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OSHA Publishes the Most Frequently Cited Standards for Fiscal Year 2011

OSHA recently published lists of its most frequently cited standards and highest assessed penalties for fiscal year 2011. OSHA publishes these lists to alert employers about these commonly cited standards, so that employers can take steps to find and fix recognized hazards before an injury is suffered or an inspection takes place.

The following were the top 10 most frequently cited standards in fiscal year 2011 (October 1, 2010 through September 30, 2011):

1. Fall protection, construction (29 CFR 1926.501)
2. Scaffolding, general requirements, construction (29 CFR 1926.451)
3. Hazard communication standard, general industry (29 CFR 1910.1200)
4. Respiratory protection, general industry (29 CFR 1910.134)
5. Control of hazardous energy (lockout/tagout), general industry (29 CFR 1910.147)
6. Electrical, wiring methods, components and equipment, general industry (29 CFR 1910.305)
7. Powered industrial trucks, general industry (29 CFR 1910.178)
8. Ladders, construction (29 CFR 1926.1053)
9. Electrical systems design, general requirements, general industry (29 CFR 1910.303)
10. Machines, general requirements, general industry (29 CFR 1910.212)

Predictably, the highest assessed OSHA standards are very similar to the most frequently cited. The following are the standards for which OSHA assessed the highest penalties in fiscal year 2011:

1. Fall protection, construction
2. Scaffolding, general requirements, construction
3. Control of hazardous energy (lockout/tagout), general industry
4. Machines, general requirements, general industry
5. Ladders, construction
6. Excavations, requirements for protective systems
7. Powered industrial trucks, general industry
8. General duty clause
9. Electrical, wiring methods, components and equipment, general industry
10. Electrical systems design, general requirements, general industry

The General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act of 1970 (the Act), requires each employer to "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 fulfill this requirement, OSHA recommends that employers implement a safety and health program at their worksite. Health and safety programs are also addressed in specific standards for the general

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Final Rule of Hazard Communication Standard Incorporating GHS Submitted to OMB

On October 25, 2011, the U.S. Occupational Safety and Health Administration (OSHA) submitted to the White House Office of Management and Budget (OMB) a final rule that will align its Hazard Communication Standard (HCS) with an international system called "GHS", or the Globally Harmonized System for the Classification and Labeling of Chemicals.

The GHS is the international system for standardizing and harmonizing the classification and labeling of chemicals. It was created as a logical and comprehensive approach to:

- Defining health, physical and environmental hazards of chemicals;
- Creating classification processes that use available data on chemicals for comparison with the defined hazard criteria; and,
- Communicating hazard information, as well as protective measures, on labels and Material Safety Data Sheets (MSDS).

Currently, OSHA's HCS requires that chemical manufacturers and importers evaluate the chemicals they produce or import and provide hazard information to downstream employers and workers by putting labels on containers and preparing material safety data sheets (MSDSs). Under the HCS, all employers must have a hazard communication program for exposed workers, including container labels, MSDSs, and training.

OSHA's main purpose in aligning the HCS with the GHS is to increase the quality and consistency of information provided to workers, employers and chemical users by adopting a standardized approach to hazard classification, labels and safety data. This alignment is attractive to both OSHA and affected employers because the GHS provides a single set of harmonized criteria for classifying chemicals according to their health and physical hazards, in addition to specifying hazard communication elements for labeling and safety data sheets. Under the GHS, labels would include signal words, pictograms, and hazard and precautionary statements, with MSDS's following a standardized format under a new, simplified name called "Safety Data Sheets" (SDS). Through the alignment of these standards, it is likely that significant changes will result over multiple facets of hazard communication in the U.S., with particular impact on product labels for both domestic and export products. As such, employers will eventually be required to align their existing HCS compliance measures with new GHS requirements once OSHA publishes their final rule.

OSHA first published the Notice of Proposed Rulemaking in the Federal Register on December 29, 2009 (see Fed Register # 74:68756-68758 for additional information). Since this time, a host of potentially affected employers responded with comments and recommendations on how to adopt the new GHS guidelines. As an example of these recommendations, employers noted difficulties on a frequent basis when multiple labels and MSDSs must be developed for the same chemical or product when shipped to different countries. This creates a major compliance burden for chemical manufacturers and those involved in international trade, increasing the cost of providing hazard information. The adoption of GHS will minimize this burden.

