

OSHA Update

For the

**Metal Building Contractors & Erectors Association
Conference**

**New Orleans, Louisiana
May 19, 2017**

OSHA:

More than Four Decades
of Protecting the Safety
and Health of Workers

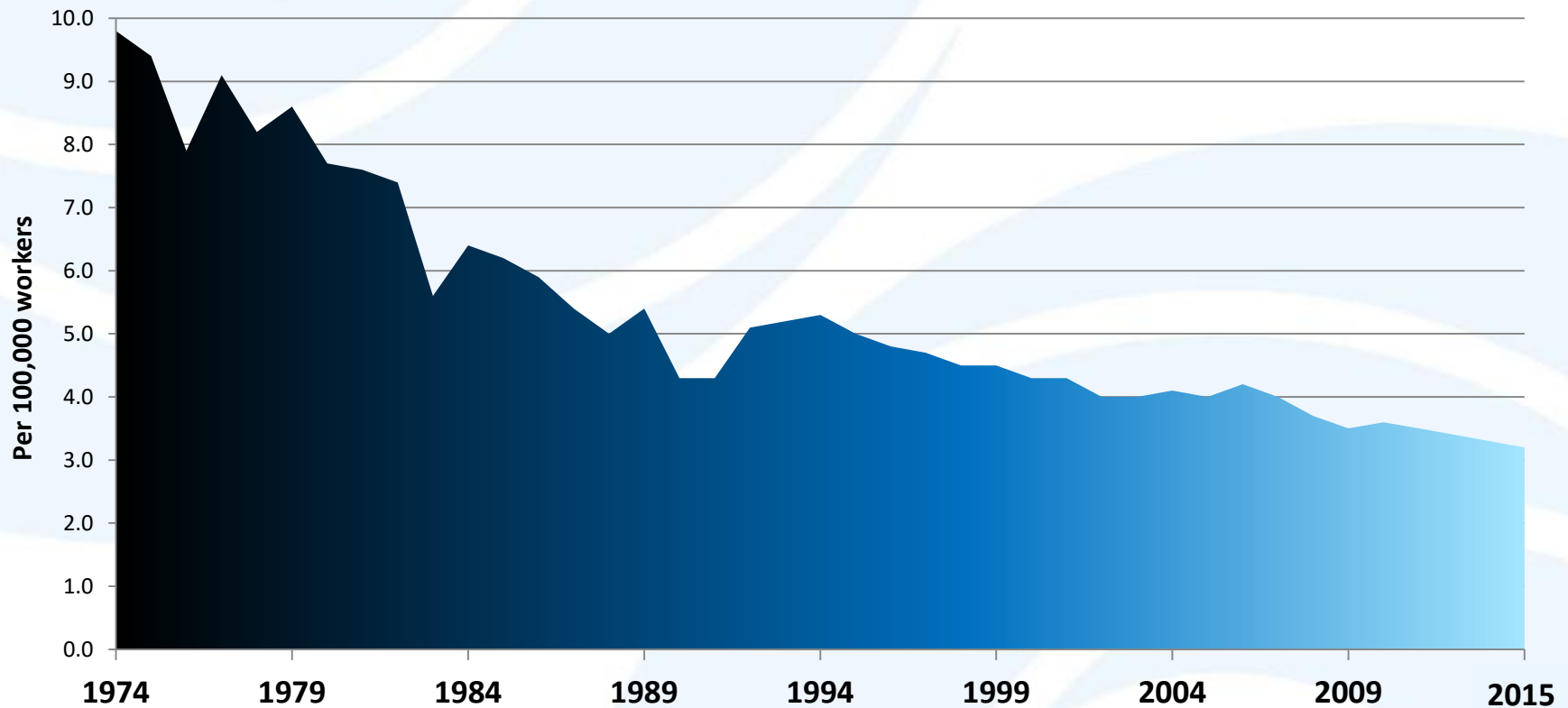


Key Tools



- **Enforcement**
- **Outreach**
- **Compliance Assistance**

Rate of fatal workplace injuries



- 1974-2001 data were estimated from BLS Survey of Employers
- 2002-2015 data were gathered from BLS Census of Fatal Injuries
- In 2006, BLS switched from employment-based calculations to hourly calculations



