



What's New with OSHA: Current and Future Impact

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Secretary of Labor Hilda Solis

- Confirmed Feb. 24, 2009
- Congresswoman (D-Ca32), 2001-2009
- As California State Senator (94-01), enacted Environmental justice law
- “OSHA is Back in the Enforcement Business. We are serious, very serious.”
- “There’s a new sheriff in town.”

Asst Secretary of Labor OSHA Director, David Michaels, PhD, MPH



- Confirmed December 3, 2009
- Prior that - Professor at George Washington University. Epidemiologist with experience in research, regulatory and public policy, and program administration
- Past DOE Asst. Secretary for Environment, Safety and Health. 1998-2001
- Authored the book “Doubt is Their Product: How Industry’s War on Science Threatens Your Health”.

Enforcement is Priority

- More than 150 new inspectors will be hired FY 2010.
- OSHA's budget increased 10 percent – with enforcement getting \$25.5 Million versus less than \$1 Million for compliance assistance, and \$0 for VPP.

FY 2008 vs FY 2009: OSHA Inspections Up 1%

OSHA Inspection Statistics	FY2005	FY2006	FY2007	FY2008	FY2009
Total Inspectionn	38,714	38,579	39,324	38,667	39,004
Total Programmed Inspections	21,404	21,506	23,035	23,041	24,316
Total Unprogrammed Inspections	17,310	17,073	16,289	15,626	14,688
Fatality Invesgitations	1,114	1,081	1,043	936	797
Complaints	7,716	7,376	7,055	6,708	6,661
Referrals	7,787	5,019	5,007	4,880	4,375
Other	4,693	3,597	3,184	3,102	2,855

OSHA Violation Statistics	FY2005	FY2006	FY2007	FY2008	FY2009
Total Violations	85,307	83,913	88,846	87,687	87,663
Total Serious Violations	61,018	61,337	67,176	67,052	67,668
Total Willful Violations	747	479	415	517	401
Total Repeat Violations	2,350	2,551	2,714	2,817	2,762
Total Other-than-Serious	20,819	19,246	18,331	17,131	16,615

FY 2009 vs FY 2010

(1st Six Months Comparison)

OSHA Inspections Up 10.5%

- OSHA has performed 21,522 inspections, putting it on pace to best the 39,004 inspections conducted in the 2009 fiscal year.
- OSHA is also ahead in total violations cited, with 52,350, putting the agency on pace to exceed 100,000 by the end of the fiscal year. There were 87,663 citations in 2009.
- So far in 2010, 82 percent of the violations cited were serious, willful, or repeat, which also is the highest rate for those types of violations in OSHA history.

Record Number of Egregious Cases in past 18 months

- From Jan 2009 – June 2010, OSHA investigators have issued citations for egregious violations in 17 cases.
- This is more than twice as many egregious cases as were issued during the two years before the current administration took office.
- OSHA inspectors cite egregious violations when an employer shows multiple instances of willful and flagrant indifference to correcting workplace hazards.

Multi-Employer Worksite Policy Upheld:

- Upheld Aug 2010 by Review Board Commission (Reversed a prior decision)
- Who can get cited:
 - Exposed to the Hazard
 - Created the Hazard
 - Authority/Capability to Correct the Hazard
 - Has Overall Control of Safety of the Worksite

Review of OSHA's Cooperative Programs System

- Alliances will require significant goals and benefits to be approved.
- Certain alliances will stay intact
 - Associated Builders and Contractors, American Subcontractors Association Alliance, Trucking Associations, Workers Compensation Fund Alliance.
- Voluntary Protection Program (VPP) activities have been under review by OSHA
 - On August 23, 2010, OSHA Director Michaels praised VPP, but warned of its possible end.

Recent Changes to Outreach Training Program

- OSHA 10 hour Certifications
 - Must last at least 2 days @ 7.5 hours maximum class time each day.

- OSHA 30 hour Certifications
 - Must last at least of 4 days @ 7.5 hours maximum class time each day.

