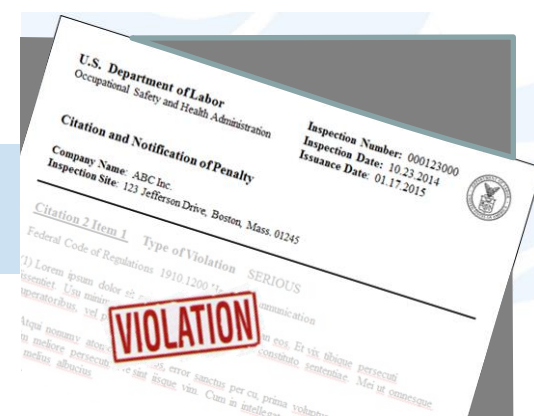
Incident Investigation Guide:

- provides a systems approach to help identify and control the root causes of all incidents and prevent their recurrence



OSHA Penalties Went Up


- OSHA adjusted its civil monetary penalties to account for **inflation**
- First time OSHA's penalties were adjusted since **1990**
- New levels went into place **August 1**
- Increased penalties will help encourage employers to abate hazards before workers get hurt, and before OSHA inspects.



Penalty Adjustments

Level	Previous Maximum Penalty	Current Maximum Penalty
Serious	\$7,000 per violation	\$12,471 per violation
Other-Than-Serious	\$7,000 per violation	\$12,471 per violation
Willful or Repeated	\$70,000 per violation	\$124,709 per violation
Posting Requirements	\$7,000 per violation	\$12,471 per violation
Failure to Abate	\$7,000 per day unabated beyond the abatement date [generally limited to 30 days maximum]	\$12,471 per day unabated beyond the abatement date [generally limited to 30 days maximum]

Improve Injury Tracking Rule



A magnifying glass is positioned over a large table of numbers, highlighting a specific data point. The table contains multiple rows and columns of numerical data, with the magnifying glass focusing on the value '107' in the center.

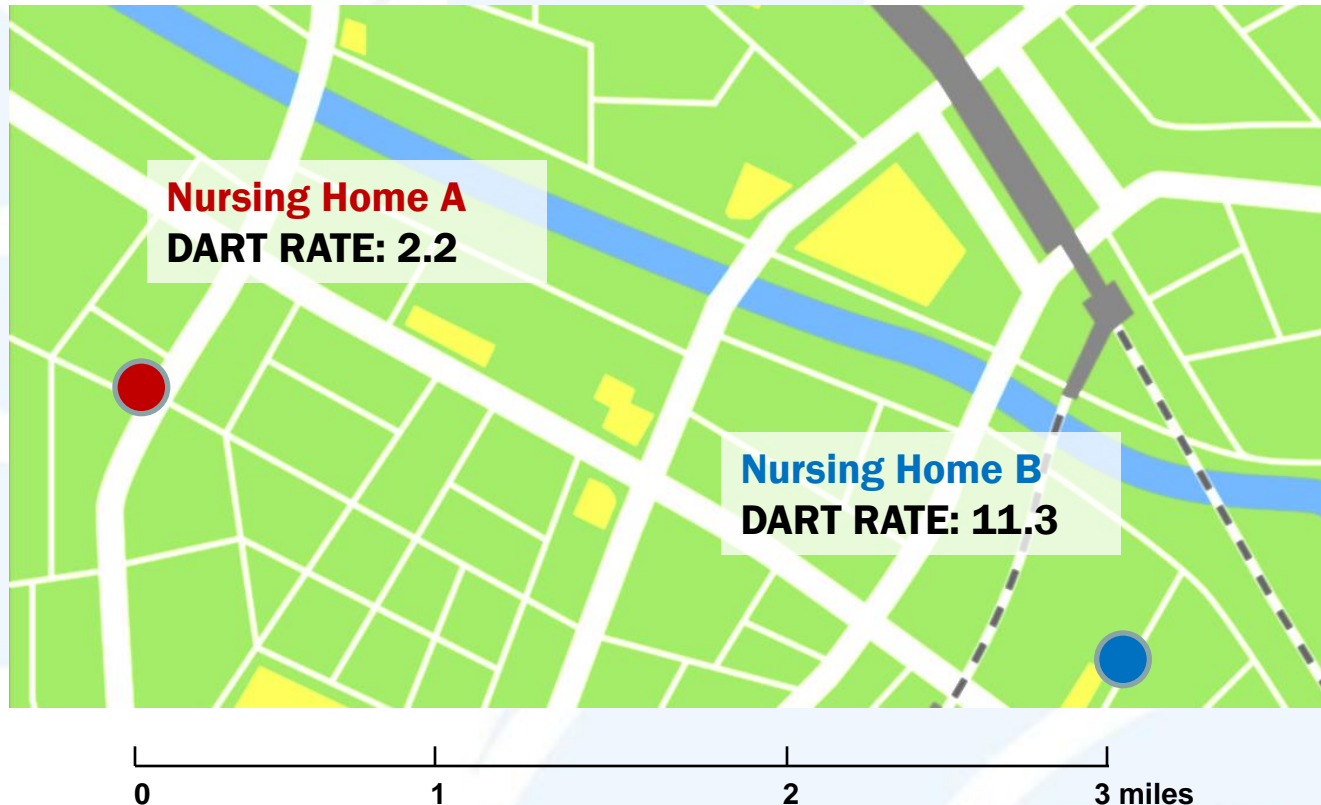
1603	543	32	2112	789	1315	2304	102	640
749	62	568	6806	452	836	679	6461	1202
1832	2399	4621	171	717	31	105	87	307
4078	256	367	553	98	1821	2567	654	65
3570	801	401	5012	336	68	12	5505	
245	40	87	5012	652	466	135		
18	7732	9	8781	48				
12095	11833	67	6461	6294	10748	7902		
640	131	234	87	32	603	789		
1202	87	6421	654	4621	422	717		
307	18	225	12	367	9810	98		
65	18	33	466	401	570	1992		
5505	3	144	8781	87	742	644		
135	50	26	107	5	108	21		
48	54			6081	12304	4713		
7902	9905							
789	12	2304	49	1202	202	2112	1603	
452	546	679	422	307	239	6806	749	
717	3007	105	422	307	239	171	1832	
98	65	2567	9810	65	256	553	4078	
1992	104	68	570	5505	801	38	3570	
644	21	652	742	135	40	245		
21	742	9	108	48	7732	18		
4713	4497	6294	12304	7902	11833	10326	12095	