The OMB has up to 90 days to review the final rule and approve it for publication or return it to OSHA for revisions. According to directors for the agency's Division of Standards Management, the final rule has an anticipated release date of mid-February 2012. OSHA will also release additional plain-language guidance materials to help employers prepare for an easy transition from HCS to the new GHS system.

For now, affected employers maintain their eagerness in awaiting publication of the final rule to learn the specific modifications made to adapt it in the United States market, as the production and use of chemicals is fundamental to U.S. and global economies. The global chemical business is more than a $1.7 trillion-per-year enterprise. In the U.S., chemicals are more than a $450 billion business and exports are greater than $80 billion per year. Chemicals directly or indirectly affect our lives and are essential to our food, our health, and our lifestyle. The widespread use of chemicals has resulted in the development of sector-specific regulations (transportation, production, agriculture, trade, and consumer products) and related hazard communication standards.

The basic goal of hazard communication is to ensure that employers, employees and the public are provided with adequate, practical, reliable and comprehensible information on the hazards of chemicals, so that they can take effective preventive and protective measure for their health and safety. Having readily available information on the hazardous properties of chemicals, as well as recommended control measures, allows for the production, transport, use and disposal of chemicals to be managed safely. Thus, employers who exercise safe management of chemicals through proper hazard communication protect our overall health and the environment.◆

Safety Compliance Monitor newsletters are intended to provide you with additional guidance on labor laws and OSHA regulations to help turn you into informed employers and keep you in compliance with the latest labor laws. If you have any employment-related topics that you would like to see covered in future newsletters articles, please send your ideas to answers@personnelconcepts.com.
While all submissions will be taken into consideration, we will publish those that are most applicable to the majority of our client base and employers in general.

NIOSH Issues Strategic Goals to Reduce Fall Injuries

Fall-prevention research has long been recognized as one of the most critical areas of occupational safety research. This is because falls represent a serious hazard to workers across multiple industries. According to the Bureau of Labor Statistics (BLS), over 20 percent of all workplace injuries are due to injuries sustained from falls on the job. Any worker who performs a task at elevation—particularly workers in the construction industry, for example—are at risk of falls from heights, with frequently grave or even fatal consequences. Many more workers, in nearly every industry, are subject to falls to floors, walkways or ground surfaces. These falls, characterized as "falls on the same level," are responsible for well over half of nonfatal injuries that result in days away from work.

Over the past 15 years, the National Institute for Occupational Safety and Health (NIOSH) has recognized fall prevention as a strategic research priority, conducting and laboratory- and field-based research to identify fall risks in order to develop prevention strategies and technologies. Recently, NIOSH has made a concerted effort to develop and update strategic research goals to systematically address the national occupational fall burden.

At the International Conference on Fall Prevention and Protection (ICFPP), NIOSH identified five strategic goals to reduce the incidence of injury from falls:

- **Strategic Goal 1 - Reduce Fall Injuries in the Construction Industry**; construction organizations, engineers, architects, and employers in the construction industry will implement effective, evidence-based fall prevention and protection designs, technologies, programs, and communications materials at their work sites.
- **Strategic Goal 2 - Reduce Fall Injuries in the Health Services Industry**; the health services industry will implement comprehensive slip, trip, and fall (STF) prevention programs.
- **Strategic Goal 3 - Reduce Fall Injuries in the Wholesale and Retail Trade (WRT) Industry**; engineers, WRT trade associations, and employers in the WRT industry will implement effective, evidence-based fall prevention and protection designs, technologies, programs, and communication materials for the handling, storage and retrieval of merchandise.
- **Strategic Goal 4 - Reduce Fall Injuries in the Public Safety, Services, Manufacturing and Other High Risk Industries**; vehicle and equipment manufacturers, standards committees, and occupational safety professionals will work together to improve the designs of ambulances, fire trucks, and heavy trucks to reduce the risk of injuries and fatalities associated with falls from these vehicles.
- **Strategic Goal 5 - Reduce fall injuries through research on human characteristics and on biotechnology-based fall control measures**; researchers, safety professionals,

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Company Cited for Exposing Employees to Falls and Other Workplace Hazards

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) cited an Oklahoma Processed Meats company for 16 serious and three repeat violations following an inspection that found workers were exposed to fall and other hazards at the company's processing plant in Seminole. Proposed penalties total $204,800.

