



Association of Rotational Molders

▶ OSHA Inspection Process

October 9, 2014

Dave Schworer

Innovative Safety Systems, Inc.

ISSI@innovative-safety.com

"To those who have for too long abused workers, put them in harm's way, ... let me be clear, there is a new sheriff in town."

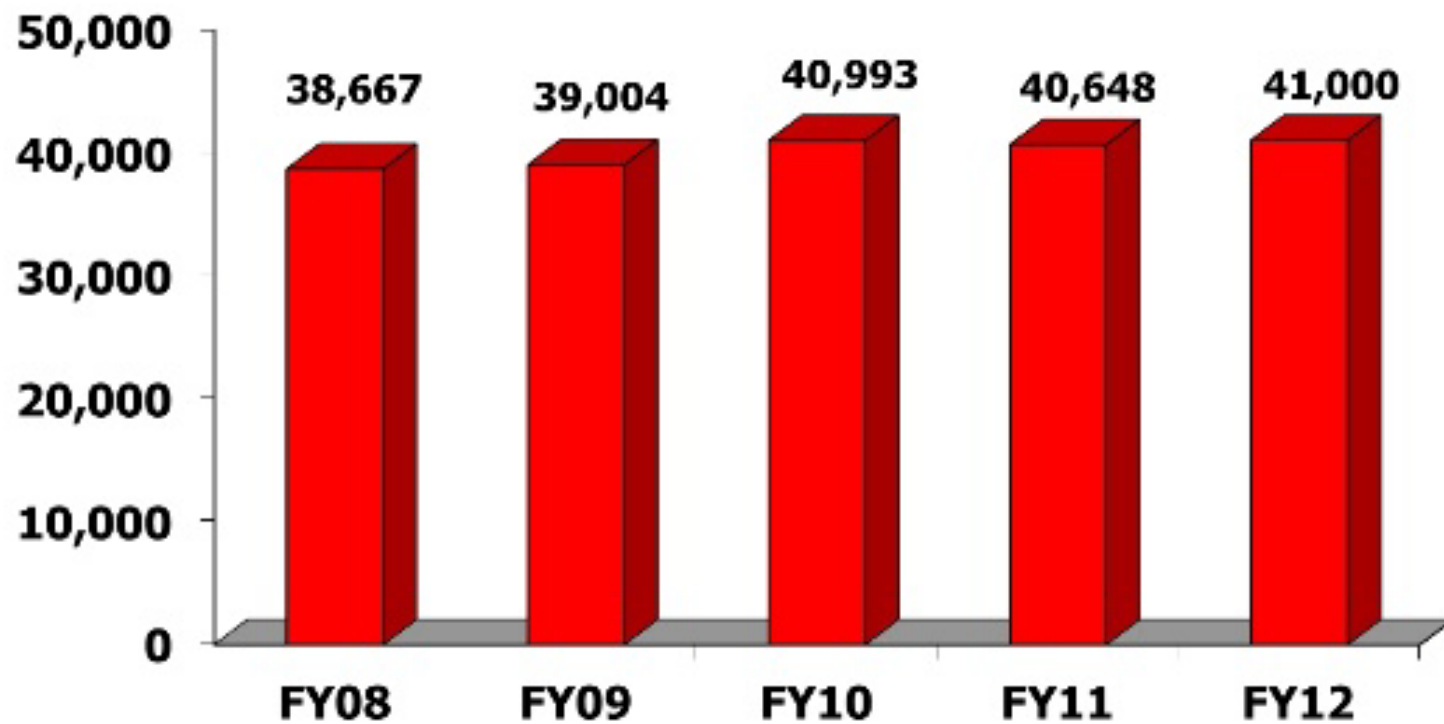


“We are focused on workers — not voluntary programs and alliances...As I have said since my first day on the job — make no mistake, the Department of Labor is back in the enforcement business.”