Comparison of OSHA Administrations' Outreach – First Seven Months

- Total number of news releases was approximately the same
 - 284 during the Bush months, 262 in Obama time.

- News releases related to announcing alliances and recognizing the safety performance of businesses and organizations predominated during Bush time,
 - 48% of total releases, while only 8% of releases under the Obama administration touched on this topic.

- News releases reporting on specific enforcement cases including the names of violating employers, types and severity of violations, and proposed monetary penalties dominate the current administration
 - Comprise nearly 55% of the news releases in the seven-month Obama-OSHA period. During the comparable Bush period, less than one-third of news releases touched on enforcement matters.

OSHA Website Changes




UNITED STATES DEPARTMENT OF LABOR

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OSHA
What's New | Offices

October 6, 2010

Highlights



BP Agrees to pay \$50.6 million fine
BP Texas City Refinery, March 2005
[Read more...](#)

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OSHA Issues Reports on State-Run Occupational Safety and Health Programs

- [News Release](#)
- [Reports](#)




Distracted Driving


- [10/4/10 News Release](#)
- [New OSHA Distracted Driving page](#)

Identifying the Top Chemicals of Concern

- [News Release](#)
- [Watch Video](#)



Cranes & Derricks in Construction Final Rule
New Fact Sheets on Subpart CC



OSHA's Gulf Oil Spill Response


Latest News

- US Labor Department's OSHA reaches out to prevent distracted driving [10/04/10]
- US Labor Department's OSHA reports on state-run occupational safety and health programs [09/28/10]
- Jacobs Engineering Group Inc. receives Voluntary Protection Programs safety recognition award [09/27/10]

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Worker Fatalities

7/1/2010 ND - Worker was working from a scissor lift removing a glass wagon and was struck and crushed by an overhead gantry crane.



4,340 workers died on the job in 2009

"With every one of these fatalities, the lives of a worker's family members were shattered and forever changed. We can't forget that fact."

Top Links

<ul style="list-style-type: none">Worker RightsHow to File a ComplaintContact UsAbout OSHAAssistant SecretaryCompliance AssistanceCooperative ProgramsNewsroomOfficesOn-Site Consultation (Free)OSHA PosterPublications<ul style="list-style-type: none">Harwood Grant Publications in English & SpanishSafety/Health Topics<ul style="list-style-type: none">Worker Entry into Grain Storage BinseTools	<ul style="list-style-type: none">Events<ul style="list-style-type: none">Cranes & Derricks Final RuleLatino Workers Summit: ProceedingsOSHA Listens: ProceedingsRegulations / Standards<ul style="list-style-type: none">General IndustryConstructionMaritimeLaws & Rulemaking<ul style="list-style-type: none">Federal Register NoticesOpen for CommentRegulatory AgendaRecordkeeping<ul style="list-style-type: none">FormsAssistanceEnforcement<ul style="list-style-type: none">2009 Enforcement SummaryIndustry Alerts
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Increased Federal Oversight of “State-Run” OSHA programs

- Nevada – Found to have Poor State Program
 - *October 20, 2009 – Washington D.C. – The U.S. Department of Labor’s OSHA has released a report on Nevada’s occupation safety and health program that reveals a number of serious concerns with the program's operation, including failure to issue appropriate willful and repeat citation, poorly trained inspectors and lack of follow-up to determine whether hazards were abated.*

- Findings and consequences for other states can be found on OSHA.Gov web page.

