ASSP – OSHA Meeting
October 2018

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Manhattan Area Office
Objectives

• OSHA’s Mission
  – Top Ten Violations
  – Enforcement Information
  – OSHA Initiatives
• Safe + Sound Campaign
• OSHA Cooperative Programs
• Outreach Training Program Overview
• Available Resources
OSHA’s Mission

• To assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance.
Worker Safety & Health

- More than 4,000 Americans die from workplace injuries every year.

- An estimated 50,000 workers die from illnesses from exposures to hazardous substances.

- More than 3 million workers suffer a serious non-fatal injury or illness annually.
Number of fatal workplace injuries

Number of fatal work injuries by employee status, 2003–16

- A total of 5,190 workers died from an occupational injury in 2016.
- This number increased by 7 percent from 2015 and is the highest count since 2008.
- Self-employed workers have consistently accounted for around one-fifth of fatal work injuries.

OSHA’s Fatal Four by the Numbers

991 Construction Workers were fatally injured in 2016. The ‘fatal four’ were responsible for 64.6% of all construction worker deaths in 2016.

Falls
39%
384 people

Struck By
9%
93 people

Electrical
8%
82 people

Caught in / Between
7%
72 people
New York City
Total Fatalities 2008-2017

OSHA data for New York City (5 boroughs) by Calendar Year (January 1st to December 31st)
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](osha.gov/employers)
Top Ten Violations

Most frequently cited OSHA standards during FY 2017 inspections

1. Fall Protection – General Requirements (1926.501)
2. Hazard Communication (1910.1200)
3. Scaffolding (1926.451)
4. Respiratory Protection (1910.134)
5. Lockout/Tagout (1910.147)
6. Ladders (1926.1053)
7. Powered Industrial Trucks (1910.178)
9. Fall Protection – Training Requirements (1926.503)
Top Ten Violations in Construction FY 2017

1. Fall Protection, Duty to Have (1926.501)
2. Scaffolding (1926.451)
3. Ladders (1926.1053)
4. Fall Protection, Training (1926.503)
5. Eye and Face Protection (1926.102)
6. Hazard Communication (1910.1200)
7. Head Protection (1926.100)
8. Aerial Lifts (1926.453)
9. General Safety and Health Provisions (1926.20)
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 2, 2018**

<table>
<thead>
<tr>
<th>Type of Violation</th>
<th>New Maximum*</th>
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</thead>
<tbody>
<tr>
<td>Serious and Other-Than-Serious Posting Requirements</td>
<td>$12,934 per violation</td>
</tr>
<tr>
<td>Willful or Repeated</td>
<td>$129,336 per violation</td>
</tr>
<tr>
<td>Failure to Abate</td>
<td>$12,934 per day beyond the abatement date</td>
</tr>
</tbody>
</table>

*Maximum penalties will be readjusted annually for inflation.*
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**.
Enforcement Information and Updates
Silica, Crystalline

FAQs

- **Frequently Asked Questions on the New Silica Standards (March, 2016)** – These FAQs were developed to provide broad guidance to employers and employees on the requirements of the silica standards for construction (29 CFR 1926.1153) and general industry and maritime (29 CFR 1910.1053).
- **Frequently Asked Questions for the Construction Industry (August, 2016)** – These FAQs were developed in consultation with industry and union stakeholders to provide guidance to employers and employees regarding the standard’s (29 CFR 1926.1153) requirements.
  - **Preguntas Frecuentes en la Industria de la Construcción** (Frequently Asked Questions for the Construction Industry (August 2018)) translated into Spanish by CPWR)
ABSTRACT

Purpose: This instruction, *National Emphasis Program on Trenching and Excavation*, describes policies and procedures for continued implementation of an OSHA National Emphasis Program (NEP) to identify and to reduce hazards which are causing or likely to cause serious injuries and fatalities during trenching and excavation operations.

Scope: This instruction applies OSHA-wide.

References: 29 CFR 1926, Subpart P – Excavations
CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016.