Top Ten Violations

Most Frequently Cited OSHA Regulations

FY 2016

October 2015 - September 2016



**1. Fall Protection
(1926.501)**

**2. Hazard Communication
(1910.1200)**

**3. Scaffolding
(1926.451)**

**4. Respiratory Protection
(1910.134)**

**5. Lockout/Tagout
(1910.147)**

**6. Powered Industrial Trucks
(1910.178)**

**7. Ladders
(1926.1053)**

**8. Machine Guarding
(1910.212)**

**9. Electrical Wiring
(1910.305)**

**10. Electrical General Reqs.
(1910.303)**



Top Ten Violations

**Most Frequently Cited OSHA
Regulations**

Specified NAICS Codes

FY 2016

October 2015 - September 2016



Structural Steel and Precast Concrete Contractors

NAICS Code: 238120

Standard	Citations	Inspections	Penalty	Description
<u>Total</u>	816	338	\$1,963,675	All Standards cited for Structural Steel and Precast Concrete Contractors
1926.760	87	83	\$338,605	Fall protection.
1926.453	71	56	\$200,783	Aerial lifts.
1926.451	65	38	\$145,359	General requirements.
1926.501	54	53	\$159,319	Duty to have fall protection.
1926.1053	31	26	\$58,898	Ladders.

Penalties reflect current rather than initial amounts.



Structural Steel and Precast Concrete Contractors

NAICS Code: 238120 (cont.)

Standard	Citations	Inspections	Penalty	Description
5a1	26	26	\$98,057	OSH Act, General Duty Clause
1926.453	23	3	\$39,760	Lead
1926.451	21	19	\$24,010	Powered industrial trucks.
1926.501	21	11	\$27,904	Wiring methods, components, and equipment for general use
1926.1053	20	18	\$22,936	Material handling equipment



Prefabricated Metal Building and Component Manufacturing

NAICS Code: 332311

Standard	Citations	Inspections	Penalty	Description
<u>Total</u>	67	17	\$112,297	<i>All Standards cited for Prefabricated Metal Building and Component Manufacturing</i>
1910.178	10	4	\$9,660	Powered industrial trucks.
1910.212	9	7	\$46,674	General requirements for all machines.
1910.157	4	2	\$1,176	Portable fire extinguishers.
1910.1200	4	2	\$720	Hazard Communication.
1910.37	3	3	\$1,200	Maintenance, safeguards, and operational features for exit routes.

Prefabricated Metal Building and Component Manufacturing

NAICS Code: 332311 (cont.)

Standard	Citations	Inspections	Penalty	Description
1910.134	3	2	\$900	Respiratory Protection
1910.184	3	3	\$3,875	Slings
1910.253	3	3	\$4,835	Oxygen-fuel gas welding and cutting
1910.305	3	1	\$0	Wiring methods, components, and equipment for general use
1910.132	2	2	\$2,750	General requirements



Other Foundation, Structure, and Building Exterior Contractors

NAICS Code: 238190

Standard	Citations	Inspections	Penalty	Description
<u>Total</u>	335	124	\$789,376	<i>All Standards for Other Foundation, Structure, and Building Exterior Contractors</i>
1926.451	62	24	\$191,651	General requirements
1926.501	50	48	\$158,952	Duty to have fall protection
1926.1053	20	16	\$22,525	Ladders
1926.651	19	9	\$125,800	Specific Excavation Requirements
1926.453	18	16	\$28,800	Aerial lifts

Other Foundation, Structure, and Building Exterior Contractors

NAICS Code: 238190 (cont.)

Standard	Citations	Inspections	Penalty	Description
1926.100	14	14	\$28,348	Head protection
1910.1200	13	7	\$17,148	Hazard Communication
1926.652	13	12	\$30,143	Requirements for protective systems
1926.503	9	9	\$7,941	Training requirements
1910.134	8	4	\$5,903	Respiratory Protection

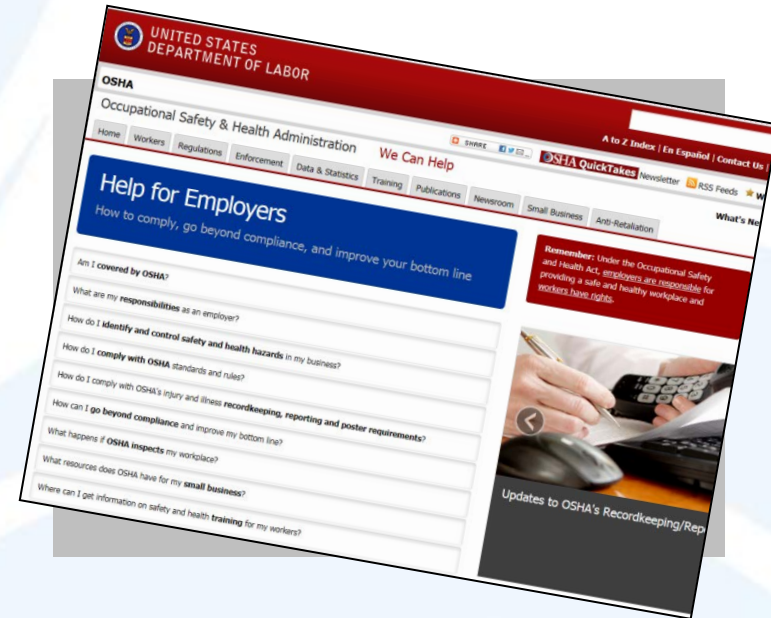
OSHA's Continuing Mission

- Every year more than **4,500** Americans die from workplace injuries.
- Perhaps as many as **50,000** workers die from illnesses in which workplace exposures were a contributing factor.
- **Millions** of workers suffer a serious nonfatal injury or illness annually.