- **No new data collection required;** employers will send what they already have
- OSHA will make some of this data **publicly available**
- Most manufacturing, construction and utilities will be required to submit data.





Where Would You Prefer to Work?

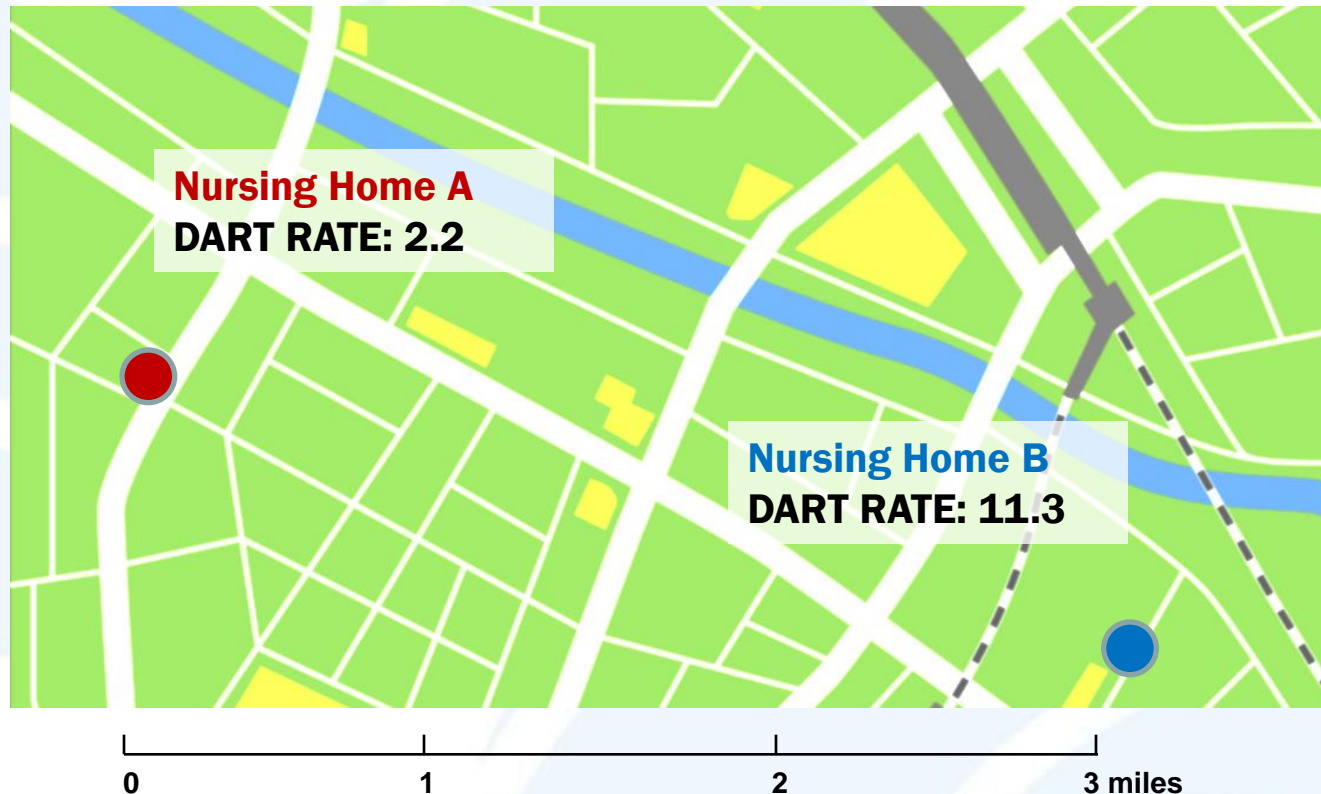


Injury rates can vary widely within same industry and city

DART Case Rate: Days Away, Restrictions, and Transfers



Which Would You Choose for Your Elderly Parent?



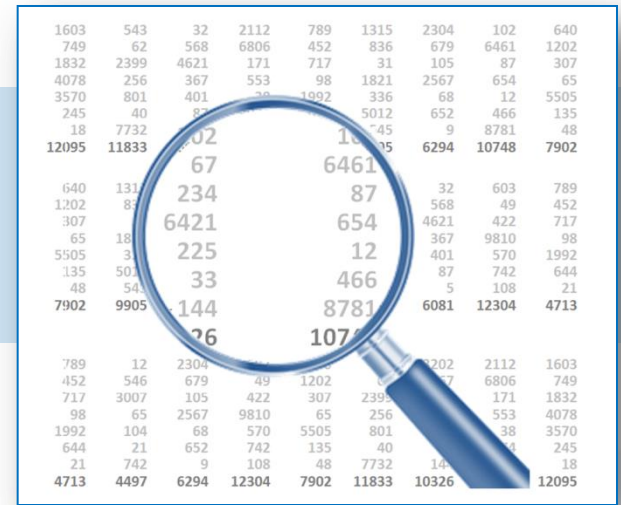
Injury rates can vary widely within same industry and city

DART Case Rate: Days Away, Restrictions, and Transfers



Applying Principles of Behavioral Economics

- Employers want to be seen as the **top performers** in their industry
- Responsible employers want to be recognized as **leaders in safety**
- Making data public will “**nudge**” employers to increase efforts to prevent injuries



No More Discouraging Injury Reporting!

- Goal is to make injury data **complete and accurate**.
- This can't happen if workers are **discouraged** from reporting or **fear retaliation**.