June 29, 2009

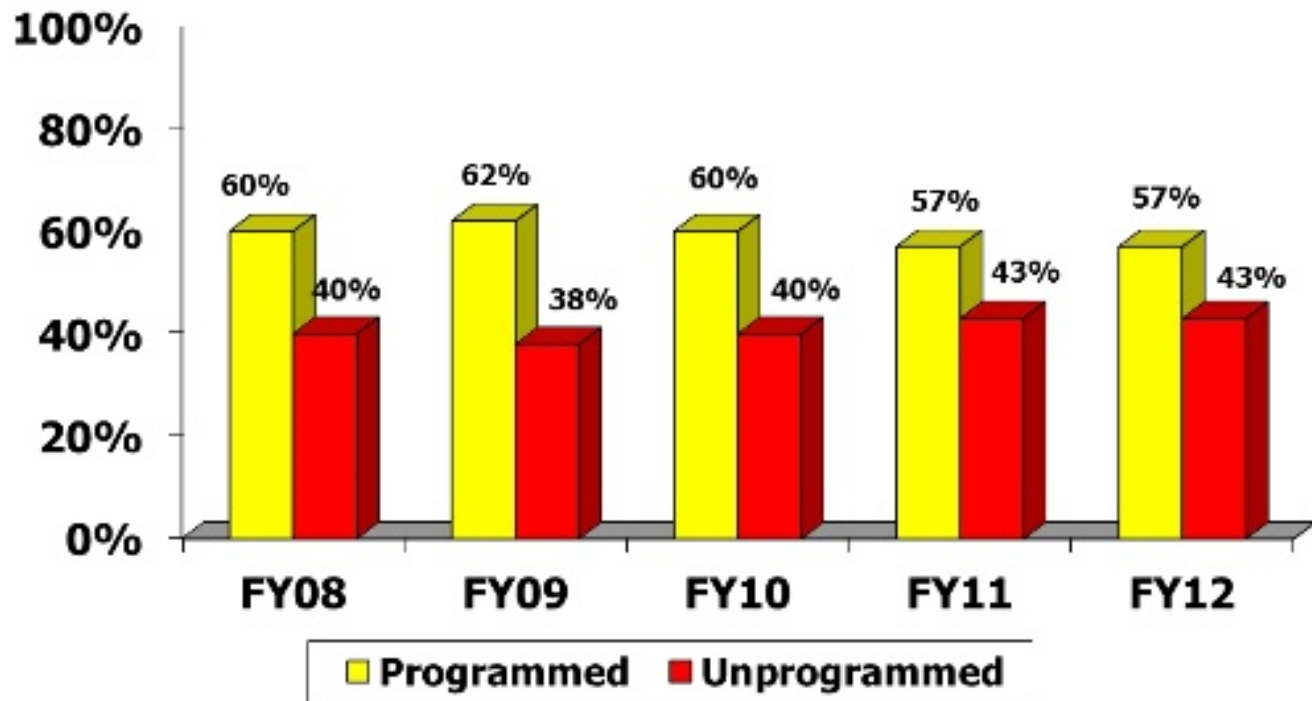
Hilda Solis
Former U.S. Labor Secretary

***FY 2008 – FY 2012est
Inspections Conducted***

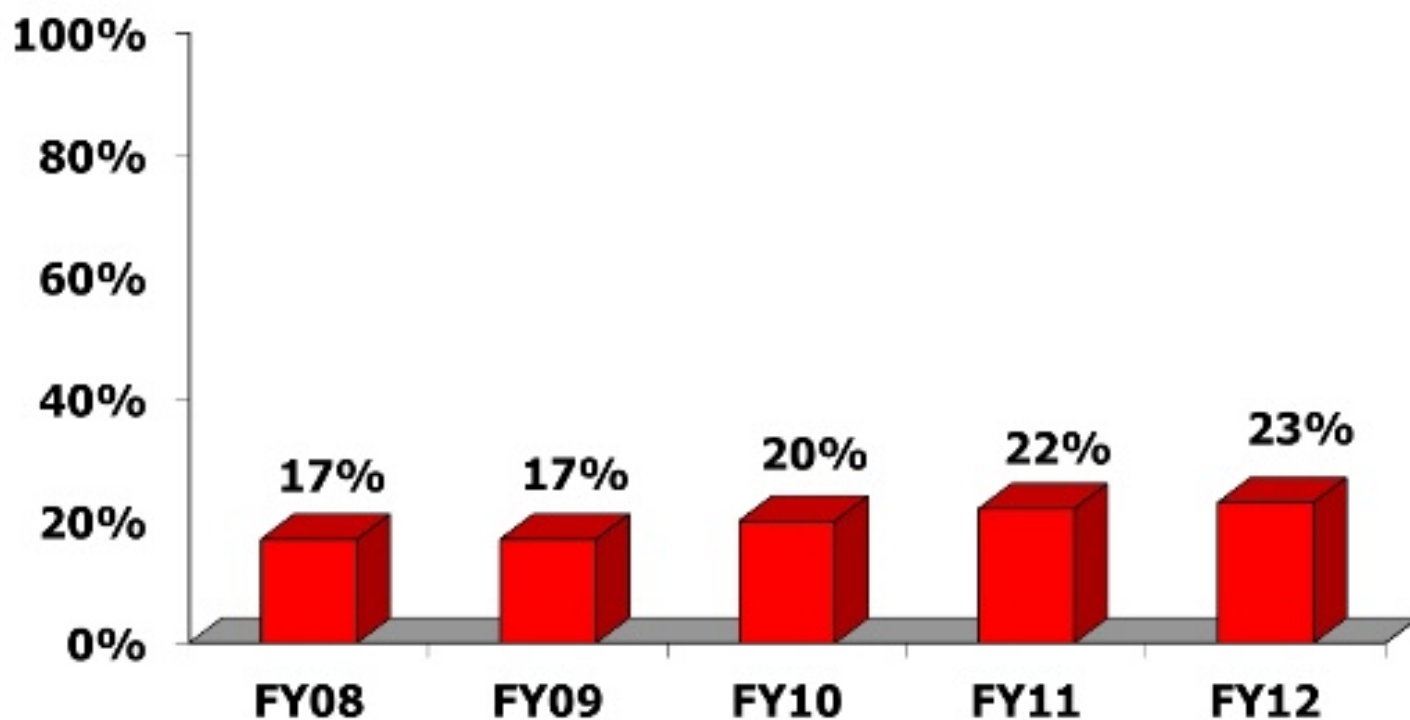


FY 2008 – FY 2012