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)

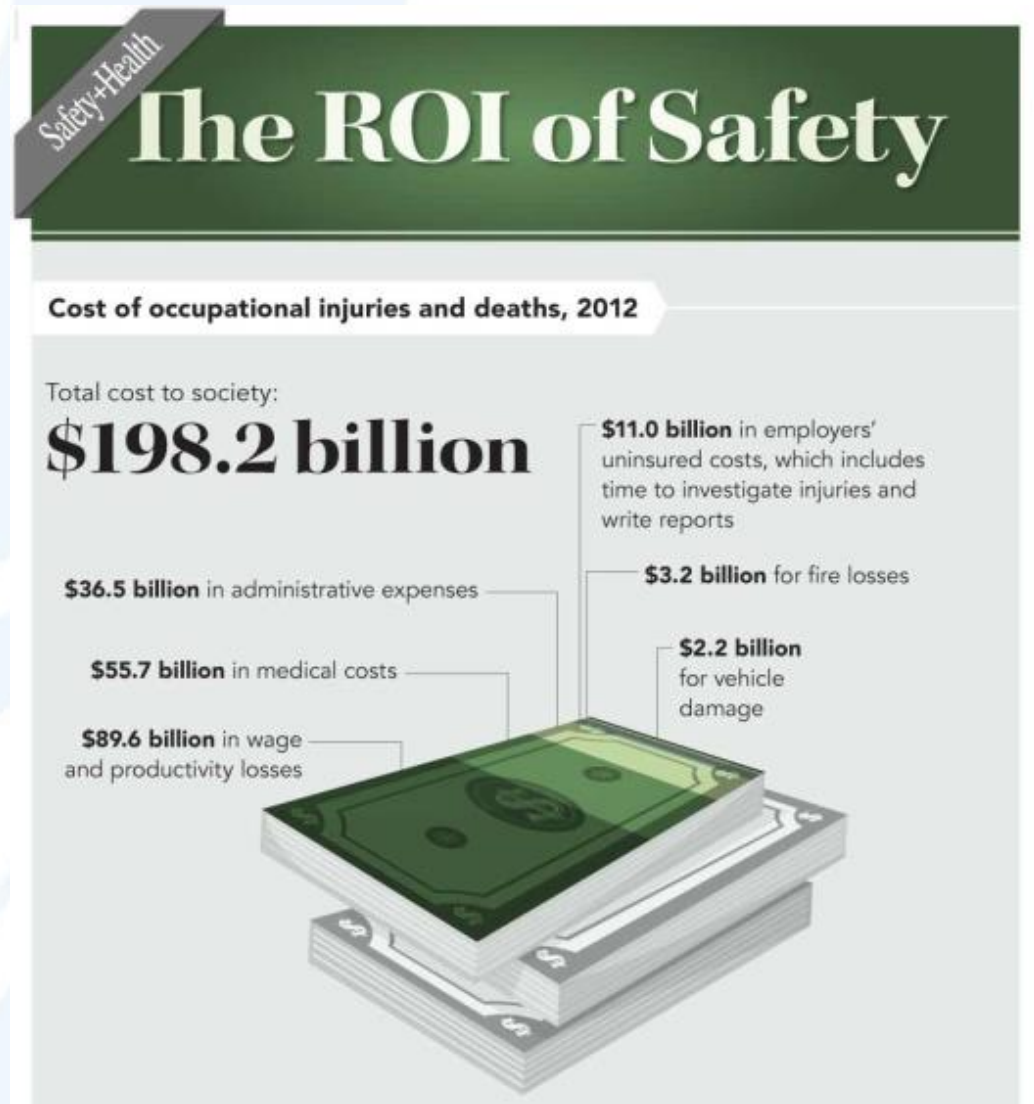


PREVENTION



**Workplace injuries
and fatalities
cost our economy
\$198.2 billion
a year.**

— National Safety Council
“Injury Facts” 2014



The Value of PREVENTION

- 
- **saves lives**
 - **prevents injuries**
 - **saves you money**

Safety and Health Programs

Recommended Practices

- 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



Safety and Health Programs

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**



Safe + Sound Campaign

- **Transformational:** Improves workplace culture
- Good for workers and businesses' **bottom line**
- Targets **small and medium**-sized businesses
- OSHA encourages this program for **every** business
- National Safe + Sound Week: June 12-18, 2017



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**.

