



Thanks for joining us a few minutes early.

**Webinar will start promptly
at Noon.**

Reminder! To receive your CIU & Safety meeting credits, you must stay on the Zoom webinar the entire time and answer the final poll questions at the end.

OSHA COVID-19 Updates

PINNACOL
ASSURANCE



Welcome

- CRA Pinnacol Safety Group Members
- CRA Members
- Moody Insurance
- Pinnacol Team Members



MOODY
INSURANCE AGENCY

Zoom Etiquette and Housekeeping



Attendance



Please Keep
Microphone Muted



Use Q&A For
Questions



Chat Box not
monitored



Do Not Raise Hand



Pop Quiz at
Conclusion



Presentation &
Materials
Available Afterward

2021 Training Schedule

- April 22, 2021 safety group topic: Job Hazard Analysis
- October 2021: TBD
- OSHA 10-hour construction through JJ Keller (English & Spanish)

* Reminder *

Injury Reporting: Colorado roofing employers with 20, or more, employees must submit the required 2020 injury and illness data to OSHA by March 2, 2021.

Disclaimer

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Objectives

OSHA COVID-19
Updates

Work-Relatedness

Recordability And Is
It Recordable?

Employer
Responsibilities

Updates*

CSHO Updates
Enforcement guidelines for CSHOs
CSHO Discretionary authority
Employer responsibility
Employer discretion

* Memorandum updates from April 13, 2020 through December 21, 2020

Updates



There is no
COVID-19
Standard!!

CSHO Direction

CSHO enforcement discretion is applied only when circumstances beyond the employer's control prevent compliance...and the employer makes objectively reasonable efforts... to comply.

Enforcement Standards

29 CFR Part 1904, Recording and Reporting Occupational Injuries and Illness

29 CFR 1926 Subpart E, Personal Protective & Life Saving Equipment.

29 CFR 1910.134, Respiratory Protection

29 CFR 1926 Subpart C & D, Sanitation

29 CFR 1910.1020, Access to Employee Exposure and Medical Records

29 CFR 1910.1030, Bloodborne Pathogens

AND....

Section 5(a)(1), General Duty Clause of the Occupational Safety and Health (OSH) Act

Enforcement Standards

OSH Act of 1970
Sec. 5 Duties

(a) Each employer --

(1) 29 USC 654

shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

(2) shall comply with occupational safety and health standards promulgated under this Act.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

Enforcement Guidelines



Prioritize COVID-19 fatalities & imminent danger



Formal complaints may lead to on-site inspections



Informal complaints may lead to informal processes

CSHO Direction

Inspection triggers:

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graph TD; A[Inspection triggers:] --> B[Fatalities and imminent danger]; B --> C[Formal Complaints]; C --> D[The DREADED FOCUS FOUR!]; D --> E[Inspect, Inspect Inspect For COVID-19];
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Fatalities and imminent danger

Formal Complaints

The DREADED FOCUS FOUR!

Inspect, Inspect Inspect For COVID-19

Discretionary Authority



COVID-19
RESPONSE PLAN?



HAZARD
ASSESSMENT
CONDUCTED?



PROTOCOLS FOR
USE OF PPE?



REVIEW
RESPIRATORY
PROTECTION
PROGRAM



PROVISIONS MADE TO
OBTAIN PPE



REVIEW TRAINING
RECORDS



REVIEW
RECORDKEEPING

Possible COVID-19 Scenario

Hey, Boss, I think I
have COVID-19

I got COVID
from Xavier...

Hey Boss, I've been
coughing all day...

Hey Boss, I just tested
positive for COVID-19

The customer gave
me COVID-19...

Let's interact...Poll #1

OSHA has directed CSHOs to perform inspections when notified of COVID-19 fatalities or imminent danger.

- A. True
- B. False

Is It Work-Related?

1904.5(a)

Basic requirement. You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in §1904.5(b)(2) specifically applies

Unless...

1904.5(b)(2)	You are not required to record injuries and illnesses if . . .
(i)	At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee.
(ii)	The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment.
(iii)	The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.
(iv)	<p>The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related.</p> <p>Note: If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.</p>
(v)	The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.

And...