Cancellations: This instruction will supersede CPL 02-00-069, Special Emphasis: Trenching and Excavation, September 19, 1985, 100 days after this NEP becomes effective. Enforcement under CPL 02-00-069 shall continue during the pre-enforcement outreach period in Section XI of this
Final Rule Issued to Improve Tracking of Workplace Injuries and Illnesses - UPDATE

Deadline – July 1, 2018

On July 30, 2018 OSHA published a Notice of Proposed Rulemaking (NPRM) to amend its recordkeeping regulation to remove the requirement to electronically submit to OSHA information from the OSHA Form 300 (Log of Work-Related Injuries and Illnesses) and OSHA Form 301 (Injury and Illness Incident Report) for establishments with 250 or more employees which are required to routinely keep injury and illness records. OSHA will not enforce this deadline for these two forms without further notice while this rulemaking is underway.
OSHA Trade Release

U.S. Department of Labor
Occupational Safety and Health Administration
Office of Communications
Washington, D.C.
www.osha.gov
For Immediate Release

October 17, 2018
Contact: Office of Communications
Phone: 202-693-1999

OSHA Launches Program to Target High Injury and Illness Rates

WASHINGTON, DC – The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) is initiating the Site-Specific Targeting 2016 (SST-16) Program using injury and illness information electronically submitted by employers for calendar year (CY) 2016. The program will target high injury rate establishments in both the manufacturing and non-manufacturing sectors for inspection. Under this program, the agency will perform inspections of employers the agency believes should have provided 300A data, but did not for the CY 2016 injury and illness data collection. For CY 2016, OSHA required employers to electronically submit Form 300A data by December 15, 2017. The CY 2017 deadline was July 1, 2018; however, employers may still provide this information to the database.

Going forward, establishments with 250 or more employees that are currently required to keep OSHA injury and illness records, and establishments with 20-249 employees that are classified in specific industries with historically high rates of occupational injuries and illnesses will be required to provide this information each year by March 2.

OSHA’s On-site Consultation Program offers employers with up to 250 workers with free, confidential safety and health advice on complying with OSHA standards, and establishing and improving safety and health programs.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA’s role is to ensure these conditions for America’s working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit www.osha.gov.

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U.S. Department of Labor news materials are accessible at http://www.dol.gov. The Department’s Reasonable Accommodation Resource Center converts departmental information and documents into alternative formats, which include Braille and large print. For alternative format requests, please contact the Department at (202) 693-7828 (voice) or (800) 877-8339 (federal relay).
Incentive Programs & Post-accident Drug Testing
Letter of Interpretation

Issued on October 11, 2018

Clarification of OSHA’s Position on Workplace Safety Incentive Programs and Post-Incident Drug Testing Under 29 C.F.R. § 1904.35(b)(1)(iv)
The Department believes that many employers who implement safety incentive programs and/or conduct post-incident drug testing do so to promote workplace safety and health.

In addition, evidence that the employer consistently enforces legitimate work rules (whether or not an injury or illness is reported) would demonstrate that the employer is serious about creating a culture of safety, not just the appearance of reducing rates.

Action taken under a safety incentive program or post-incident drug testing policy would only violate 29 C.F.R. § 1904.35(b)(1)(iv) if the employer took the action to penalize an employee for reporting a work-related injury or illness rather than for the legitimate purpose of promoting workplace safety and health.
U.S. Department of Labor's new Office of Compliance Initiatives

- Cross-agency effort complements enforcement activities by strengthening and innovating compliance assistance outreach.
- Part of this initiative is the launch of worker.gov and employer.gov,
- Promote greater understanding of federal labor laws and regulations, allowing job creators to prevent violations and protect Americans' wages, workplace safety and health, retirement security, and other rights and benefits.
- As part of its work, OCI will work with the enforcement agencies to refine their metrics to ensure the efficacy of the Department's compliance assistance activities.
Worker Protections
You have rights. This site covers common workplace concerns and the Federal labor laws that protect you.

Learn about your rights

**The right to be paid properly.**
Labor laws establish standards for the minimum wage, overtime pay, recordkeeping, family and medical leave, and youth employment.

[Learn more](#)

**The right to a safe and healthy workplace.**
Employers are responsible for providing a safe and healthy workplace, along with any necessary safety gear.

[Learn more](#)

**The right to be treated equally.**
You are protected from discrimination on the basis of race, color, age, genetic information, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran.

[Learn more](#)

**The right to join with coworkers.**
Labor laws protect your right to join together with your coworkers, with or without a union, to improve wages and working conditions.