- The rule requires employers to have reporting procedures that are **reasonable** and **do not discourage** workers from reporting.
 - This includes retaliatory drug testing...i.e., drug testing only after a worker is hurt on the job



Rate-based Incentives Discourage Injury Reporting

COMPANY PLAN

No Injury Reports =
Lottery for 40" Flat TV



MONTHLY BONUS!

— **unless** employees
report an injury!

SAFETY BINGO

\$25 pot increases
each day for each
employee team
as long as there are **no**
recordable injuries



Don't Fail Your Team Mates!

Quarterly payouts
are based on **everyone**
meeting **low injury**
reporting rates.

The fewer injuries
reported, the more
money you earn!



No More Discouraging Injury Reporting!

- Retaliation for reporting is a **violation** of the rule.



Job Safety and Health
IT'S THE LAW!

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Contact OSHA. We can help.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

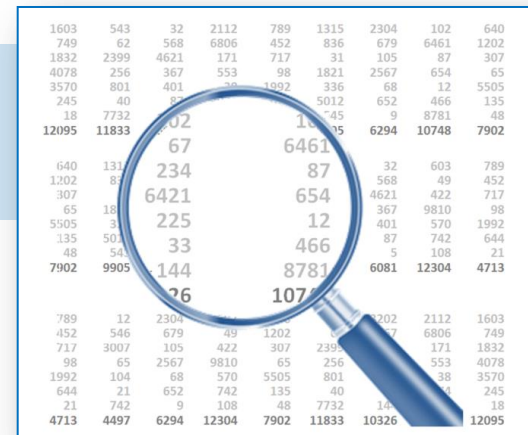
FREE ASSISTANCE to identify and correct hazards is available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov



When Must Employers Act?