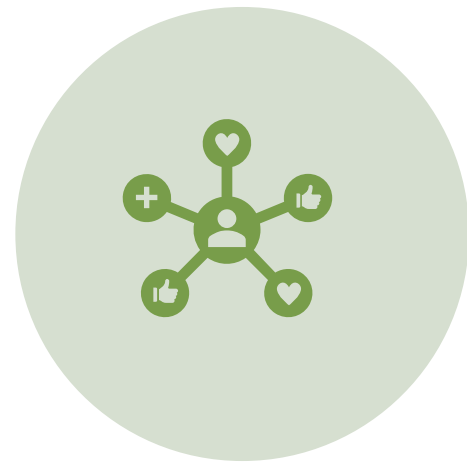
1904.5(b)(2)	You are not required to record injuries and illnesses if . . .
(vi)	The injury or illness is solely the result of personal grooming, self medication for a non-work-related condition, or is intentionally self-inflicted.
(vii)	The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.
(viii)	The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work).
(ix)	The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.

The Inquiry*

- Do you have Covid-19?
- Have you been tested for COVID-19?
- What were the results?
- Why do you think it you were exposed at work?
- Where do you believe you were exposed?
- If causation, contribution or exacerbation cannot be confirmed, you DO NOT need to record on your log.

* Reasonable and good faith inquiry memorandum 5/20/20

Is it Recordable?



CONFIRMED
CASE OF
COVID-19 AS
DEFINED BY
THE CDC



THE CASE IS
WORK-RELATED
AS DEFINED BY
29 CFR 1904.5
AND....



THE CASE INVOLVES ONE,
OR MORE, OF RECORDING
CRITERIA (MEDICAL
TREATMENT, DAYS AWAY
FROM WORK)

