2015 OSHA Update
ASSE/AIHA Joint Chapter Meeting

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Directorate of Enforcement
USDOL-OSHA
Agenda

• Enforcement Data
• Severe Violator Enforcement Program
• Temporary Worker Initiative
• Ergonomic Enforcement Activity
• Workplace Violence
• Hazard Communication Standard
FY 2010 – FY 2015 FEDERAL OSHA INSPECTION DATA AND TRENDS

(All following data is preliminary, subject to future review, analysis, and revision; data current as of 3/1/15)
FY 2010 – FY 2014
Inspections Conducted

- FY10: 40,993
- FY11: 40,648
- FY12: 40,961
- FY13: 39,228
- FY14: 36,163/37,663*

FY 2012 – FY 2015* Inspections Conducted

Proportion of Safety vs. Health Inspections

FY15 data is through 3/1/15
FY 2012 – FY 2015* Inspections Conducted

Proportions of Inspections by Industry Sector

<table>
<thead>
<tr>
<th>Year</th>
<th>% Maritime</th>
<th>% General Industry</th>
<th>% Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY12</td>
<td>56%</td>
<td>43%</td>
<td>1%</td>
</tr>
<tr>
<td>FY13</td>
<td>52%</td>
<td>47%</td>
<td>1%</td>
</tr>
<tr>
<td>FY14</td>
<td>50%</td>
<td>49%</td>
<td>1%</td>
</tr>
<tr>
<td>FY15*</td>
<td>45%</td>
<td>53%</td>
<td>1%</td>
</tr>
</tbody>
</table>

FY15 data is through 3/1/15
FY 2010 – FY 2014
% Inspections In-Compliance

FY 2010 – FY 2014

% Complaint Inspections

FY15 data is through 3/1/15
FY 2012 – FY 2015* Complaint Inspections

Proportion of Complaint Inspections by Health and Safety

FY 2012 – FY 2015* Complaint Inspections

Proportions of Complaint Inspections by Industry Sector

FY15 data is through 3/1/15
FY 2010 – FY 2014 Total Violations Issued

FY 2011 – FY 2014
Proportion of Violations Issued

Note that health and safety inspection percentages are estimates based solely on OIS data.
## National Emphasis Programs

**Mid FY2013 to March 6, 2015**

<table>
<thead>
<tr>
<th>NEP</th>
<th>Total Inspections</th>
<th>Total Violations</th>
<th>Avg. Number Violations Cited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amputations</td>
<td>3,333</td>
<td>8,414</td>
<td>3.4</td>
</tr>
<tr>
<td>Chemical Processing</td>
<td>276</td>
<td>970</td>
<td>5.2</td>
</tr>
<tr>
<td>Hexavalent Chromium</td>
<td>184</td>
<td>491</td>
<td>3.7</td>
</tr>
<tr>
<td>Dust Explosions</td>
<td>188</td>
<td>356</td>
<td>3.1</td>
</tr>
<tr>
<td>Federal Facilities</td>
<td>159</td>
<td>491</td>
<td>4.4</td>
</tr>
<tr>
<td>Isocyanates</td>
<td>169</td>
<td>288</td>
<td>3.1</td>
</tr>
<tr>
<td>Lead</td>
<td>265</td>
<td>616</td>
<td>3.7</td>
</tr>
<tr>
<td>Nursing Homes</td>
<td>665</td>
<td>1,119</td>
<td>2.7</td>
</tr>
<tr>
<td>Primary Metals</td>
<td>195</td>
<td>540</td>
<td>3.6</td>
</tr>
<tr>
<td>Silica</td>
<td>406</td>
<td>841</td>
<td>2.9</td>
</tr>
<tr>
<td>Trenching</td>
<td>1,466</td>
<td>2,208</td>
<td>2.2</td>
</tr>
<tr>
<td>Ship Breaking</td>
<td>42</td>
<td>39</td>
<td>2.8</td>
</tr>
<tr>
<td><strong>Percent of All Inspections</strong></td>
<td><strong>7,348</strong></td>
<td><strong>16,373</strong></td>
<td><strong>3.2</strong></td>
</tr>
</tbody>
</table>

All Data on Enforcement Programs is from: OIS Inspection Summary Report Dated 3/6/2015
# Top 10 Most Cited Standards

<table>
<thead>
<tr>
<th>FY 12</th>
<th>FY 13</th>
<th>FY 14</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Fall Protection</td>
<td>1. Fall Protection</td>
<td>1. Fall Protection</td>
</tr>
<tr>
<td>5. Ladders</td>
<td>5. Electrical, Wiring Methods</td>
<td>5. Powered Industrial Trucks</td>
</tr>
<tr>
<td>7. Powered Industrial Trucks</td>
<td>7. Lockout/Tagout</td>
<td>7. Ladders</td>
</tr>
</tbody>
</table>

*Data Source: OIS Standards Cited*
Severe Violator Enforcement Program (SVEP) Criteria

• Case designated as SVEP case if:

  – SVEP-Fatality: $\geq 1$ or more willful/ repeat/ failure-to-abate violation (WRFTA)
  – SVEP-HEH: $\geq 2$ high-gravity WRFTA related to a High-Emphasis Hazard
  – SVEP-PSM: $\geq 3$ high-gravity WRFTA related to PSM standard
  – SVEP-Egregious: any egregious case
SVEP Cumulative Summary