Approved State Plans

- Alaska
- Arizona
- California
- Connecticut
- Hawaii
- Indiana
- 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

NOTE: *The **Connecticut, New Jersey, New York** and **Virgin Islands** plans cover public sector*

NOTE 2: *Local & State Government is covered by approved State Plans.*

Current OSHA Emphasis Programs

- National
 - *Excavations*
 - *Silica*
 - *Combustible Dust*
 - *Overhead Power Transmission*
 - *Falls (Residential Construction)*
 - *Youth Workers*
 - *Recordkeeping*

Current OSHA Emphasis Programs

- Regional
 - *Landscaping*
 - *Lead*
 - *Forklift*
 - *Metal Recycling*
 - *Cement / Concrete*
 - *Noise / Hearing Conservation*
 - *Amputations – Machine Guarding*



New Emphasis Program FY2010: Recordkeeping

- Sites chosen by national office for comprehensive review of records to assure incidents are recorded (per OSHA requirement).
- All inspections will include more detailed review of injury / illness records, including Insurance Loss Runs
 - *NOTE: There is discussion to implement an electronic reporting system, whereby accidents will be tracked when they occur, not at the end of the year under the current OSHA 300 log system.*

Proposed New Rule: Recordkeeping Change of Illness Data

- Proposed Revision of OSHA 300 log to restore column for musculoskeletal disorders (ergonomic)
- Proposed 1/28/10
- Effective 1/1/2011

OSHA's Form 300

Log of Work-Related Injuries and Illnesses

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

Year 20__
U.S. Department of Labor
Occupational Safety and Health Administration

Form approved OMB no. 1218-0175

You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12. Feel free to use two lines for a single case if you need to. You must complete an Injury and Illness Incident Report (OSHA Form 301) or equivalent form for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call your local OSHA office for help.

Establishment name _____
City _____ State _____

Identify the person		Describe the case				Classify the case				Enter the number of days the injured or ill worker was:		Check the "Injury" column or choose one type of illness:				
(A) Case no.	(B) Employee's name	(C) Job title (e.g., Welder)	(D) Date of injury or onset of illness	(E) Where the event occurred (e.g., Loading dock north end)	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g., Second degree burns on right forearm from acetylene torch)	Using these four categories, check ONLY the most serious result for each case:				On job transfer or restriction (K) or restriction (L)		(M)				
						Death (G)	Days away from work (H)	Job transfer or restriction (I)	Other recordable cases (J)	On job transfer or restriction (K)	Away from work (L)	Injury (1)	Skin disorder (2)	Respiratory condition (3)	Repetitive trauma (4)	All other illnesses (5)
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New Rule: Cranes and Derricks

- Published Final Rule - August 9, 2010
- OSHA's prior rule dates back to 1971 – based on industry consensus standards that are over 40 year older.
- Among other elements of safety – ensures crane operators have the required knowledge and skills by requiring independent verification of ability.

EMPHASIS PROGRAM: COMBUSTIBLE DUST



Future Proposed Rule: Combustible Dust

- There is no single comprehensive standard
- Impetus: Imperial Sugar Refinery that killed 14 workers and seriously injured dozens more.
- Caused by a wide array of materials and process in a large number of industries
- Stakeholder meetings ended April 2010.
- Proposed Rule Due – Originally set for October 2010
– Reset for April 2011.

Future Proposed Rule: Injury and Illness Prevention Program (IIPP)

- Similar to CAL-OSHA's IIPP standard
- Would require effective safety and health program system.
 - Management Commitment
 - Employee Involvement
 - Worksite Analysis
 - Hazard Prevention / Control
 - Safety and Health Training
- Stakeholder meetings began in June 2010
- Proposed Rule Due – ?

Future Proposed Rule: Airborne Infectious Diseases (TB, SARS, Influenza, H1N1)

- Would protect the nation's 13 million healthcare workers
- Most current infection control efforts are intended primarily for patient protection and not for worker protection.
- Nov 2009, OSHA issues Compliance Directive to its OSHA officers.
- March 2010, OSHA published a Request for Information to help examine how to improve worker protection from exposure to airborne diseases.
- H1N1 is OSHA recordable, unlike the common flu.

Future Proposed Rule: Crystalline Silica

- Update existing permissible exposure limits and establish additional provisions to protect workers.
- Proposed Rule set for February 2011 (seven months behind schedule).