If you have 250 or more employees:

- **By July 1, 2017** - submit 300A info
- **By July 1, 2018** - submit 300A, 300, and 301 info
- **Beginning in 2019** - submit info every year by March 2


If you have 20-249 employees (certain high-risk industries):

- **By July 1, 2017** - submit 300A info
- **Beginning in 2019** – submit info every year by March 2

Anti-retaliation provisions go into effect December 1, 2016

High-Risk Industries

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



**OSHA's new rule to reduce
worker exposure to silica dust**

www.osha.gov/silica



How This Rule Protects Workers

- **REDUCES PEL to 50 ug/m³ (8-hr shift average)**
- **Requires employers to protect workers by:**
 - ✓ **IMPLEMENTING ENGINEERING CONTROLS**
 - ✓ **LIMITING WORKER ACCESS TO HIGH-EXPOSURE AREAS**
 - ✓ **DEVELOPING WRITTEN EXPOSURE CONTROL PLAN**
 - ✓ **TRAINING WORKERS**

Table 1 offers employers a quick reference to understand controls in action



Grinding, using a vacuum dust collector

SPECIFIED EXPOSURE CONTROL METHODS WHEN WORKING WITH MATERIALS CONTAINING CRYSTALLINE SILICA			
Equipment/Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum Assigned Protection Factor	
		≤ 4 hours/shift	> 4 hours/shift
(xii) Handheld grinders for uses other than mortar removal	<p>Use grinder equipped with commercially available shroud and dust collection system.</p> <p>Dust collector must provide 25 cubic feet per minute (cfm) or greater of airflow per inch of wheel diameter and have a filter with 99% or greater efficiency and a cyclonic pre-separator or filter-cleaning mechanism.</p> <p>-- When used outdoors.</p> <p>-- When used indoors or enclosed area.</p>	<p>None</p> <p>None</p>	<p>APF 10</p> <p>APF 10</p>

When Do Employers Have To Take Action?


- **CONSTRUCTION: June 23, 2017**
- **GENERAL INDUSTRY and MARITIME: June 23, 2018**
- **HYDRAULIC FRACTURING: June 23, 2018**
for all provisions except...
—**ENGINEERING CONTROLS: June 23, 2021**



Confined Spaces in Construction

Subpart AA

Confined Spaces



[Standard](#)[Compliance Assistance Materials](#)[Federal Register Notices](#)[Case Studies](#)[Additional Information](#)[Back to Construction Industry](#)

"This rule will save lives of construction workers. Unlike most general industry worksites, construction sites are continually evolving, with the number and characteristics of confined spaces changing as work progresses. This rule emphasizes training, continuous worksite evaluation and communication requirements to further protect workers' safety and health."

- Assistant Secretary of Labor for Occupational Safety and Health, Dr. David Michaels

Confined spaces - such as manholes, crawl spaces, and tanks - are not designed for continuous occupancy and are difficult to exit in the event of an emergency. People working in confined spaces face life-threatening hazards including toxic substances, electrocutions, explosions, and asphyxiation.

This webpage contains information on the new regulation, compliance assistance documents, and other resources OSHA has to help employers and workers understand the rule. OSHA will continue to publish new guidance products in the coming months, and will post them here. Please check the website often for updates.

Construction workers often perform tasks in confined spaces - work areas that (1) are large enough for an employee to enter, (2) have limited means of entry or exit, and (3) are not designed for continuous occupancy. These spaces can present physical and atmospheric hazards that can be prevented if addressed prior to entering the space to perform work. This page is a starting point for finding information about these spaces, the hazards they may present, and ways to safely work in them.

Standard

This standard will be effective on August 3, 2015.

Highlights

- **NEW** [Temporary Enforcement Policy for Residential Construction Work in Confined Spaces](#). OSHA Memo, (October 1, 2015).
- [Protecting Construction Workers in Confined Spaces: Small Entity Compliance Guide](#) (PDF*). OSHA Publication 3825-09, (September 2015).
- [Temporary Enforcement Policy for Construction Work in Confined Spaces](#). OSHA Memo, (July 2015).

