OSHA Enforcement Update

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Cleveland OSHA Office
June 8, 2017
New Secretary of Labor

Alex Acosta
OSHA’s Continuing Mission

- 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 workers suffer a serious non-fatal injury or illness annually.
Federal OSHA
Ohio Offices

- OSHA Inspectors: 52
- Workers: 5.0 million
- Worksites: 287,865
- Local Area Offices: 4
  - Toledo
  - Columbus
  - Cleveland
  - Cincinnati
Targeting High Risk Hazards

Workplace Fatality Data
Fatalities per State
FY 2004 - FY 2016

- Illinois: 656
- Ohio: 609
- Wisconsin: 304
- Indiana: 5
- Michigan: 5
The “Big 3”
Falls, Caught-In, Struck-By

• The “Big 3” comprises 80% of all fatalities in Region V.
Fatalities in Ohio

Fiscal Years 2004-2016
About the Data

• 609 Fatality Inspections

• 2004-2016

• All of Ohio
  – Cincinnati, Cleveland, Columbus, Toledo
Number of Fatalities by Company Size

- 1-25 Employees: 225
- 26-100 Employees: 125
- 101-250 Employees: 50
- 251-500 Employees: 25
- 501-1000 Employees: 0
- > 1000 Employees: 100
Small to Medium Sized Companies

![Graph showing the number of companies in different size categories over time (2004-2016). The categories are 1-25 Employees, 26-100 Employees, and 101-250 Employees. The graph indicates variability in the number of companies in each category, with peaks and troughs observed across the years.]

- **1-25 Employees**
- **26-100 Employees**
- **101-250 Employees**
Total Fatalities by Industry

- Construction (35%)
- Manufacturing (26%)
- Other (39%)
Almost 1/3 of all fatalities are represented by these 10 NAICS Codes
Expanded reporting requirements

The rule expands the list of severe work-related injuries and illnesses that all covered employers must report to OSHA.

Since January 1, 2015, employers must report the following to OSHA:

- All work-related fatalities within 8 hours (same as current requirement)
- All work-related in-patient hospitalizations of one or more employees within 24 hours
- All work-related amputations within 24 hours
- All work-related losses of an eye within 24 hours
Employer Reported Severe Injuries for Ohio

*Fatalities were not included

FY 2016
Number of All Reported Events by Type* vs. State

<table>
<thead>
<tr>
<th>Type</th>
<th>WI</th>
<th>IL</th>
<th>OH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospitalizations</td>
<td>327</td>
<td>570</td>
<td>602</td>
</tr>
<tr>
<td>Amputations</td>
<td>160</td>
<td>178</td>
<td>273</td>
</tr>
<tr>
<td>Eyes Lost</td>
<td>1</td>
<td>3</td>
<td>7</td>
</tr>
</tbody>
</table>

*Note: Some injuries will qualify for two or more events.
Inspections/RRIs by Area Office

Employer Reported Referrals by Area Office FY 2016

<table>
<thead>
<tr>
<th></th>
<th>Cincinnati</th>
<th>Cleveland</th>
<th>Columbus</th>
<th>Toledo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspections</td>
<td>89</td>
<td>122</td>
<td>93</td>
<td>101</td>
</tr>
<tr>
<td>RRIs</td>
<td>91</td>
<td>118</td>
<td>107</td>
<td>98</td>
</tr>
</tbody>
</table>
Injury Types for Ohio

*Type of Injuries by Area Office for FY 2016

<table>
<thead>
<tr>
<th></th>
<th>Cincinnati</th>
<th>Cleveland</th>
<th>Columbus</th>
<th>Toledo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sum of No. Hospitalized</td>
<td>133</td>
<td>167</td>
<td>164</td>
<td>126</td>
</tr>
<tr>
<td>Sum of No. Amputation</td>
<td>61</td>
<td>85</td>
<td>54</td>
<td>73</td>
</tr>
<tr>
<td>Sum of No. Eye Injury</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

*Some injuries were accounted for in more than one category
Higher OSHA Penalties

• As of Aug. 1, 2016, the penalties OSHA can impose increased. This was a one-time catch-up adjustment.
• There will also be annual adjustments based on inflation. New penalty amounts as of Jan. 13, 2017:

<table>
<thead>
<tr>
<th>Type of Violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serious</td>
<td>$12,675 per violation</td>
</tr>
<tr>
<td>Other-Than-Serious Posting Requirements</td>
<td>$12,675 per violation</td>
</tr>
<tr>
<td>Failure to Abate</td>
<td>$12,675 per day beyond the abatement date</td>
</tr>
<tr>
<td>Willful or Repeated</td>
<td>$126,749 per violation</td>
</tr>
</tbody>
</table>

See www.osha.gov/penalties
National Monthly Violation Metrics
Federal OSHA

Average Initial Penalty (Serious Violations)

New OSHA Standards

- Silica
  - General Industry 2018
  - Construction Sept. 23, 2017
- Walking-Working Surfaces
- Beryllium
  - March 12, 2018 most provisions
Walking-Working Surfaces and PPE (Fall Protection) Rule: Major Changes

- Fall Protection Flexibility
- Updated Scaffold Requirements
- Phase-in of ladder safety systems or personal fall arrest systems on fixed ladders
- Phase-out of “qualified climbers” on outdoor advertising structures
- Rope descent systems (RDS)
- Adds requirements for personal fall protection equipment (final §1910.140)
Walking-Working Surfaces and PPE (Fall Protection) Rule: 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
Improving Tracking Final Rule: Timeline