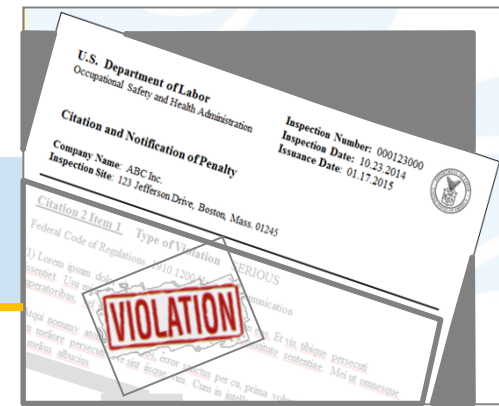


How can employers report to OSHA?

- During business hours, call the nearest OSHA office
- Or call the OSHA 24-hour hotline 1-800-321-6742 (OSHA)
- Or report online at [osha.gov/report](https://www.osha.gov/report)
- 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



OSHA Penalty Adjustment



- First time OSHA's penalties were adjusted since **1990**
- OSHA will adjust its civil monetary penalties annually to account for **inflation**

New Penalty Levels

Adjusted Jan 17, 2017

Type of Violation	New Maximum*
Serious and Other-Than-Serious Posting Requirements	\$12,675 per violation
Willful or Repeated	\$126,749 per violation
Failure to Abate	\$12,675 per day beyond the abatement date

*Maximum penalties will be readjusted annually for inflation.





Occupational Safety and Health Administration

[English](#) | [Spanish](#)

[HOME](#) [FILE A COMPLAINT](#) [LAWS AND POLICY GUIDANCE](#) [RESOURCES](#) [CONTACTS & LINKS](#)

THE WHISTLEBLOWER Protection Programs



File a COMPLAINT

File a complaint if your employer has retaliated against you for exercising your [rights as an employee](#). In states with approved State OSHA Plans, employees may file a complaint under the OSH Act with both the [State](#) and [Federal OSHA](#). Under the other federal laws, a complaint must be filed with Federal OSHA directly. You may file a complaint by calling 1-800-321-OSHA (6742), [contacting your local OSHA office](#) or [filing online here](#).

[Learn More](#) →

Know Your RIGHTS

OSHA's whistleblower statutes protect you from retaliation. An employer cannot retaliate by taking "adverse action" against workers who report injuries, safety concerns, or other protected activity.

[Learn More](#) →

Worker PROTECTIONS

Since passage of the OSH Act in 1970, Congress has expanded OSHA's whistleblower authority to protect workers from retaliation under twenty-two federal laws. Complaints must be reported to OSHA within set timeframes following the retaliatory action, as prescribed by each law.

[Learn More](#) →

[Whistleblowers.gov](#)



Whistleblower Protections

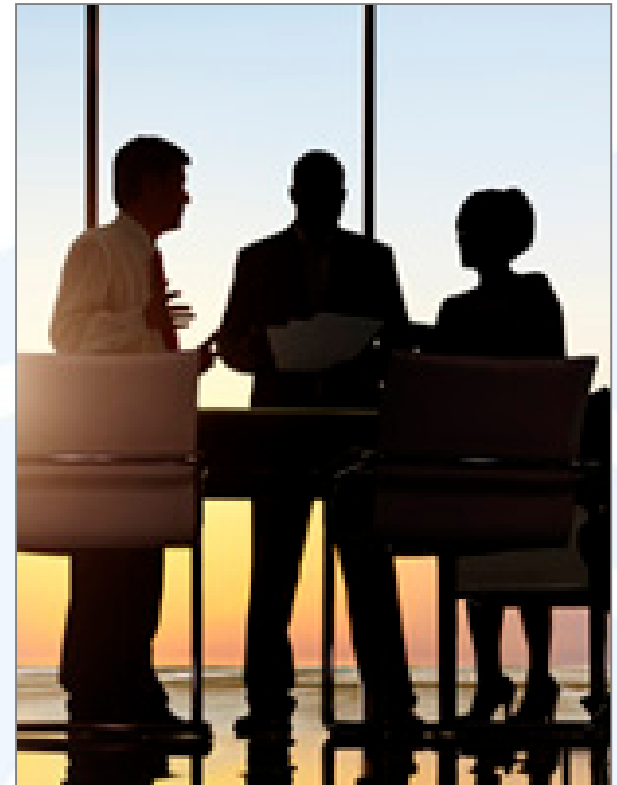
Retaliation against workers

- Bad for **workers** and bad for **business**
- When workers fear retaliation for speaking up, problems in the workplace go unreported and become **costlier to fix**.