Employer Responsibilities

Abide by the General Duty Clause



Conduct Hazard/Exposure Analysis



Record and report losses

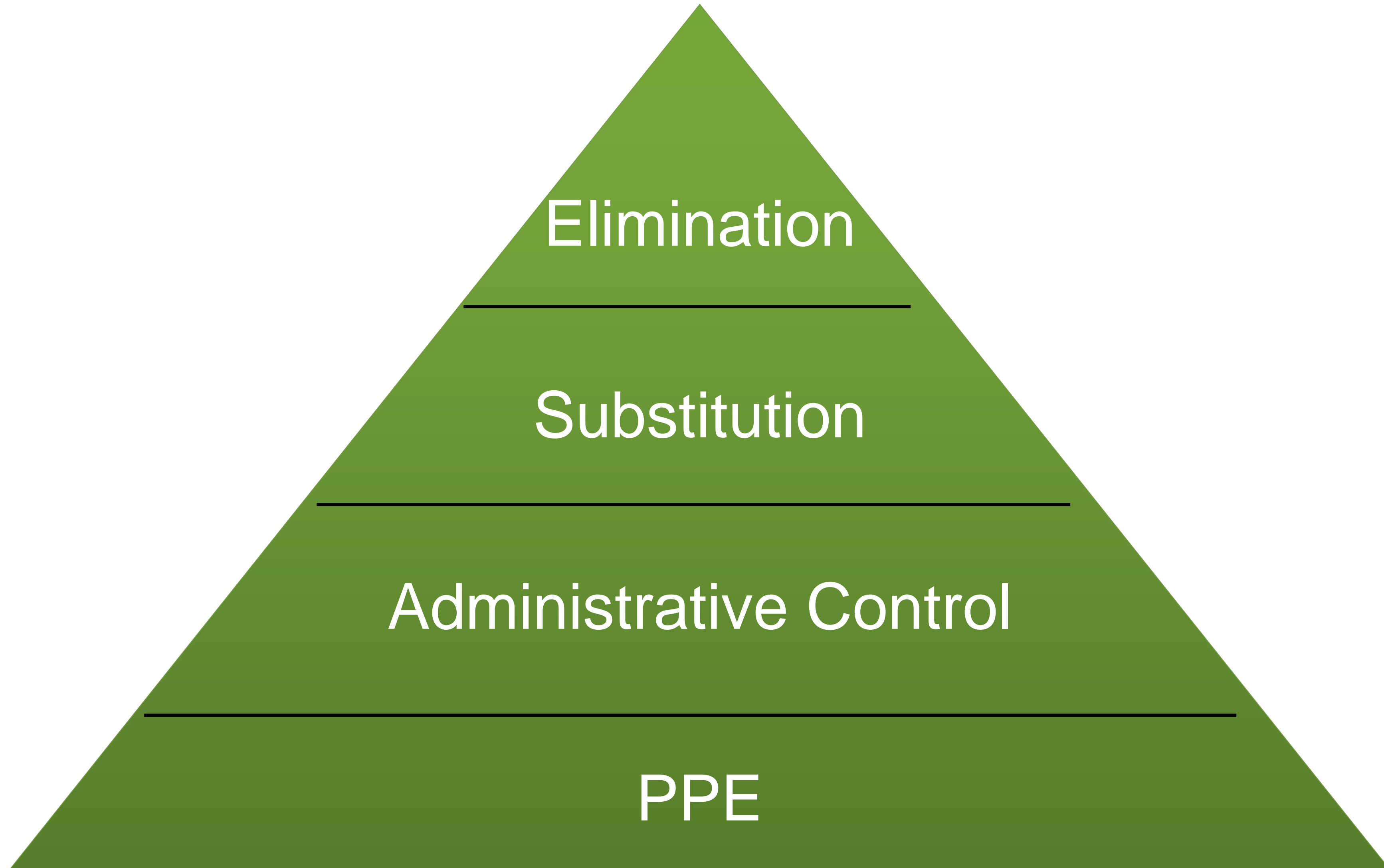


Follow the hierarchy of controls



Omit employee name from log

Hierarchy of Controls



Employer Responsibility

All employers should conduct risk and hazard assessments for all types of workers and then create plans to address identified hazards.

Employer Responsibility

All OSHA standards remain in effect. However, OSHA understands employers are concerned about their ability to comply with certain requirements during the pandemic and is exercising temporary enforcement discretion for certain provisions of OSHA standards, such as those for initial or recurring training, audits, reviews, testing, and assessments.

Employer Discretion

Discretionary use of face coverings outdoors



Use of N95s beyond shelf life

OSHA Penalty Adjustments As of 1/15/21

Type of Violation	Penalty
Serious Other-Than-Serious Posting Requirements	\$13,653 per violation
Failure to Abate	\$13,653 per day beyond the abatement date
Willful or Repeated	\$136,532 per violation

New Release

U.S. Department of Labor
January 8, 2021

U.S. Department of Labor's OSHA Announces **\$3,930,381 In Coronavirus Violations**

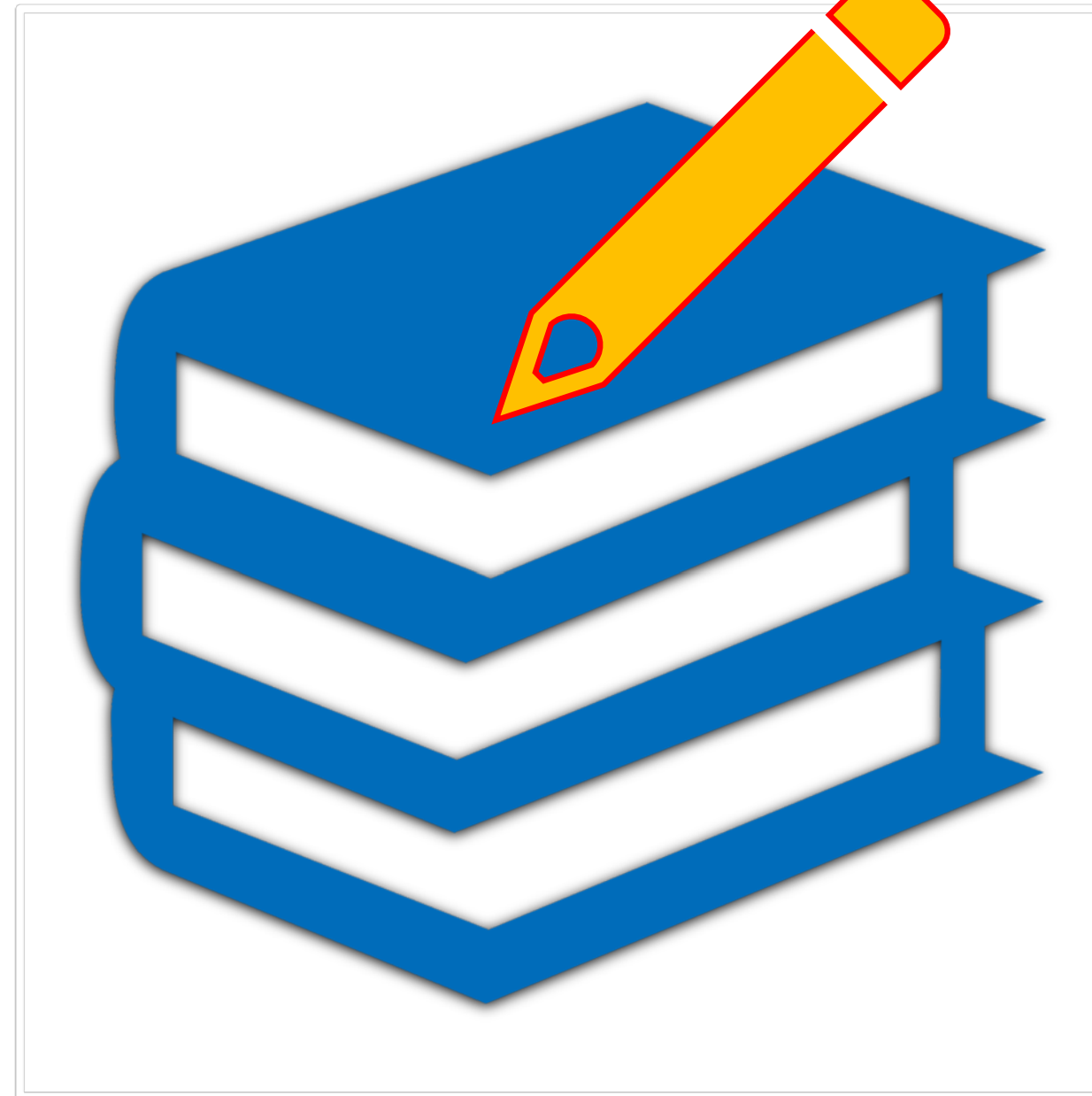
WASHINGTON, DC – Since the start of the coronavirus pandemic through Dec. 31, 2020, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has issued citations arising from 300 inspections for violations relating to coronavirus, resulting in proposed penalties totaling \$3,930,381.