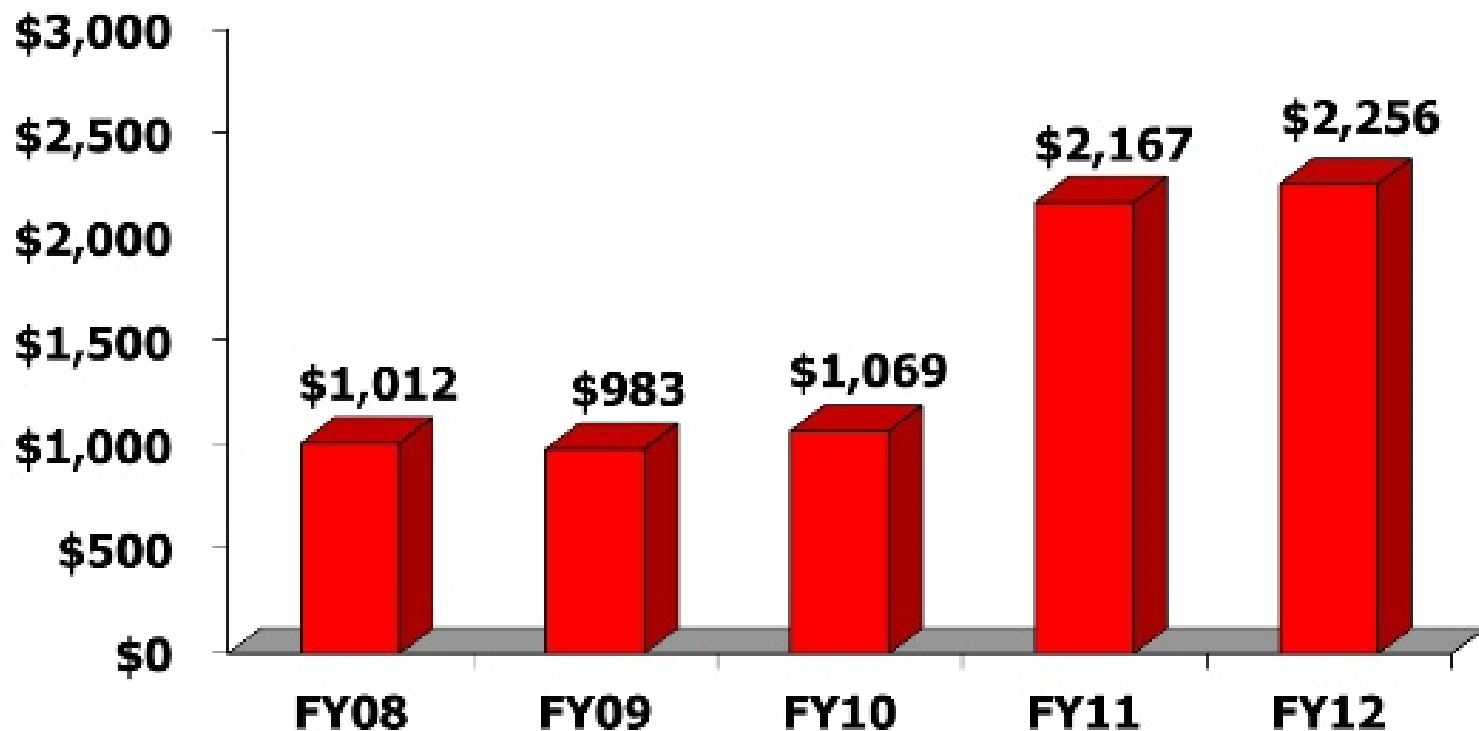
% Programmed vs. % Unprogrammed



FY 2008 – FY 2012
% Complaint Inspections



FY 2008 – FY 2012
Average Penalty Per Serious Violation (Private Sector)