[Learn more](#)

**The right to be treated fairly as a veteran or service member.**
Employers may not discriminate based on current or former military status, and must sometimes extend hiring preferences.

[Learn more](#)
Resources for Job Creators

You may have questions about your role as an employer. This site provides answers to common questions about workers and business.

What employment topic do you have questions about?

Pay and benefits
Understanding the minimum wage, overtime pay, recordkeeping, family and medical leave, and youth employment.

Workplace safety and health
Ensuring a safe and healthy workplace for your workers.

Small businesses
Resources to assist small business employers.

Required posters
Providing notice of statutes and regulations to employees as required by law.

Learn more
Learn more
Learn more
Learn more
OSHA Initiatives
Join the National Safety Stand-Down
To Prevent Falls in Construction
MAY 7-11, 2018

https://www.osha.gov/StopFallsStandDown/resources.html
Here is a link directly to the video which is now live on YouTube.

Trenching Outreach

TRENCH SAFETY STAND DOWN
JUNE 18-23, 2018
TO PREVENT TRENCHING FATALITIES AND ACCIDENTS

An Unprotected Trench IS AN EARLY GRAVE

Extraordinary efforts to rescue two men in this trench collapse saved one man’s life but one 28-year-old man died.

National Trench Safety Stand Down Week
June 18-23, 2018

Trench-related fatalities continue trending up. NUCA, OSHA, and NAXSA have teamed up for our 3rd annual Trench Safety Stand Down Week, June 18-23, 2018, to educate workers and reverse this trend.

Who Should Participate
Any construction company that engages in trenching operations, plumbers, military, unions, associations, educational institutions, safety professionals, and safety equipment manufacturers.

How Companies Can Hold A Stand Down
- Hold a 20-minute Toolbox Talk
- Show an Excavation Safety Video
- Hold a Training Class

Recognition
Every company or organization that holds a TSSD will receive a certificate of participation, as well as hand out stickers for all employees who participated. Recognition will also be given in a press release, and NUCA and NAXSA publications.

TSSD details, as well as Toolbox talks, fact sheets, and other stand down materials can be found at nuca.com/tssd.
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: August 13-19, 2018
The Occupational Safety and Health Administration today released a set of Recommended Practices for Safety and Health Programs to help employers establish a methodical approach to improving safety and health in their workplaces.
Potential Benefits

The main goal of safety and health programs is to prevent workplace injuries, illnesses, and deaths, as well as the suffering and financial hardship these events can cause for workers, their families, and employers.
Safety & Health Program
Core Elements

Management Leadership + Worker Participation + Finding and Fixing Workplace Hazards
OSHA Cooperative Programs

Alliance
An OSHA Cooperative Program

Partnership
An OSHA Cooperative Program

VPP

SHARP
OSHA Alliance Program

OSHA joins with groups committed to worker safety and health, including unions, consulates, trade or professional organizations, faith- and community-based organizations, businesses, and educational institutions, to leverage resources and expertise to help ensure safe and healthy workplaces and worker rights under the Occupational Safety and Health Act.

Participants in the Alliance Program support OSHA's strategic goals by developing Alliance agreements and implementing project plans that emphasize:

- Raising Awareness of OSHA's Rulemaking and Enforcement Initiatives
- Outreach and Communication
- Training and Education
How to Participate (Alliance)

Alliance Program participants are committed to working closely with OSHA to develop and share information with workers and employers to help prevent injuries, illnesses, and fatalities in the workplace and to educate workers and employers about their rights and responsibilities under the Occupational Safety and Health Act.

Alliances provide a forum for employers and workers to work together to resolve workplace safety and health issues.

To achieve this, Alliances with employers and employer groups (e.g. trade associations) must also include worker representatives.
Strategic Partnership Program

In a Partnership, OSHA enters into an extended, voluntary, cooperative relationship with groups of employers, employees, and employee representatives in order to encourage, assist, and recognize their efforts to eliminate serious hazards and achieve a high level of worker safety and health.

OSHA and its partners can identify a common goal, develop plans for achieving that goal, and cooperate in implementation.

While employers in a Partnership remain subject to OSHA enforcement, it provides them an opportunity to work cooperatively with OSHA and workers to identify the most serious workplace hazards.
How to Participate (Partnership)

Partnerships must include each participating employer's commitment to implement in a timely manner an effective workplace safety and health management system or to address a specific hazard.