Other OSHA Regulatory Agenda Priorities

- **Electrical Power Generation/Transmission**
 - Proposed Rule to update Construction and General Industry Standards
 - Hearing Held Oct 2009 on Proposed Rule of 2005
 - Revision of minimum approach distance tables, limiting how close an employee may get to energized parts
 - Final Rule due Feb 2011.



Other OSHA Regulatory Agenda Priorities

- Haz Comm – Global Harmonization System of Classification/Labeling of Chemicals
 - OSHA revision of Haz Com Standard to make it consistent with GHS (more specific requirements for classes and labels)
 - Proposal published in Sept 2009, Last Hearing was March 2010
 - Expect 3 years grace period to come into compliance

Other OSHA Regulatory Agenda Priorities

- **Walking Working Surfaces**
 - OSHA will update rules covering slip, trip, and fall hazards and establish requirements for personal fall protection systems. Rule will affect almost every non-construction worker in U.S.
 - Proposed Rule published May 2010. Comment period ended Aug 2010.

- **Confined Space (Construction)**
 - OSHA will create a Confined Space Construction Standard that guides the employer in determining which of four types of spaces workers are exposed.
 - Proposed Rule Oct 2008, however peer review has been delayed and should be completed by Oct 2010.

Other OSHA Regulatory Agenda Priorities

- Beryllium
 - Expect OSHA to develop a rule that updates the PEL and establishes additional provisions
 - Peer Review of rule to be completed November 2010.
- Hexavalent Chromium (e.g. stainless steel welding exposures)
 - June 2010 OSHA revised the 2008 standard to require employers to notify employees of potential exposure, regardless of levels of exposure
- Diacetyl (Butter Flavoring in Popcorn)
 - Expect OSHA to develop a rule that creates a PEL and establishes additional provisions
 - Peer Review of rule to be completed October 2010.



UNITED STATES DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

Protecting America's Workers Act of 2009

111TH CONGRESS
1ST SESSION

H. R. 2067

To amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2009

- Introduced by Rep. Lynn Woolsey (D-Cal.)
- Currently 39 Co-Sponsors
- Third time introduced (109th and 110th Congress)



HR 2067 – Three Main Sections

➤ **Title I: Increase Jurisdiction**

- Expands OSHA coverage to include state and local public employees and federal government workers & Airline and Railroad workers

➤ **Title II: Increase Whistle blower Protection**

- Codifies and clarifies regulations to protect workers and the right to refuse to do hazardous work

➤ **Title III: Increase Penalty and Accountability**



HR 2067 – Title III Strengthen Penalties

- Raises civil penalties and indexes those penalties to inflation.
- Allows felony prosecutions against employers who commit willful violations that result in death or serious bodily injury, and extends such penalties to responsible corporate officers.



HR 2067 – Title III

Strengthen Penalties

➤ Willful Violations

- No Fatality
 - Minimum penalty would increase from \$5,000 to \$8,000
 - Maximum penalty (no fatality) would increase from \$70,000 to \$120,000.
 - If a willful violation causes serious bodily injury but does not cause death, criminal penalties may include imprisonment for up to 5 years for a first offense, and 10 years for a repeat violation
- Involving Fatality
 - Minimum of \$50,000 (\$25,000 for small employers)
 - Maximum of \$250,000
 - Criminal penalties would increase from a minimum of six months in prison to 10 years for a first offense and from a maximum of one year to a maximum of 20 years for repeat offenses

➤ Serious violations

- Maximum penalty is increased from \$7,000 to \$12,000.
- A death caused by a serious violation would result in a penalty ranging from \$20,000 (\$10,000 for small employers) to \$50,000



HR 2067 – Title III.

- **Allows Workers and Their Families to Hold Dangerous Employers Accountable**
 - Provides workers and employee representatives the right to contest OSHA's failure to issue citations, object to any re-classification of citations, and proposed penalties.
 - Gives injured workers, their families and families of workers who died in work-related incidents the right to meet with investigators, receive copies of citations, and to have an opportunity to make a statement before any settlement negotiations.