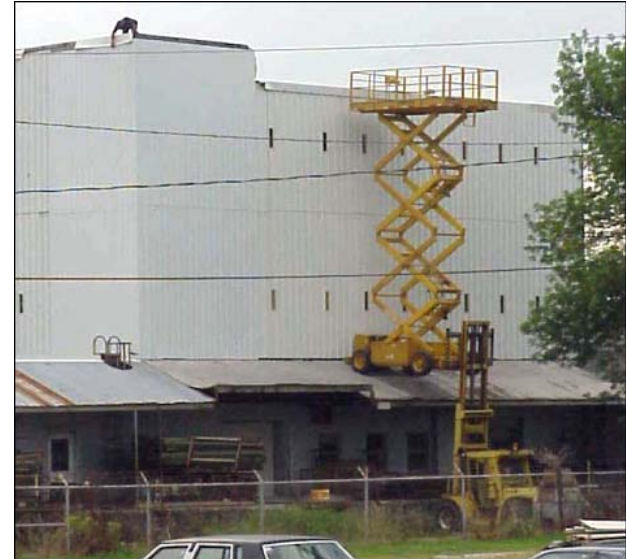
Hazards Identified: Total Violations Increase

OSHA Violation Statistics	FY2006	FY2007	FY2008	FY2009	FY2010	%Change 2006-2010
Total Violations	83,913	88,846	87,687	87,663	96,742	15.3%
Total Serious Violations	61,337	67,176	67,052	67,668	74,885	22.1%
Total Willful Violations	479	415	517	401	1,519	217.1% ⁶
Total Repeat Violations	2,551	2,714	2,817	2,762	2,758	8.1%
Total Other-than-Serious	19,246	18,331	17,131	16,615	17,244	-10.4%

Workplace Inspections

Reasons for Inspection

- **Imminent Danger**
- **Catastrophe/fatality**
- **Complaint**
- **Programmed Inspection**
- **Referral**
- **Media Coverage**



OSHA's National Emphasis Programs

- **Hazardous Machinery—amputations**
- **Lead**
- **Silica**

Region V—IL, IN, OH, MI, MN, WI

- **Powered Industrial Vehicles**
 - **Fall Hazards in General Industry**
 - **Ladders**
- 

Inspection Process

- ▶ Every establishment covered by the OSH Act is subject to inspection by OSHA
- ▶ Most inspections are conducted without advance notice.
- ▶ CSHO displays official credentials





What to Do in the Case of an OSHA Inspection



Opening Conference

- Records Check
 - OSHA Poster
 - Recordkeeping—Injury/Illness
 - OSHA 300 Log, 300A and OSHA 301
 - Safety Training Records
 - Discipline Policy
- Incident Rate (total cases/lost workday cases)

$$\frac{\text{Total number of cases} \times 200,000}{\text{Total hours worked}}$$



What to Do in the Case of an OSHA Inspection



INSPECTION

- **Tour**
- **Employee Interviews**
- **Cameras**
- **Air/Noise Monitoring**
- **Samples**

CLOSING CONFERENCE

OSHA Interviews

- **Non-Management Interviews**
 - **Employee right to Union or other representative**
 - **Translator**
 - **Tell the truth**
- **Management Interview**
 - **Right to company representative/counsel**
 - **Avoid the “casual” interview**

Remember: Everything is on the record. Do not engage in idle conversation concerning safety.





What to Do in the Case of an OSHA Inspection



Employer Responsibilities

DOCUMENT

DOCUMENT

DOCUMENT!!!

- Accompany compliance officer at ALL times.
- Answer only what is asked.
- Answer questions honestly.

Tips during Inspections

- Immediately Correct Unsafe Conditions Identified by The Compliance Officer Without Admitting That The Condition Constitutes a Violation



- May avoid the citation
- May lessen the classification or penalty of a citation

Letting a violation exist for weeks during an OSHA inspection can be used to show duration.


OSHA VIOLATION TYPES

	MAXIMUM	MINIMUM
OTHER THAN SERIOUS (17%of citations) Hazard could not result in serious physical harm but would have a direct relationship on safety and health.	\$7,000 (usual max. \$1000)	
SERIOUS VIOLATIONS (77%) Hazard causes a substantial probability of death or serious injury or a grouping of several non-serious violations into one serious item.	\$7,000	Typically \$2,500
REPEAT VIOLATIONS (3%) Employer has been cited previously for the same or a substantially similar violation.	\$70,000	
WILLFUL VIOLATIONS (2%) That which is committed with intentional disregard for or indifference to regulations.	\$70,000	
FAILURE TO ABATE (1%) Employer fails to correct hazard within specified time. May file petition for modification of abatement. Fine does not accrue during time citation is being contested.	\$7,000 Per day incl non-working days	
CRIMINAL Willful violation causing death, providing false info, killing/assaulting/hindering OSHA inspector.	\$250,000 (individual) \$500,000 (corp) 6 months jail	

What happens after an OSHA inspection?