The hallmarks of an effective management system are management leadership and employee involvement, hazard analysis, hazard prevention and control, safety and health training, evaluation, and compliance with applicable OSH Act requirements.

OSHA will conduct an evaluation inspection
Voluntary Protection Program

The Voluntary Protection Programs (VPP) promote effective worksite-based safety and health.

In the VPP, management, labor, and OSHA establish cooperative relationships at workplaces that have implemented a comprehensive safety and health management system.

Approval into VPP is OSHA’s official recognition of the outstanding efforts of employers and employees who have achieved exemplary occupational safety and health.

VPP participants are exempt from OSHA programmed inspections while they maintain their VPP status.
How to Participate (VPP)

To participate, employers must submit an application to OSHA and undergo a rigorous onsite evaluation by a team of safety and health professionals.

Union support is required for applicants represented by a bargaining unit.

VPP participants are re-evaluated every three to five years to remain in the programs.
Safety & Health Achievement Recognition Program (SHARP)

The program recognizes small business employers who have used OSHA’s On-Site Consultation services and operate an exemplary safety and health programs.

By achieving SHARP status, you have placed yourself in an elite group of small businesses that maintain exemplary safety and health programs.

In addition to being granted an exemption from OSHA programmed inspections for up to 2 years, and subsequent renewal for up to 3 years
How to Participate (SHARP)

1. Request a comprehensive consultation visit from your On-Site Consultation Office that involves a complete hazard identification survey;
2. Involve employees in the consultation process;
3. Correct all hazards identified by the consultant;
4. Implement and maintain an safety and health programs that, at a minimum, addresses OSHA's Safety and Health Program Management Guidelines; Issuance of Voluntary Guidelines
5. Maintain your company's Days Away, Restricted, or Transferred (DART) rate and Total Recordable Case (TRC) rate below the national average for your industry; and
6. Agree to notify your state's On-site Consultation office prior to making any changes in the working conditions or introducing new hazards into the workplace.
Outreach Training Program (OSHA 10-Hour & 30-Hour Cards)

Get Trained or Become a Trainer

The OSHA Outreach Training Program provides workers with basic and more advanced training about common safety and health hazards on the job. Students receive an OSHA 10-hour or 30-hour course completion card at the end of the training.
Purpose

• The Outreach Training Program is a voluntary program.

• Its purpose is to promote workplace safety and health and to make workers more knowledgeable about workplace hazards and their rights.

• Outreach training does not fulfill the training requirements found in OSHA standards.

• Employers are responsible for providing additional training for their workers on specific hazards of their job as noted in many OSHA standards.
The OSHA Outreach Training Program was initiated in 1971, and has grown significantly in recent years. The train-the-trainer format expands the reach of the program to increase training availability.

The OSHA Outreach Training Program provides training on the recognition, avoidance, abatement, and prevention of workplace hazards. Outreach classes also provide overview information regarding OSHA, including workers' rights, employer responsibilities, and how to file a complaint.
10-hour and 30-hour Programs

The 10-hour training program is primarily intended for entry level workers.

The 30-hour training program is intended to provide workers with some safety responsibility a greater depth and variety of training.

All outreach training is intended to cover an overview of the hazards a worker may encounter on a job site.

Training emphasizes hazard identification, avoidance, control and prevention, not OSHA standards.
Issued prior to 3/1/16, or for online training