Related Topics

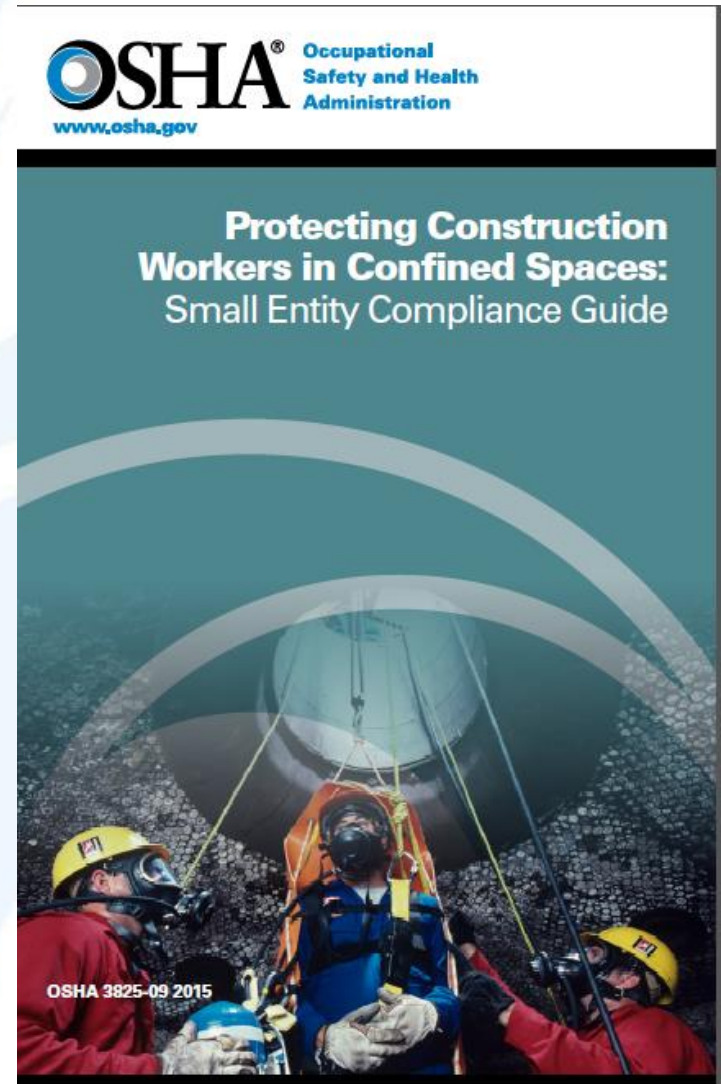
<https://www.osha.gov/confinedspaces/index.html>

- “...hazards created as a result of the work being done”.



Information and Outreach

- <http://www.osha.gov/confinedspaces/index.html#>
 - Fact Sheets and FAQs
 - Small Entity Guide
 - Additional outreach documents forthcoming




Most Frequently Cited Standards

Click: [Most Frequently Cited \(MFC\)](#)
Standards to view current data

To search MFC data on this webpage:

- “Select number of employees in establishment,” select **ALL** or one of the options listed
- “Federal or State Jurisdiction,” select **Federal** or, from the dropdown menu, a specific state
- “SIC,” select **ALL for all Industry groups, C for Construction, D for Manufacturing** (General Industry), or **373 and 449 for Maritime**
- Shown are search results for: All sizes of establishments, in Federal jurisdiction, with Construction SIC codes



UNITED STATES

DEPARTMENT OF LABOR

Occupational Safety & Health Administration

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This page allows the user to list the most frequently cited Federal or State OSHA standards for a specified 2, 3 or 4-digit Standard Industrial Classification (SIC) code. Also available is [Industry Profile for OSHA Standard](#) which lists SIC classifications having the most occurrences of a specified OSHA standard.

Select number of employees in establishment:

☐ All
 ☐ 1-9
 ☐ 1-19
 ☐ 1-99
 ☐ 20-49
☐ 20-99
 ☐ 50-99
 ☐ 100-249
 ☐ 1-249
 ☐ 250+

Federal or State Jurisdiction: SIC:

The SIC may be specified at the 2, 3, or 4-digit level. A SIC division letter (e.g., D is Manufacturing) may also be entered. A selection list for SIC Region or Major Group level data will be provided if the SIC selection field is left empty. All Industry groups will be selected by entering the word **ALL** in the SIC selection field.