H.R. 5663 – Miner Safety and Health Act of 2010

- Introduced July 1, 2010 by Rep. George Miller (D-CA7), 55 Co-Sponsors
- Passed Committee July 21, 2010, On Calendar for House Vote
- Seven Sections – Section VII is an Amendment to Change the OSHA Act.
 - But only includes Title II and III of PAWA



UNITED STATES DEPARTMENT OF LABOR

Occupational Safety & Health Administration

Highlights

"Now is the time to think seriously and act courageously to ensure that OSHA and MSHA have the tools we need to enforce safe working conditions, and that this government develops effective incentives that will ensure all employers do the right thing."

**Assistant Secretary David Michaels
testifying before the U.S. Senate Committee
on Health, Education, Labor and Pensions
on April 27, 2010**



New Penalty System Changes Effective October 1st, 2010

- History Reduction of 10% if no Serious, Willful or Repeat Citations in last 5 years (From 3 years).
- History Increase of 10% if Serious, Willful or Repeat Citations in last 5 years.
- Repeat Violations Period increased to 5 years (from 3 years)
- Gravity-Based Penalty (GBP) will range from \$3,000-7,000 (up from the range of

New Penalty System Changes

Effective October 1st, 2010

- Size Reduction – 10 to 40 percent for those employers less than 250 employees (down from 10 to 60 percent).
- Good Faith – Retained
 - (However, the 10% reduction for employers with a strategic partnership agreement will be eliminated.)
- Minimum Penalties – increased to \$500.
- Additional Administrative Modifications to the Penalty Calculation Policy
 - Final penalties will be calculated serially, unlike the current practice where all penalty reductions are added and the total percentage of reductions is then multiplied by the gravity-based penalty to arrive at the proposed penalty. All penalty adjustment factors will be applied serially.

Severe Violator Enforcement Program (SVEP)

Effective June 18, 2010

- Intended to focus OSHA enforcement resources on employers who demonstrate indifference through repeat violations
- Increased OSHA inspections at these worksites
- Mandatory OSHA follow-up inspections
- Inspections of other worksites of the same employer where similar hazards/operations are present.
- Penalty Grouping
 - Where circumstances warrant, at the discretion of the Area Director, high gravity serious violations related to standards and hazards identified in the SVEP will not normally be grouped or combined, and may be cited as separate violations, with individual proposed penalties

Are you on OSHA's "Hot List"

Published March 2010?