- OSHA inspections have resulted in the agency citing employers for violations, including failures to:
- Implement a [written respiratory protection program](#);
- Provide a medical evaluation, respirator fit test, training on the proper use of a respirator and personal protective equipment;
- [Report](#) an injury, illness or fatality;
- Record an injury or illness on OSHA [recordkeeping forms](#); and
- Comply with the [General Duty Clause](#) of the Occupational Safety and Health Act of 1970.
- OSHA has already announced citations relating to the coronavirus arising out of 294 inspections, which can be found at [dol.gov/newsroom](https://www.dol.gov/newsroom). In addition to those inspections, the six inspections below have resulted in coronavirus-related citations totaling \$81,159 from OSHA relating to one or more of the above violations from Dec. 25 to Dec. 31, 2020. OSHA provides more information about individual citations at its [Establishment Search website](#), which it updates periodically.

Summary

- There is no COVID-19 standard
- Employers are required to comply with existing standards that address COVID-19 hazards
- CSHOs are given discretion in enforcing compliance
- Employers are given leeway in complying with standards
- COVID-19 cases are recordable and reportable if they meet OSHA recording/reporting criteria

Pop Quiz!



Pop Quiz 1

True or false: OSHA is now enforcing its COVID-19 standards

- A. True
- B. False

Pop Quiz 2

A case of COVID-19 is work-related if...

- A. it was caused by the work environment
- B. the work environment contributed to the condition
- C. the work environment aggravated the condition
- D. all the above

Pop Quiz 3

Employers must make a good faith inquiry to determine if a case of COVID-19 is work-related

- A. True
- B. False

Pop Quiz 4

One of the three criteria to determine if a case of COVID-19 is recordable is...

- A. It happened while on company property
- B. it is a confirmed case of COVID-19
- C. the employee goes to the doctor
- D. the employee is dies

Pop Quiz 5

To identify COVID-19 hazards, employers should conduct _____ for all types of workers and then create plans to address identified hazards.

- A. Employee surveys
- B. Training sessions
- C. Risk and hazard assessments
- D. Safety meetings

Q & A

Safety
On Call 

303.361.4700 • 888.501.4752

Thank you for attending.

We need your feedback.

When you end your Zoom session, you will see a link to fill out a seminar survey. Please take the time to answer a few questions for us.