The data shown reflects OSHA citations issued by the Federal or State OSHA during the specified fiscal year; are **definitions**. If you are interested in obtaining the SIC code for a particular industry, an online SIC code manual is available by **keyword** or **browsed**. This

C Division C

Listed below are the standards which were cited by **Federal OSHA** for the specified SIC during the period October 2008 through September 2009. Penalties shown reflect current rather than initial amounts. For more information, see [definitions](#).

Standard	#Cited	#Insp	\$Penalty	Description
Total	55464	18098	50184802	
19260451	9672	3767	9157149	General requirements.
19260501	7439	6825	10367857	Duty to have fall protection.
19261053	3483	2563	2296725	Ladders.
19260503	2457	2332	1602926	Training requirements.
19101200	2356	1151	395320	Hazard Communication.
19260020	1985	1769	1323637	General safety and health provisions.
19260453	1896	1658	1795543	Aerial lifts.
19260100	1805	1787	1047717	Head protection.
19260454	1675	1497	903997	Training requirements.
19260651	1667	988	1962724	Specific Excavation Requirements.
19260405	1416	1112	695191	Wiring methods, components, and equipment for general use.
19260102	1239	1210	634999	Eye and face protection.
19260404	1236	1020	740020	Wiring design and protection.



Masonry Contractors NAICS 238140 - Top Ten

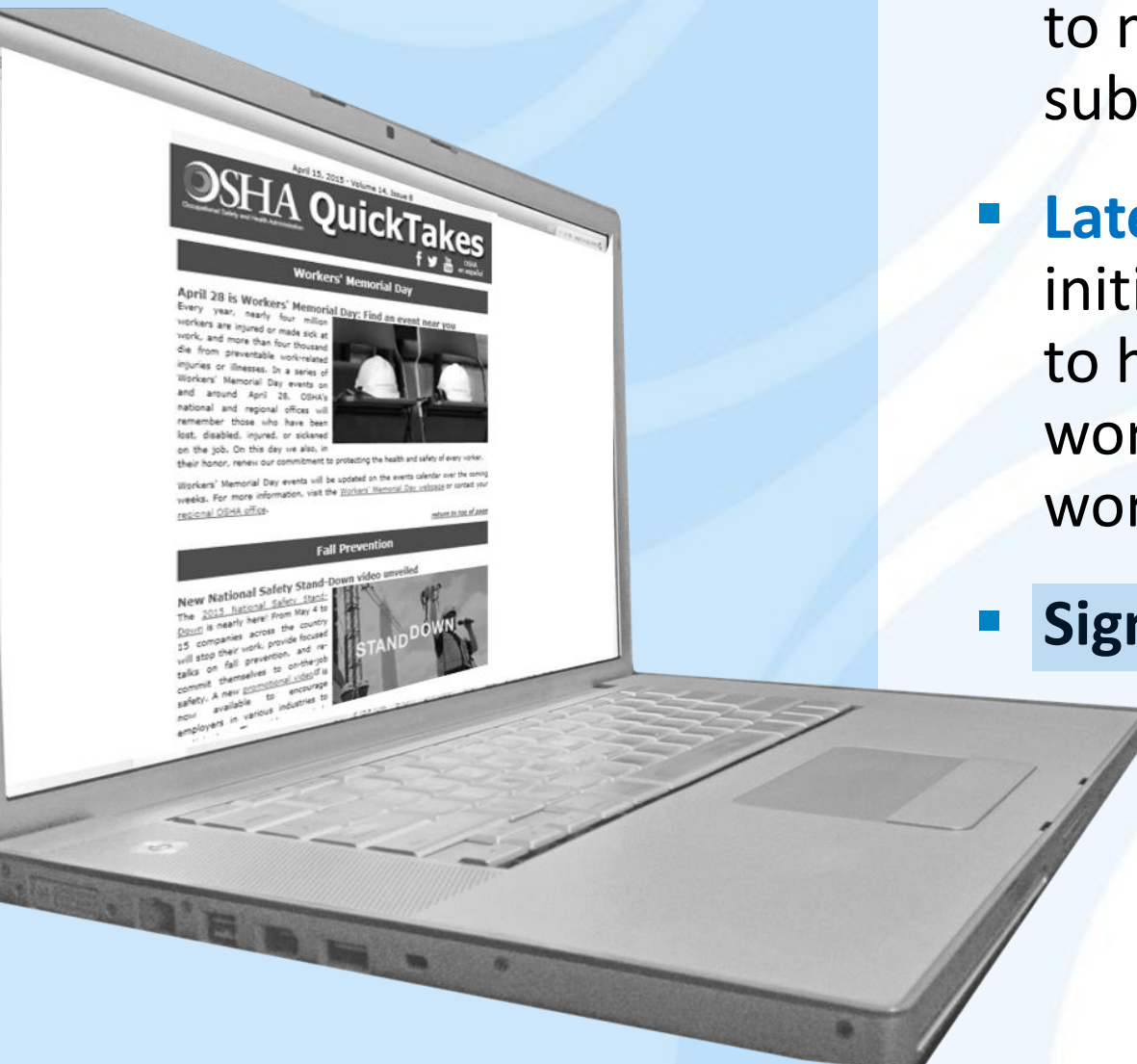


Top Ten Violations

**Most frequently cited
OSHA standards
during FY 2016
inspections**

1. Scaffolding - Fall Protection
2. Hazard Communication
3. Fall Protection – Unprotected sides & edges
4. PPE – Head Protection
5. Respiratory Protection
6. Scaffolding – Training
7. Fall Protection – Aerial Lifts
8. PPE – Eye Protection
9. Ladders
10. Electrical Hazards

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**



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Highlights



Workers receive hands-on training in the recognition, avoidance, and prevention of construction safety hazards on the jobsite.

OSHA Training Courses, Materials, and Resources

OSHA offers a wide selection of training courses and educational programs to help broaden worker and employer knowledge on the recognition, avoidance, and prevention of safety and health hazards in their workplaces. OSHA also offers training and educational materials that help businesses train their workers and comply with the Occupational Safety and Health Act.