<table>
<thead>
<tr>
<th>TRAINER CARDS</th>
<th>CONSTRUCTION TRAINER CARD</th>
<th>GENERAL INDUSTRY TRAINER CARD</th>
<th>MARITIME TRAINER CARD</th>
<th>DISASTER SITE TRAINER CARD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This card acknowledges that the recipient has successfully completed OSHA 2080 Trainer Course in Occupational Safety and Health Standards for the Construction Industry and is designated as an OSHA Authorized Construction Trainer.</td>
<td>This card acknowledges that the recipient has successfully completed OSHA 2080 Trainer Course in Occupational Safety and Health Standards for General Industry and is designated as an OSHA Authorized General Industry Trainer.</td>
<td>This card acknowledges that the recipient has successfully completed OSHA 2080 Trainer Course in Occupational Safety and Health Standards for Maritime Industry and is designated as an OSHA Authorized Maritime Trainer.</td>
<td>This card acknowledges that the recipient has successfully completed OSHA 2080 Trainer Course in Occupational Safety and Health Standards for Disaster Site Industry and is designated as an OSHA Authorized Disaster Site Trainer.</td>
</tr>
<tr>
<td></td>
<td>Completion of this course authorizes the trainer to conduct 10- and 30-hour Construction courses in accordance with Outreach Training Program guidelines.</td>
<td>Completion of this course authorizes the trainer to conduct 10- and 30-hour General Industry courses in accordance with Outreach Training Program guidelines.</td>
<td>Completion of this course authorizes the trainer to conduct 10- and 30-hour Maritime courses in accordance with Outreach Training Program guidelines.</td>
<td>Completion of this course authorizes the trainer to conduct 10- and 30-hour Disaster Site courses in accordance with Outreach Training Program guidelines.</td>
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<td>Director, OSHA Licensing Institute</td>
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<td>Expiration Date</td>
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TRAINER AUTHORIZED TO ISSUE:

- 30-Hour Construction Card
- 30-Hour General Industry Card
- 10-Hour Construction Card
- 10-Hour General Industry Card
- 30-Hour Maritime Cards
- 10-Hour Maritime Cards
- Disaster Site Worker Card

OSHA Occupational Safety and Health Administration
Issued after 2/29/16
To verify a training provider’s authorization

Visit OSHA’s website ([https://www.osha.gov/dte/outreach/outreach_trainers.html](https://www.osha.gov/dte/outreach/outreach_trainers.html)) to look up the trainer and verify that they are authorized to teach OSHA’s **construction** outreach class (NOT general industry, maritime, or disaster recovery).

Visually inspect the trainer’s card and compare the information on the card to the trainer’s photo ID (such as a driver’s license.)

*Trainer cards will include trainer name, trainer ID number, expiration date, and OTI Education Center where the trainer was authorized.*

Scan the QR code on the card and confirm that what is on the card matches what is embedded in the QR code. (Scanning a QR code may take you to the OTI’s site or a third-party site if the OTI uses one.)

Check OSHA’s Watchlist and confirm that the trainer’s authorization to teach has not been suspended or revoked. ([https://www.osha.gov/dte/outreach/watchlist.html](https://www.osha.gov/dte/outreach/watchlist.html))
To verify a student card

Visit OSHA’s website (https://www.osha.gov/dte/outreach/outreach_trainers.html) to look up the trainer listed on the card and verify that they are authorized to teach OSHA’s construction outreach class (NOT general industry, maritime, or disaster recovery).

Check OSHA’s Watchlist and confirm that the trainer’s authorization to teach has not been suspended or revoked. (https://www.osha.gov/dte/outreach/watchlist.html)

Visually inspect the student’s card and compare the information on the card to the student’s photo ID. (If the information does not match, the card may be fraudulent.)

Scan the QR code on the card and confirm that what is on the card matches what is embedded in the QR code. (Scanning a QR code may take you to the OTI’s site or a third-party site if the OTI uses one.)

Student cards will have student name, trainer name, date of issue, and the OTI Education Center which produced the card.
For the old paper cards

Visit OSHA’s website ([https://www.osha.gov/dte/outreach/outreach_trainers.html](https://www.osha.gov/dte/outreach/outreach_trainers.html)) to look up the trainer listed on the card and verify that they are authorized to teach OSHA’s **construction** outreach class (NOT general industry, maritime, or disaster recovery).

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Visually inspect the student’s card and compare the information on the card to the student’s photo ID. (If the information does not match, the card may be fraudulent.)

Make sure that the card does not have any typos and that the front of the card has the OTI’s number, which appears as a two-number prefix before the actual card number. Card numbers that have letters incorporated are not legitimate.

Student cards will have student name, trainer name, date of issue, and the OTI Education Center which produced the card.
OSHA QuickTakes

- **Free** OSHA e-newsletter delivered twice monthly to 200,000 subscribers

- **Latest news** about OSHA initiatives and products to help employers and workers find and prevent workplace hazards

- Sign up at [www.osha.gov](http://www.osha.gov)
Questions?