OSHA's Oklahoma City Area Office began its investigation June 1 at the company's plant after receiving a complaint. Serious violations include failing to provide guardrails as fall protection for employees working on elevated walking/working surfaces, provide an adequate emergency action plan, provide personal protective equipment such as goggles or face shields, train employees on the use of hazardous chemicals and address hazards created by deficiencies in the company's process safety management system for anhydrous ammonia. Anhydrous ammonia is used for the refrigeration system. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The repeat violations include failing to develop and implement a lockout/tagout program for isolation of energy sources as well as to provide training for employees on the use of lockout/tagout devices. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years.

"Failure to effectively implement OSHA's safety and health regulations to protect workers from potential hazards could lead to serious injury or death. OSHA will not tolerate such negligence," said David Bates, OSHA's area director in Oklahoma City.

The company employs about 160 workers at the Seminole plant, which produces cold cut meats, cheese, creams and frozen foods. The company had 15 business days from receipt of citations to comply, request an informal conference with OSHA's area director in Oklahoma City or contest the citations and proposed penalties before the independent Occupational Safety and Health Review Commission.

Employers have the responsibility to provide a safe workplace and MUST provide their employees with an environment that does not have serious hazards. They can do this by

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and construction industries and basic program elements for federal employees. In addition, twenty-five states, plus Puerto Rico and the Virgin Islands have OSHA-approved State Plans and have adopted their own standards and enforcement policies for safety and health.

A safety and health program should include:

- Mechanical and physical safeguards to the maximum extent possible.
- Safety and health inspections to identify and eliminate unsafe working conditions or practices, to control health hazards, and to comply fully with the safety and health standards for every job.
- Training for all employees in good safety and health practices.
- Necessary personal protective equipment and instructions for its use and care.
- Developing and enforcing safety and health rules and requiring that employees cooperate with these rules as a condition of employment.
- Prompt and thorough investigation of every accident to find out what caused it and to correct the problem so that it won't happen again.
- A system of recognition and awards for outstanding safety service or performance.

Over their years of experience with enforcing the provisions of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et.seq.), OSHA representatives have noted a strong correlation between the application of sound management practices in the operation of safety and health programs and a low incidence of occupational injuries and illnesses. Where effective safety and health management is practiced, injury and illness rates are significantly less than rates at comparable worksites where safety and health management is weak or non-existent. As a result of this awareness, OSHA has increased emphasis on management practices in several of the Agency's programs. Standards, including notably the Hazard Communication Standard (29 CFR 1910.1200), began specifically to require management programs.

Employers can utilize OSHA's most frequently cited lists when implementing their safety and health program and give extra attention to the standards most susceptible to violations. Even where employers are not in a specific industry (i.e. construction) it is still prudent to implement safe practices which protect against hazards, such as falls, which can occur in any environment. ◆

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and safety investigators will use comprehensive digital models of human fall dynamics to evaluate new fall prevention and protection technologies, products, and methods and conduct fall injury investigations to recommend solutions.

The prevalence of fall-related injuries makes it one of the most needed areas of occupational injury prevention research. Through NIOSH's Strategic Goals to Reduce Fall Injuries, the agency aims to more effectively advance a common research agenda, implement research findings into STF prevention programs, and to further support an overall common goal: safe and healthful working conditions for every working man and woman. ◆

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following all OSHA safety and health standards and finding and correcting safety and health problems.

Employers MUST also:

- Inform employees about hazards through training, labels, alarms, color-coded systems, chemical information sheets and other methods.
- Train employees in a language and vocabulary they can understand.
- Keep accurate records of work-related injuries and illnesses.
- Perform tests in the workplace, such as air sampling, required by some OSHA standards.
- Provide hearing exams or other medical tests required by OSHA standards.
- Post OSHA citations and injury and illness data where workers can see them.
- Notify OSHA within eight hours of a workplace fatality or when three or more workers are hospitalized.
- Prominently display the official OSHA poster that describes rights and responsibilities under the OSH Act.

OSHA's citations against the Processed Meat company is an example how not complying with OSHA standards and requirements in establishing a safe workplace can lead to substantial fine and penalties. ◆

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Personnel Concepts
3200 E. Guasti Road, Suite 300
Ontario, CA 91761
www.personnelconcepts.com
E-mail:
answers@personnelconcepts.com

Managing Editor: Robert Leland III
Editor: Kim Cabanting
Staff Writer: Dave Daniels
Graphic Artist: Lorraine Maschler
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