COMPLIANCE ASSISTANCE

OSHA helping employers



Compliance Assistance

OSHA helping employers



- ✓ **21 million** visitors to OSHA's website in FY 2015
- ✓ **251,000** responses to OSHA 1-800 calls for help
- ✓ **21,000** Spanish-speaking callers helped
- ✓ **16,000** e-mail requests for assistance answered
- ✓ **5,000** outreach activities by Regional & Area Offices
- ✓ **27,800** small businesses helped through Consultation

On-site Consultation



On-site Consultation



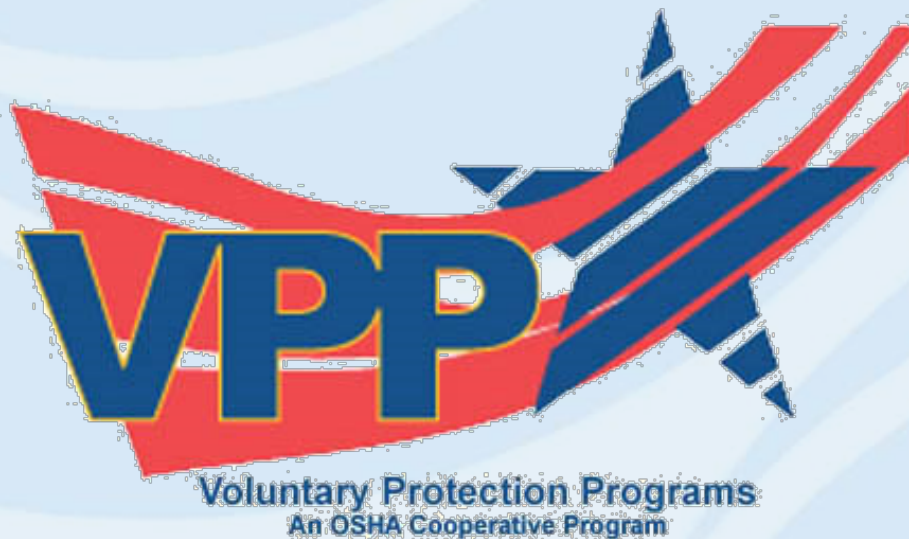
Interactive Hazard ID Safety Tool

- Helps small businesses learn how to identify workplace hazards
- Interactive features challenge users: “Can you spot all the hazards?”
- Now updated with a new healthcare scenario and two new visual inspections



osha.gov/hazfinder





SHARP

**Safety & Health Achievement
Recognition Program
Consultation: An OSHA Cooperative Program**



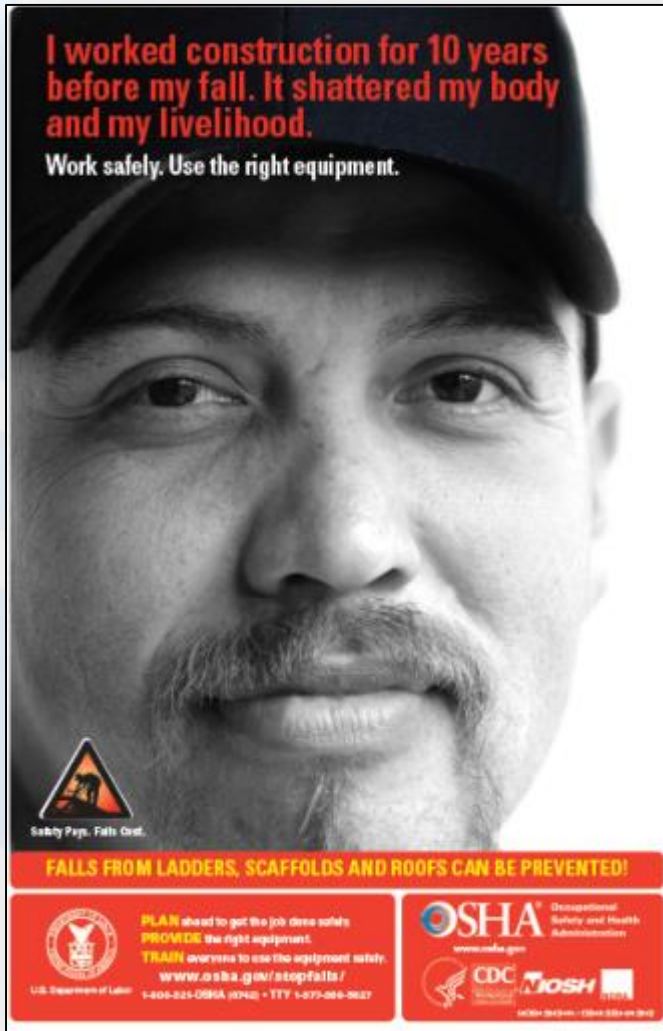
OSHA Working with Oil & Gas Industry

- **Tank Gauging Hazard Alert**
- **Hot Work Hazard Alert**
- **Safety Stand-Downs**
- **Updating OSHA's Oil and Gas eTool**