- ❖ OSHA may or may not issue citations. Citation must be issued within 6 months of inspection.
- ❖ Citations inform employer and employees of the regulations and standards allegedly violated and of the proposed time for abatement .
- ❖ Expedited Informal Settlement Agreement (EISA)
 - Employer to correct all violations
 - Employer to provide evidence of abatement
 - 30% reduction in penalty
- ❖ Employer has a variety of rights to contest and/or negotiate citations.
- ❖ Informal conference and/or filing Notice of Contest must be filed within 15 business days of receipt of citation.

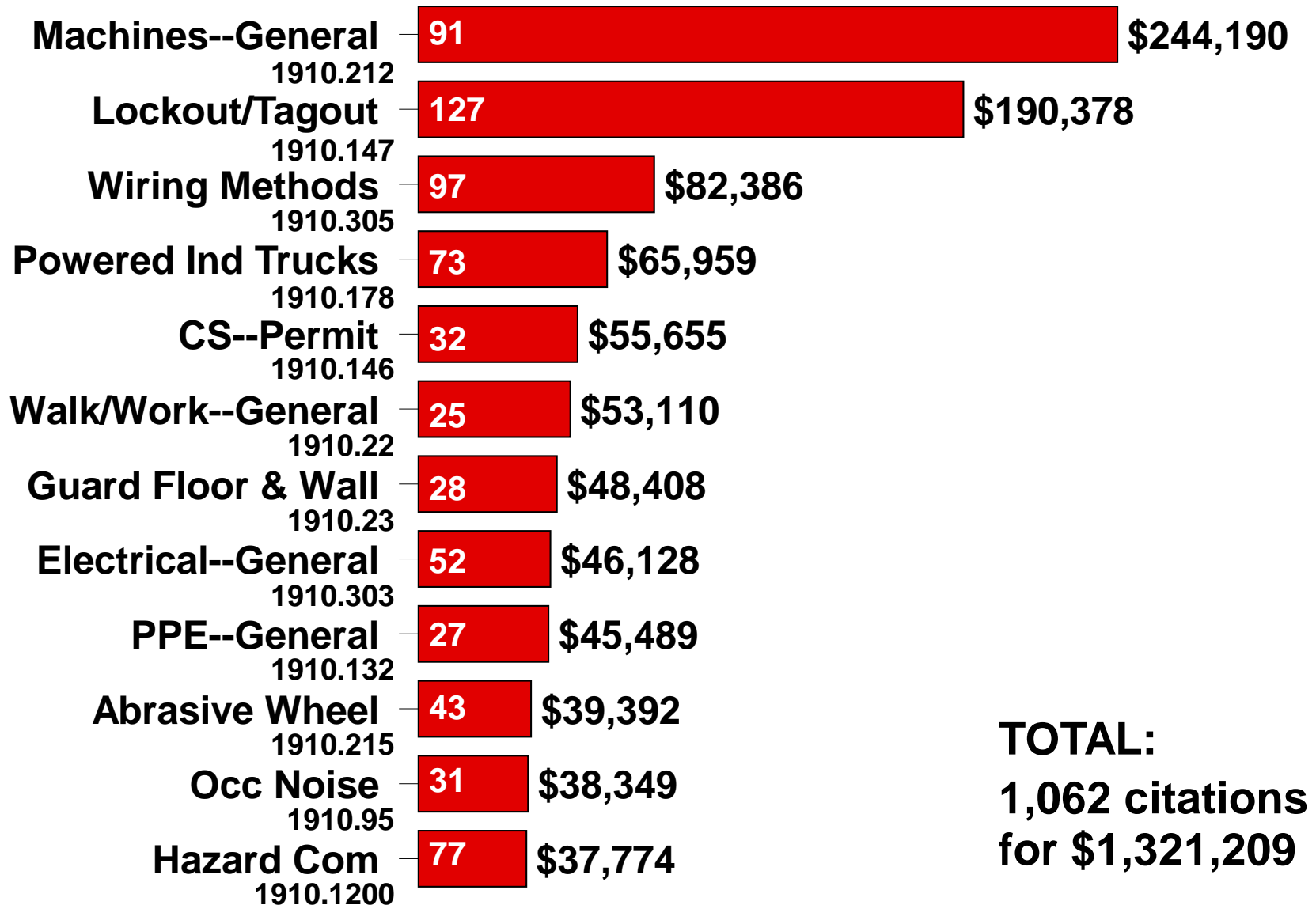
What happens after an OSHA inspection?