COMPANY	NAME2	STREET	CITY	STATE	ZIP	SIC
A A A Concrete Products Corp		1224 E Broad Ave	Albany	GA	31705	3273
A G Rhodes Home Inc		350 Boulevard Southeast	Atlanta	GA	30312	8052
A L P Lighting & Ceiling Pdts		1401 Blairs Bridge Rd	Lithia Springs	GA	30122	4231
AAA Cooper Transportation		4975 GRANT RD	ELLENWOOD	GA	30294	4213
AAF-Mcquay Inc	American Air Filter	2624 Weaver Way	Atlanta	GA	30340	3564
AC White Transfer & Stor Co	A C White Relocations	660 Edgewood Ave NE	Atlanta	GA	30312	4213
Ace Equipment Inc		6348 Timber Ln	Blackshear	GA	31516	3713
Ace Pole Co Inc		6352 Timber Ln	Blackshear	GA	31516	2491
Acuity Lighting Group Inc Emergency Systems	Acuity Lighting Group Inc	1 Lithonia Way	Decatur	GA	30035	3648
Acuity Lighting Group, Inc.	LITHONIA LIGHTING	1001 W DYKES ST	COCHRAN	GA	31014	3645
Adams Transfer & Storage Co	Adams Data Management	795 GEORGIA AVE	GAINESVILLE	GA	30501	4214
Adco International Plas Corp		1256 Sandtown Rd SW	Marietta	GA	30008	3089
ADVANCED STEEL TECHNOLOGY, CLINIC		300 W HERMITAGE RD NE	ROME	GA	30161	3443
Advantis Technologies Inc		1400 Bluegrass Lakes Pkwy	Alpharetta	GA	30004	2899
Airborne Express Inc	Airborne Express	3635 Southside Industrial	Atlanta	GA	30354	4513
Aladdin Manufacturing Corp		207 PHELPS RD SE	DALTON	GA	30721	2281
ALBANY BEVERAGE COMPANY		1208 MOULTRIE RD	ALBANY	GA	31705	5181
ALBANY CENTER	U P S	2219 TOLEDO DR	ALBANY	GA	31705	4215
Alliance Homes Inc	ADRIAN HOMES	US Hwy 80 E	Adrian	GA	31002	2452
Alum-A-Lift Inc		7909 Bankhead Hwy	Winston	GA	30187	3537
Alvista Care Home Inc		99 Hill Haven Rd	Greenville	GA	30222	8051
American Proteins Inc		4990 LELAND DR	CUMMING	GA	30041	2048
Amtico International		5079 Chatooga Dr	Lithonia	GA	30038	3996
Andersen 2000 Inc		306 Dividend Dr	Peachtree City	GA	30269	3564
Android Industries LLC	A I of Georgia	305 Best Friend CT	Norcross	GA	30071	3714
Apache Mills Inc		417 S RIVER ST	CALHOUN	GA	30701	3081
APPLIED CERAMICS INC		5555 PLEASANTDALE RD	ATLANTA	GA	30340	3297
Applied Thrmplstic Rsrcees LLC	A T R	707 S Erwin St	Cartersville	GA	30120	5131
ARBORGUARD INC	ARBORGUARD TREE SPECIALISTS	111 N CLARENDON AVE	AVONDALE ESTATES	GA	30002	0783
Armstrong & Dobbs Inc		315 Oconee St	Athens	GA	30601	5211
Ashburn Health Care Inc		441 Industrial Dr	Ashburn	GA	31714	8059
Asta Industries Inc		4255 MCEVER INDUSTRIAL I	ACWORTH	GA	30101	3442
Astenjohnson Inc		1157 Battlecreek Rd	Jonesboro	GA	30236	2211
Atlanta COCA-COLA BOTTLING CO - CCE	Athens Sales Center	650 ATHENA DR	ATHENS	GA	30601	5149
Atlanta Coca-Cola Bottling Co, CCE	Gainesville Sales Center	2105 Browns Bridge Rd	Gainesville	GA	30501	2086
Atlanta Beverage Company GA Partner		5000 Fulton Industrial Boulevard	Atlanta	GA	30336	5181
Atlanta Coca Cola Bottling Co, CCE	East Metro Sales Cnter	24000 Mellon CT	Decatur	GA	30035	5149
Atlantic Southeast Airline, Inc.		Hartsfield Atlanta International	Atlanta	GA	30320	4512
Atlantis Plastic Films Inc		434 Industrial Park Rd Ne	Cartersville	GA	30121	3081
Atlas Cold Storage Income Tr	The Kroger CO - Freezer Facility/Dist.	3475 International Park Drive S	Atlanta	GA	30316	4225
ATLAS ROOFING CORPORATION	GYP SUM AND ROOFING DIV	100 Pineview DR	HAMPTON	GA	30228	2952
Augusta Disposal and Recycling		851 Triangle Industrial C	Evans	GA	30809	4953
Augusta Iron & Steel Works		3707 Washington Rd	Augusta	GA	30907	3599
Augusta Resource Ctr On Aging		4275 OWENS RD	EVANS	GA	30809	8059
Auten Poultru & Food Service		1333 Cusseta Rd	Columbus	GA	31901	5144

OSHA “Hot List” is based on 2008 Injury/Illness Rates

- Is your facility’s DART rate 3-4 X the Industry Average?
- Private Industry
 - Total Recordable rate – 3.9
 - DART – 2.0
- Construction
 - Total Recordable rate – 4.7
 - DART – 2.5