OSHA INITIATIVES



Fall Prevention Campaign



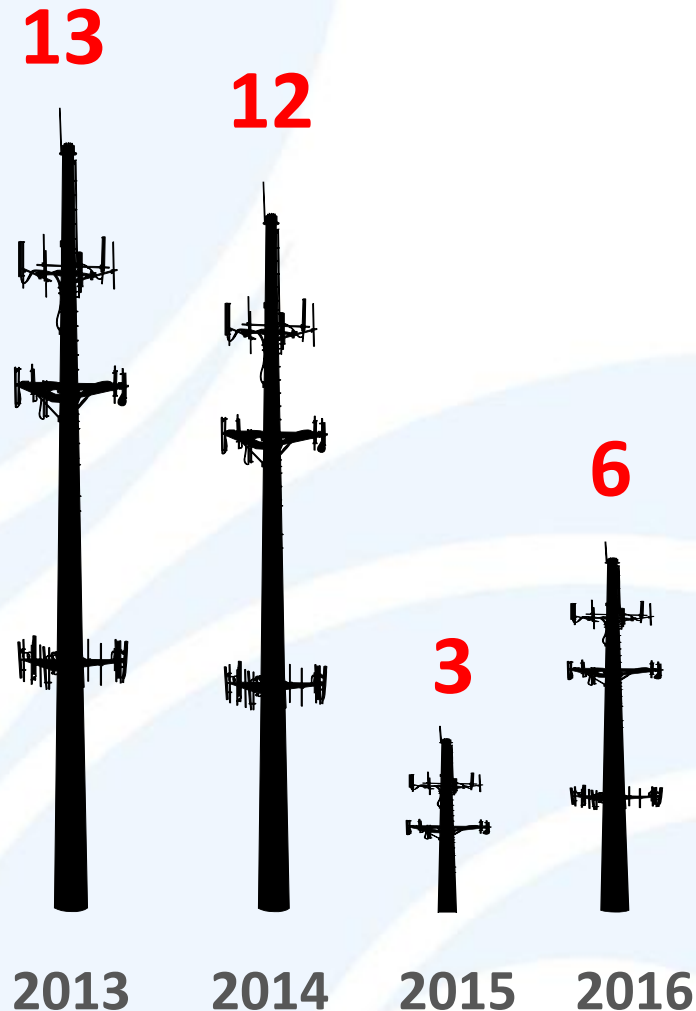
- FALLS are the **leading cause of deaths** in construction — **37%** of all construction fatalities
- In 2015, **648 workers** were killed at work from falls to lower levels. **54%** were in construction
- Millions of employers and workers participate in annual **National Safety Stand-Down** to prevent falls events nationwide



Stop worker falls

Following a dramatic decline, communication towers-related worker deaths have risen again

Source: U.S. Department of Labor Occupational Safety and Health Administration



Heat Illness Prevention Campaign



Heat illness **sickens** thousands and results in the **deaths** of dozens of workers each year

WATER. REST. SHADE.
The work can't get done without them.