- OSHA Informal Conference (within 15 days)
 - Negotiate:
 - Validity of Citation
 - Classification of Citation
 - Penalty Amounts
 - Abatement Period
 - Formal Contest
 - Must be filed within 15 business days of receipt of citation
- 

OSHA'S TOP 12 CITATIONS

Plastics Product Manufacturing

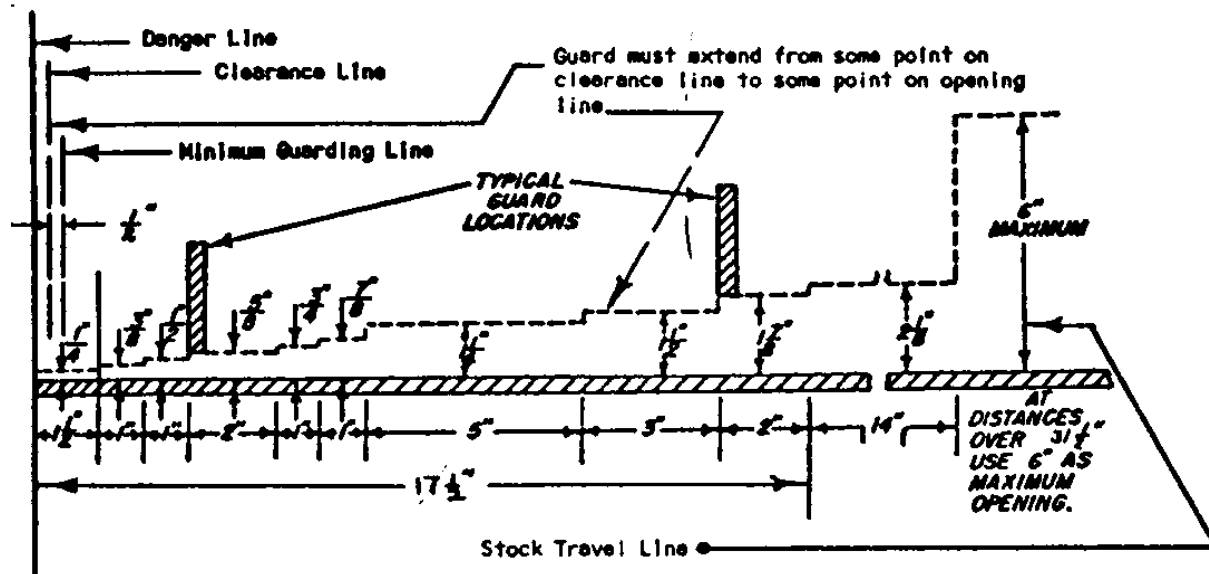
October 2012 thru September 2013



Types of Guarding

1910.212(a)(1) & (2)

One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are barrier guards, two-hand tripping devices, electronic safety devices, etc. Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself.



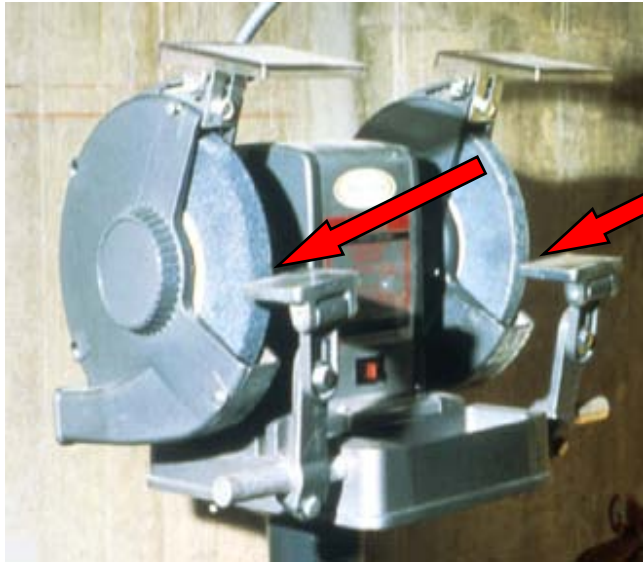
1910.217(f)(4) Table O-10

Distance of opening from point of hazard	Maximum width of opening
$\frac{1}{2}$ to $1\frac{1}{2}$	$\frac{1}{4}$
$1\frac{1}{2}$ to $2\frac{1}{2}$	$\frac{3}{8}$
$2\frac{1}{2}$ to $3\frac{1}{2}$	$\frac{1}{2}$
$3\frac{1}{2}$ to $5\frac{1}{2}$	$\frac{5}{8}$
$5\frac{1}{2}$ to $6\frac{1}{2}$	$\frac{3}{4}$
$6\frac{1}{2}$ to $7\frac{1}{2}$	$\frac{7}{8}$
$7\frac{1}{2}$ to $12\frac{1}{2}$	$1\frac{1}{4}$
$12\frac{1}{2}$ to $15\frac{1}{2}$	$1\frac{1}{2}$
$15\frac{1}{2}$ to $17\frac{1}{2}$	$1\frac{7}{8}$
$17\frac{1}{2}$ to $31\frac{1}{2}$	$2\frac{1}{8}$
Over $31\frac{1}{2}$	6 inches