This page references training courses, educational programs, and training materials and resources that are administered by the OSHA Directorate of Training and Education.

In Focus

- OSHA announces new Outreach Training Program Requirements [PDF]
- US Department of Labor's OSHA announces selection of OSHA Training Institute Education Centers
- New searchable schedule for OTI Education Center courses

Quick Links

- Introduction to OSHA Materials
- OSHA Training Requirements
- How to Find Outreach Training
- How to Obtain Replacement Outreach Training Program Cards
- HAZWOPER FAQs

Worker Training

Through the Outreach Training Program and the OTI Education Center Program, OSHA offers a broad selection of occupational safety and health classes designed for workers and employers.

- 10-Hour & 30-Hour Worker Classes
- Multi-day Training Classes by Topic
- Short Courses and Seminars

Grants

Under the Susan Harwood Training Grant Program, OSHA awards grants to nonprofit organizations to develop training and educational programs and/or deliver training and education to workers and employers.

- Susan Harwood Training Grants
- Applying for a Grant
- Grant Requirements
- Award Announcements

OSHA Training Institute

OTI is an internal training unit which provides occupational health and safety compliance training for federal and state compliance officers and other federal agency personnel. A limited number of private sector workers and employers may register for OTI courses on a tuition basis as space is available.

- OSHA Training Institute (OTI)
- How to Register for OTI Courses

Training Materials and
Resources Gateway

Access training materials designed to help workers and employers recognize safety and health hazards in the workplace.

- Safety and Health Training Resources
- OSHA Compliance Guidance on Training
- Training FAQs

Program Information

- Susan Harwood Training Grants
- OSHA Outreach Training Program
- OSHA Training Institute (OTI)
- OTI Education Centers
- Resource Center Loan Program
- Directorate of Training and Education (DTE)

<http://www.osha.gov/dte/index.html>





Atlantic OSHA Training Center (Consortium)