Top 5 industries reporting worker injuries from **workplace violence**



► LEARN HOW to assess hazards & develop individual worksite plans:
www.OSHA.gov

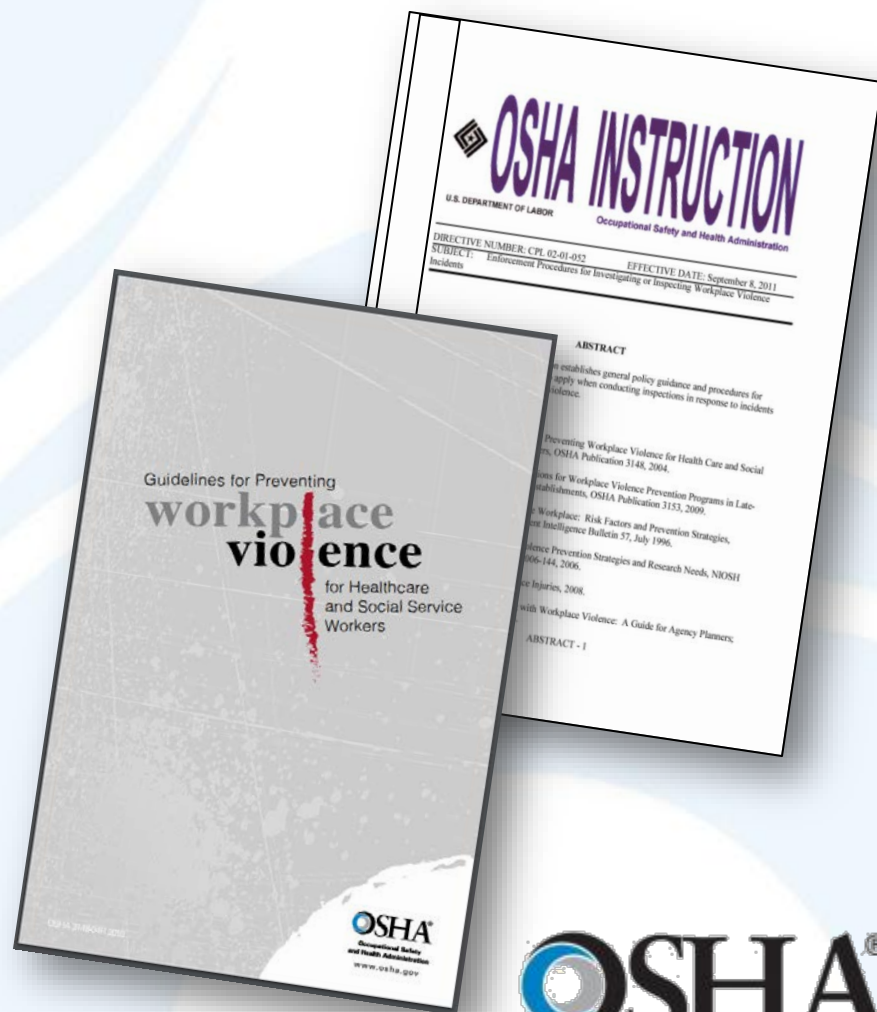
Source: Bureau of Labor Statistics (2014). *Survey of Occupational Injuries and Illnesses*.
[Intentional Injury by Person (OIICS code 11*)]



Prevent Workplace Violence

OSHA RECOMMENDS:

- Policy Statement
- Hazard/Threat/Security assessment
- Workplace controls and prevention strategies
- Training and education
- Incident reporting and investigation
- Periodic review with employee input



Protecting Young Workers

Workers <25 years old were **twice as likely** to end up in the emergency room as those 25 and older



osha.gov/youngworkers



RULEMAKING

- 1926.65 App E - Training Curriculum Guidelines - Non-mandatory
- 1926.66 - Criteria for design and construction of spray booths.
- 1926 Subpart E - Personal Protective and Life Saving Equipment
 - 1926.95 - Criteria for personal protective equipment.
 - 1926.96 - Occupational foot protection.
 - 1926.97 - Electrical protective equipment.
 - 1926.98 - [Reserved]
 - 1926.99 - [Reserved]
 - 1926.100 - Head protection.
 - 1926.101 - Hearing protection.
 - 1926.102 - Eye and face protection.
 - 1926.103 - Respiratory protection.
 - 1926.104 - Safety belts, lifelines, and lanyards.
 - 1926.105 - Safety nets.
 - 1926.106 - Working over or near water.
 - 1926.107 - Definitions applicable to this subpart.
- 1926 Subpart F - Fire Protection and Prevention
 - 1926.150 - Fire protection.
 - 1926.151 - Fire prevention
 - 1926.152 - Flammable liquids.
 - 1926.153 - Liquefied petroleum gas (LP-Gas).
 - 1926.154 - Temporary heating devices.
 - 1926.155 - Definitions applicable to this subpart.
 - 1926.156 - Fixed extinguishing systems, general.
 - 1926.157 - Fixed extinguishing systems, gaseous agent.
 - 1926.158 - Fire detection systems.
 - 1926.159 - Employer alarm systems.
- 1926 Subpart G - Signs, Signals, and Barricades
 - 1926.200 - Accident prevention signs and tags.
 - 1926.201 - Signaling.
 - 1926.202 - Barricades.