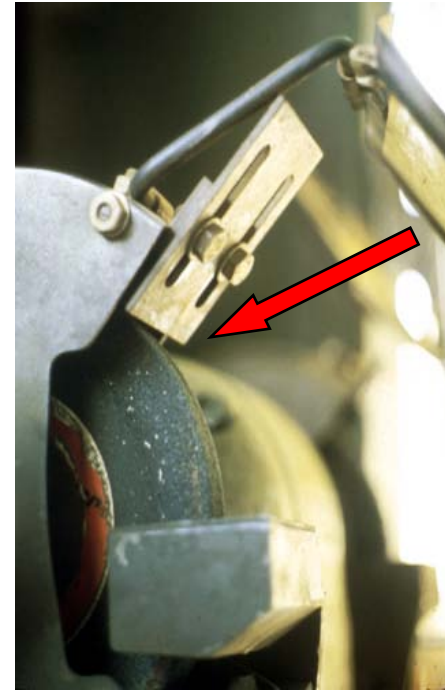


Abrasive Wheel Machinery

1910.215



Work rests 1/8-inch



Tongue guard 1/4-inch

Lockout – 1910.147

- **Machine-specific lockout procedures**
- **Written lockout program**
- **Annual audit**
 - **Procedures**
 - **Authorized personnel**
- **Lockout training**

Powered Industrial Trucks 1910.178

- **Truck Modifications**
- **Seat Belts**
- **Training**
 - **Truck related topics**
 - **Workplace related topics**
- **Inspection**
- **Refresher Training**



Confined Spaces – 1910.146

- ▶ Written Program
- ▶ Confined Space Assessment
- ▶ All Confined Spaces Labeled
- ▶ Confined Space Permit
 - Air Monitoring
 - Rescue Process
- ▶ Employee Training



**PERMIT REQUIRED
CONFINED SPACE**

**ENTER BY
PERMIT ONLY**

1910.22 Walking Working Surfaces

- **Housekeeping**
- **Aisles and Passageways Marked**



1910.23 Guard Floor/Wall Openings

- **Ladderway Protection**
- **Stairways**
- **Fall Protection – 4 feet**
 - Roof
 - Skylights
 - Docks
 - Equipment/Machinery





Electrical 1910.303 and 305

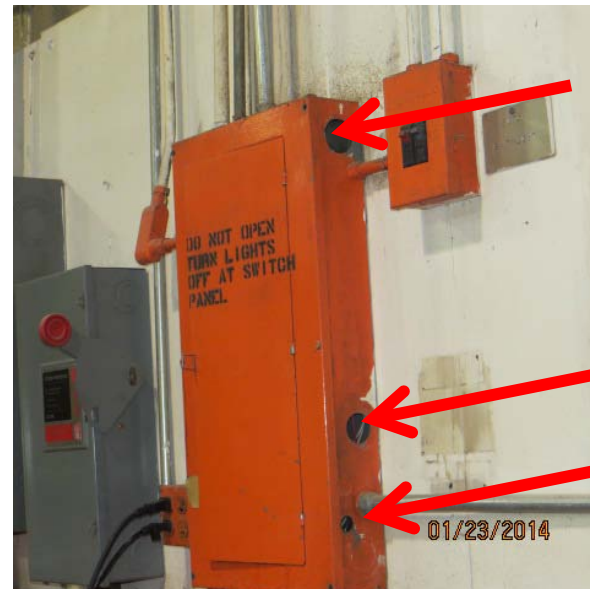
- **Extension cords**
- **Ground plug**
- **Open electrical**
- **Damaged cords**



Electrical 1910.305(b)(1)(ii)

Wiring methods, components, and equipment for general use.

Unused openings in cabinets, boxes, and fittings shall be effectively closed.



Electrical 1910.305(g)(1)(iv)(A)

Wiring methods, components, and equipment for general use.

Flexible cords and cables may not be used as a substitute for the fixed wiring of a structure.