*SUNY Buffalo Toxicology Research Center
Buffalo, NY*

(716) 829-2125

www.smbs.buffalo.edu/CENTERS/trc/

Toxicology Research Center

RIT OSHA Education Center

*Rochester Institute of Technology
Rochester, NY*

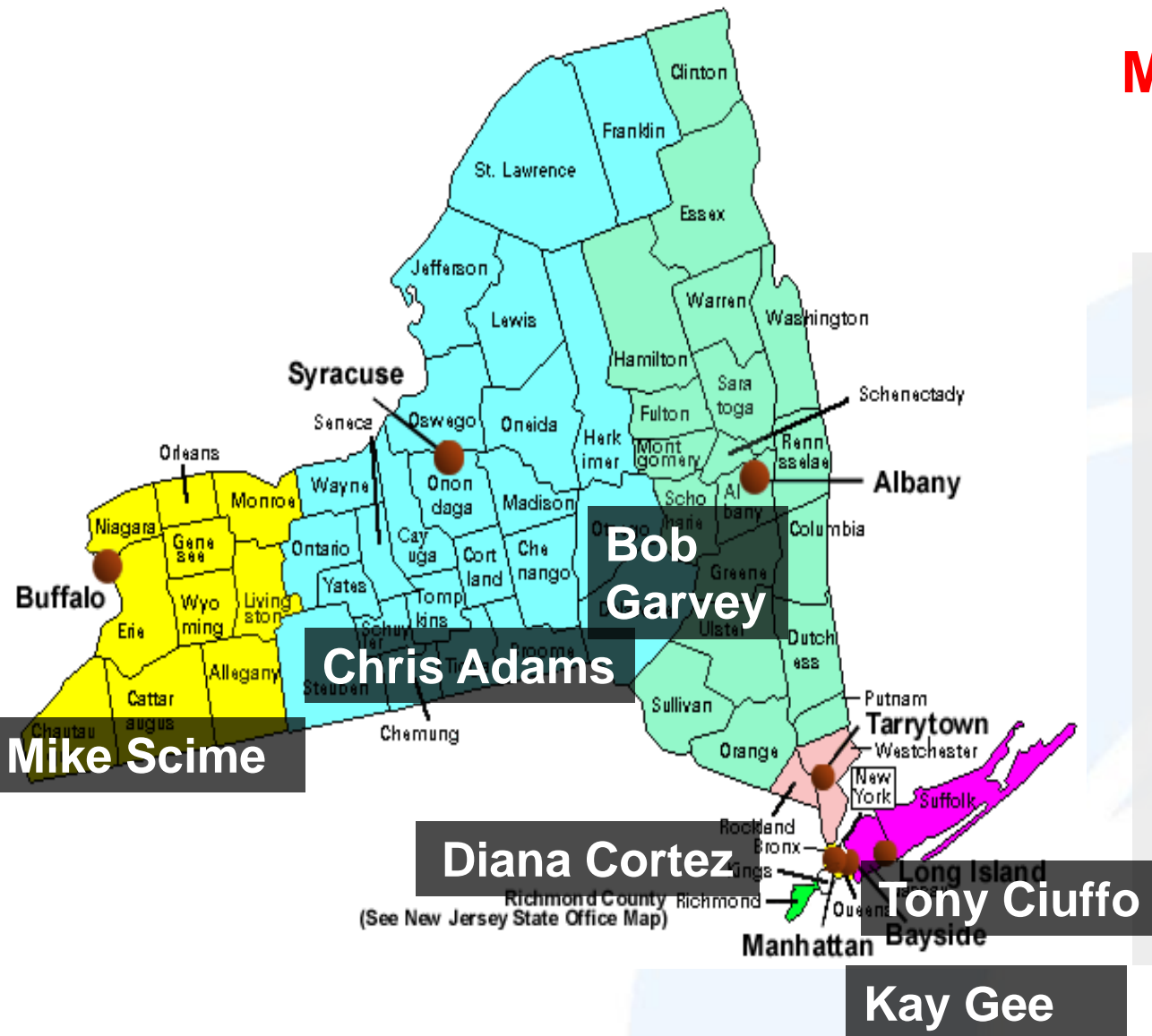
(866) 385-7470 ext. 2919

www.rit.edu/osha



NYS OSHA Area Offices

Main OSHA Number:
1-800-321-OSHA,
1-800-321-6742



Buffalo Area Office
(716) 551-3053

Syracuse Area Office
(315) 451-0808

Albany Area Office
(518) 464-4338

Tarrytown Area Office
(914) 524-7510

Manhattan Area Office
(212) 620-3200

Long Island Area Office
(516) 334-3344



OSHA Consultation Programs

➤ Consultation Programs

➤ New York: NYS Department of Labor/OSHA

➤ Syracuse, (315-479-3350), Keith Gillette,
Gillette.Keith@labor.ny.gov

➤ Buffalo, (716-847-7166), Greg Conrad,
Conrad.Greg@labor.ny.gov

➤ Albany, (518-457-2810), Bob Francis,
robert.francis@labor.ny.gov

➤ www.labor.state.ny.us/workerprotection/safetyhealth/DOSH_ONSITE_Consultation.shtm



Working Together, We Can Help

www.osha.gov

800-321-OSHA (6742)

Ronald Williams

(315) 451-0808 ext. 3002

williams.ronald@dol.gov