Walking-Working Surfaces and PPE (Fall Protection) Rule

- **Updates** outdated subpart D standard, incorporating **new technology & industry practices**
- **Increases consistency** with OSHA's construction standards (CFR 1926 subparts L, M, and X)
- Adds new provisions to Subpart I that set forth criteria requirements for **personal fall protection equipment**



Walking-Working Surfaces and PPE (Fall Protection) Rule

MAIN EFFECTIVE DATES

- Rule overall: **January 17, 2017**
- Training: 6 months after publication
- Building anchorages for RDS: 1 year after publication
- Fixed ladder fall protection: 2 years after publication
- Installation of ladder safety system or personal fall arrest system on fixed ladders: 20 years after publication



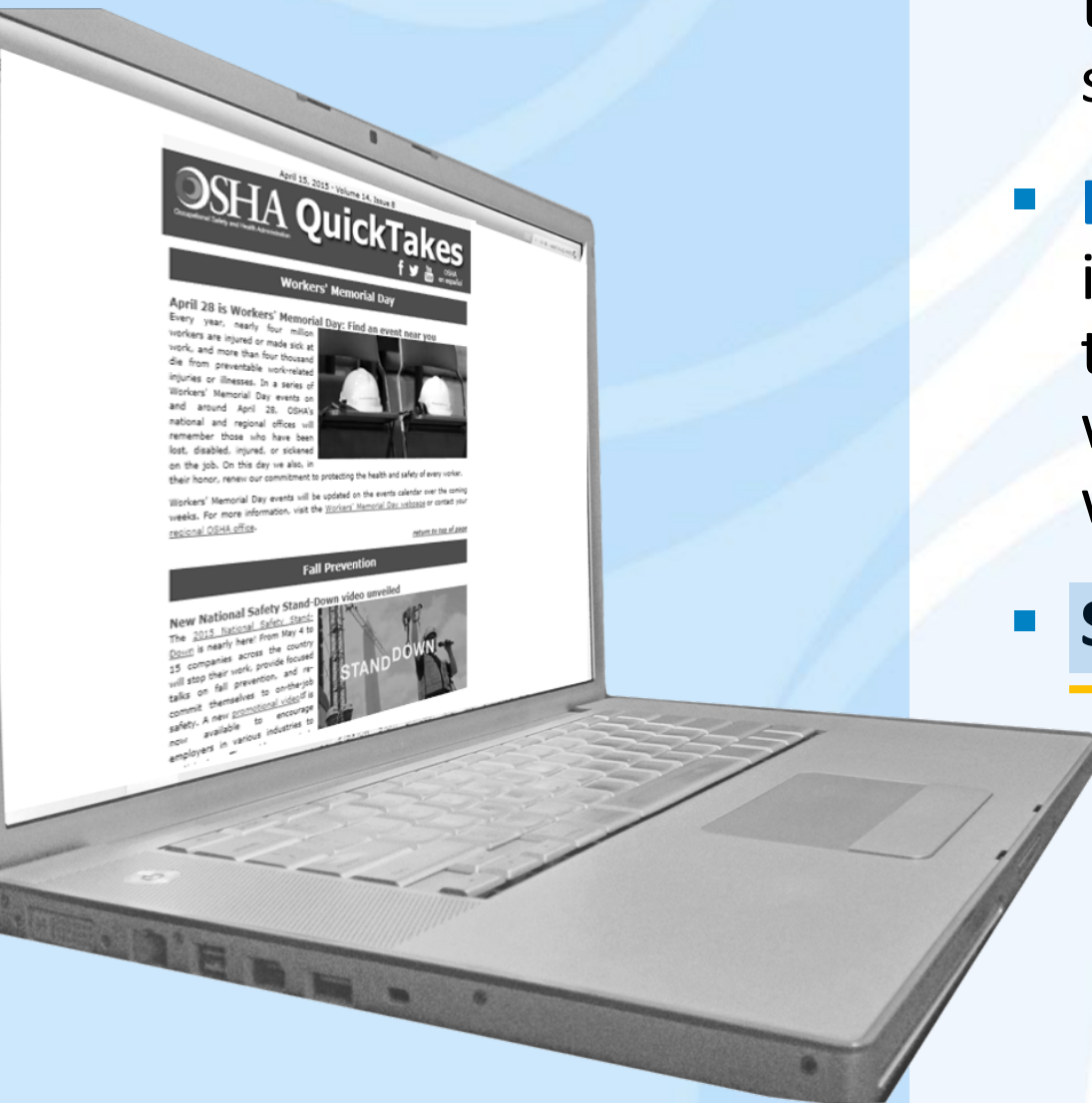
Walking-Working Surfaces and PPE (Fall Protection) Rule

COMPLIANCE ASSISTANCE RESOURCES

- OSHA's new webpage on subparts D&I:
www.osha.gov/walking-working-surfaces
- Fact sheets
- FAQs



OSHA QuickTakes



- **FREE** OSHA e-newsletter delivered twice monthly to more than **170,000** subscribers
- **Latest news** about OSHA initiatives and products to help employers and workers find and prevent workplace hazards
- Sign up at **www.osha.gov**



OSHA publications

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