Personal Protective Equipment

- PPE Assessment
- Employer Payment
- Employee Training



Personal Protective Equipment Assessment Form

	HANDS	HEAD/ BODY	EYE & FACE	FEET	RESPIRATORY
Process:	Chemical resistant gloves	Bump cap	Safety glasses	Leather shoe	Half-face Full-face
	Cut resistant gloves	Hard hat	Face shield	Steel toe shoe	SCBA PAPR
Hazards:	Thermal protective gloves	Ear plugs	Welding helmet	Metatarsal	Air line Dust mask
	Insulating gloves	Ear muffs	Goggles	Chem resistant	Cartridge type:_____
	Cotton gloves	Safety vest	Other:	Other:	Disposable type:_____
Process:	Chemical resistant gloves	Bump cap	Safety glasses	Leather shoe	Half-face Full-face
	Cut resistant gloves	Hard hat	Face shield	Steel toe shoe	SCBA PAPR
Hazards:	Thermal protective gloves	Ear plugs	Welding helmet	Metatarsal	Air line Dust mask
	Insulating gloves	Ear muffs	Goggles	Chem resistant	Cartridge type:_____
	Cotton gloves	Safety vest	Other:	Other:	Disposable type:_____

I have performed an evaluation of the work areas indicated above, assessed the hazards and have selected the appropriate personal protective equipment.

Signature: _____

Name/Title (print) _____

Date: _____

Establishing a PPE Program

1910.132(d)

PPE assessments based upon:

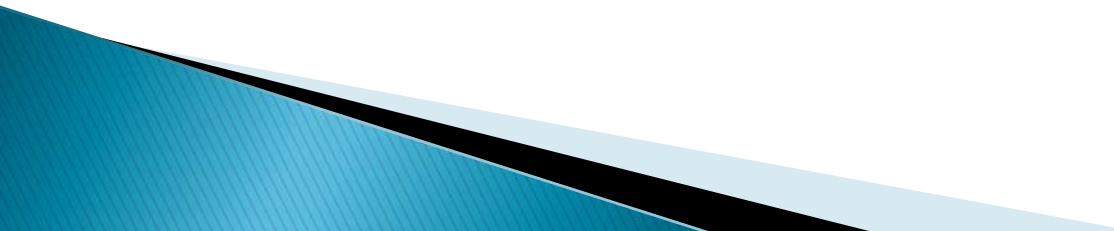
- Injury Experience
- Monitoring Results
- MSDS
- Vendors/suppliers
- Personal Observations
- Potential Hazards



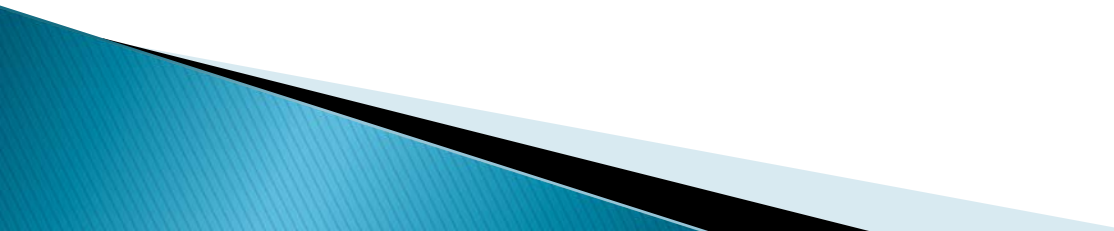
Assessment should not only document what PPE has been or is currently being worn but also what should be worn.

Training 1910.132(f)

Employees required to use PPE must be trained to know at least the following:

- ✓ When PPE is necessary**
 - ✓ What type of PPE is necessary**
 - ✓ How to properly put on, take off, adjust, and wear**
 - ✓ Limitations of the PPE**
 - ✓ Proper care, maintenance, useful life and disposal**
- 

Occupational Noise – 1910.95

- ▶ Noise Monitoring – 85 db, 90 db
 - ▶ Hearing Conservation Program
 - ▶ Hearing Protection
 - ▶ Annual Audiograms
 - ▶ Employee Training
- 

Hazard Communication – 1910.1200

- ▶ Written Program
- ▶ Chemical Inventory
- ▶ Container Labeling
- ▶ Safety Data Sheets (SDS)
- ▶ Employee Training
- ▶ Global Harmonization System (GHS)






What to Do in the Case of an OSHA Inspection



Preparing for an OSHA Inspection

- **Develop a plan**
 - **Know your record**
 - **Define Responsibilities**
 - **Opening Conference**
 - **Record keeper/Provider**
 - **Grape Vine**
 - **Audit Yourself**
 - **Facility Inspection**
 - **Written Programs including discipline policy**
 - **Training Records**
 - **Practice**
- 

Do you have to report that injury to OSHA?

- ▶ Employers' reporting requirements *are changing starting January 1, 2015.*
- ▶ Now, employers have to report the following events to OSHA:
 - All work-related fatalities
 - All work-related in-patient hospitalizations of one or more employees
 - All work-related amputations
 - All work-related losses of an eye
- ▶ Employers must report work-related fatalities within 8 hours of finding out about it.
- ▶ For any in-patient hospitalization, amputation, or eye loss employers must report the incident within 24 hours of learning about it.



Association of Rotational Molders

▶ OSHA Inspection Process

October 9, 2014

Dave Schworer

Innovative Safety Systems, Inc.

ISSI@innovative-safety.com