- Final Rule Federal Register Notice – May 12, 2016
- Employee Rights effective date – August 10, 2016 (enforcement delayed to Dec. 1, 2016)
- Electronic Reporting effective date – January 1, 2017
- Phase-in data submission due dates

<table>
<thead>
<tr>
<th>Submission year</th>
<th>Establishments with 250 or more employees in industries covered by the recordkeeping rule</th>
<th>Establishments with 20-249 employees in select industries</th>
<th>Submission deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>CY 2016 300A Form</td>
<td>CY 2016 300A Form</td>
<td>July 1, 2017</td>
</tr>
<tr>
<td>2018</td>
<td>CY 2017 300A, 300, 301 Forms</td>
<td>CY 2017 300A Form</td>
<td>July 1, 2018</td>
</tr>
<tr>
<td>2019 and beyond</td>
<td>300A, 300, 301 Forms</td>
<td>300A Form</td>
<td>March 2</td>
</tr>
</tbody>
</table>

OSHA is not accepting electronic submissions at this time. Updates will be posted to the OSHA website at [www.osha.gov/recordkeeping](http://www.osha.gov/recordkeeping) when they are available.
- 3 million people are employed by staffing companies every week.

- 11 million temporary and contract employees are hired by U.S. staffing firms over the course of a year.

Source: American Staffing Association
Both host employers and staffing agencies have roles in complying with workplace health and safety requirements and they share responsibility for ensuring worker safety and health.

Legally, both the host employer and the staffing agency are employers of the temporary worker.

Shared control over worker = Shared responsibility for worker
Temporary Worker Initiative

- In all inspections, OSHA’s inspectors ask about the presence of temp workers, the hazards to which they are exposed, and the training they have received.

- We are seeing an impact.
Temporary Workers: Outreach & Education

- Alliance with American Staffing Association
- Issued Temporary Worker Recommended Practices
- Developed Series of Compliance Assistance Bulletins
<table>
<thead>
<tr>
<th>Heat Index</th>
<th>Risk Level</th>
<th>Protective Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 91°F</td>
<td><strong>Lower (Caution)</strong></td>
<td>Basic heat safety and planning</td>
</tr>
<tr>
<td>91°F to 103°F</td>
<td><strong>Moderate</strong></td>
<td>Implement precautions and heighten awareness</td>
</tr>
<tr>
<td>103°F to 115°F</td>
<td><strong>High</strong></td>
<td>Additional precautions to protect workers</td>
</tr>
<tr>
<td>Greater than 115°F</td>
<td><strong>Very High to Extreme</strong></td>
<td>Triggers even more aggressive protective measures</td>
</tr>
</tbody>
</table>

****Develop a Heat Stress Policy****
Safe and Sound Week: June 2017

- Safe and Sound Week: June 12-18 2017.

- National Safety Stand-down to promote proactive safety and health activities, such as implementation/enhancement of safety and health programs

- OSHA is working with NIOSH/ASSE/NSC/AIHA

- PLEASE PARTICIPATE
Top Ten Violations
Most frequently cited OSHA standards during FY 2016 inspections

1. Fall Protection
2. Hazard Communication
3. Scaffolding
4. Respiratory Protection
5. Lockout/Tagout
6. Powered Industrial Trucks
7. Ladders
8. Machine Guarding
9. Electrical – Wiring Methods
10. Electrical – General Requirements
Enforcement Actions & Outreach

• OSHA finds machine safety hazards, lead overexposure at Ohio steel plant

• 05/04/2017 - Region 5 OSHA News Release - Ohio auto insulation manufacturer faces penalties following worker injury

• 05/02/2017 - Region 5 OSHA Regional News Brief - OSHA, Holder Construction Group partner for safety at northeastern Illinois data center construction site

• 04/25/2017 - Region 5 OSHA News Release - OSHA recognizes Workers' Memorial Day in Madison, Wisconsin

• 04/25/2017 - Region 5 OSHA News Release - OSHA recognizes Workers' Memorial Day in Ohio

• 04/25/2017 - Region 5 OSHA News Release - OSHA recognizes Workers' Memorial Day in Rockford, Illinois

• 04/25/2017 - Region 5 OSHA News Release - OSHA recognizes Workers' Memorial Day in Peoria, Illinois

• 03/22/2017 - Region 5 OSHA Regional News Brief - OSHA, Operation Engineers, Local 150, renew alliance to train, protect Illinois heavy equipment operators
What’s an employer to do?

• Prepare in advance; do you have a SHMS?
• Be honest with the compliance officer
• Good faith plays a role in how your case is evaluated
• If you receive citations and penalties, come in to the informal conference and discuss your case with the Area Director to obtain a workable settlement agreement...and bring with you abatement documentation!
Free Consultation Services

Sign up for Quick Takes

June 1, 2017 • Volume 16, Issue 11

OSHA QuickTakes

A twice monthly newsletter with information about workplace safety and health.

Top Stories

OSHA wants to hear how employers keep workers safe from the heat

As summer and higher temperatures approach, employers should plan how they will reduce the risks of heat exposure faced by their workers. Those steps include gradually increasing shift lengths so workers can adapt to hot environments, providing frequent water breaks, allowing ample time to rest, and providing shade. We want to hear how employers and safety professionals keep workers safe from extreme heat. Tweet your photos or links to @OSHA_DOL with the hashtags #WaterRestShade #ProTips or email your stories to OSHA.QuickTakes@dol.gov for possible inclusion in a future issue of QuickTakes.

Challenges to improving worker health: A 2018 update
Questions?

Cleveland OSHA Office
216-447-4194
We Can Help