• 485 SVEP cases
  – 124 (26%) of the 485 SVEP cases are fatalities
  – 35 (8 %) of 485 SVEP cases are egregious, 5 of which were also fatalities
  – 326(67 %) of the 485 SVEP cases are Non-fatality/Catastrophe Criterion Related to a High-Emphasis Hazard.
  – 5 (2%) of the 485 SVEP cases are Non-fatality/Catastrophe for Hazards Due to the Potential Release of a Highly Hazardous Chemical (Process Safety Management)

• 295 (60 %) of the 485 SVEP cases are in construction
  – 46 (16 %) of the 285 SVEP construction cases are fatalities
SVEP Policy Update

• On February 11, 2015 Oil & Gas hazards incorporated into SVEP criteria

• SVEP compliance directive to be updated to include upstream Oil & Gas industry NAICS 211111, 213111 and 213112 -- Oil and Gas Production Services, Drilling and Well Servicing/ “Upstream Oil and Gas Industry”.
TEMPORARY WORKER INITIATIVE

- Temporary and regular workers entitled to the **SAME** safety and health protections
- Reports of temp workers suffering fatal injuries – some on their 1\textsuperscript{st} day
- More than 2.85 million temporary workers
  - 1.1 million temp jobs added to economy since August 2009
- Both host employer and staffing agency are employers of temp worker
  - Share control over worker - share responsibility for worker
  - Both employers should address those hazards it is best positioned to deal with, in a way that fully complies with OSHA standards
- Host employers must record injuries/illnesses of temp workers they supervise on a day-to-day basis and share info with temp agency
- OSHA law prohibits discrimination or retaliation against a worker for reporting an injury or illness
Temporary Worker Initiative

- Two Field Memorandums (April and September 2013)
- Series of Bulletins
  - Issued: Recordkeeping (March 2014); Whistleblower and PPE (February 2015)
  - Planned: Training, Noise, LOTO
- Background Policy Memo (July 2014)
  - Compliance Directive planned
  - Train the Trainer OTI Course (July 2014)
- Recommended Practices (cobranded with NIOSH)
- Alliance with American Staffing Association (ASA);
- Collaboration with NACOSH/ACCSH, States, etc.
Overall (2001 – present) ergonomic citation data:
- Federal OSHA has issued 41 5(a)(1) citations to 34 companies, plus 2 Notices of Unsafe or Unhealthful Working Conditions (Federal Agency equivalent)
- Approximately 1,047 EHAls to employers (including USPS)

NH-NEP (April 5, 2012 – present) ergonomic inspection data:
- Nursing NEP Inspections – 1,085
- Coded for ergonomics – 581
- Ergonomics Hazard Alert issued – 179
- Citations - 11
ERGONOMICS ENFORCEMENT
RECENT CASES - WAREHOUSING

Hannaford – Schodack Landing, NY - $7,000
Hannaford – South Portland, Maine - $27,900
Shaw’s – Well, Maine (south of Portland) - $13,600

- Primary task - Selectors picking and assembling orders for retail grocery stores
Wayne Farms, Jack Alabama - $102,600

- Primary tasks – Deboning chicken line and palletizing 75 pound totes above shoulder height

Cutting off a wing every 1.5 seconds
Workplace Violence Prevention

• Today, OSHA is releasing its updated publication on *Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers*

• The guidance incorporates the most effective ways to reduce the risk of violence in various healthcare and social service settings.
Workplace Violence Inspections

• The majority of inspections conducted in response to complaints of workplace violence and in turn the majority of citations because of workplace violence have been in the healthcare setting.
• In 2014, 29 of 42 inspections were in these settings and all 4 citations were in these settings.
• Inspections included different types of healthcare settings (hospital, residential treatment, group homes, home health care) and OSHA has issued citations in the various settings as well.
New Hazard Communication Standard
Effective Dates

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Requirement(s)</th>
<th>Who</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 1, 2013</td>
<td>Train employees on the new label elements and safety data sheet (SDS) format.</td>
<td>Employers</td>
</tr>
<tr>
<td>Transition Period</td>
<td>May comply with either 29 CFR 1910.1200 (the final standard), or the current standard, or both.</td>
<td>Chemical manufacturers, importers, distributors, and employers</td>
</tr>
<tr>
<td>June 1, 2015</td>
<td>Compliance with all modified provisions of this final rule.</td>
<td>Chemical manufacturers, and importers</td>
</tr>
<tr>
<td>December 1, 2015</td>
<td>The Distributor must not ship containers labeled by the chemical manufacturer or importer unless it is a HCS 2012 label.</td>
<td>Distributors*</td>
</tr>
<tr>
<td>June 1, 2016</td>
<td>Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.</td>
<td>Employers</td>
</tr>
</tbody>
</table>

* If the distributors meet the definition of manufacturers, which includes repackaging and relabeling the chemicals, they must comply by June 1, 2015.
Hazard Communication Enforcement

- **Enforcement Directive** – Update to the OSHA directive is pending
- **Interim Guidance** – issued on February 9, 2015
  - Describes enforcement process for dealing with unique situations that result in a manufacturer /importer being unable to update the SDS or label by June 1st
    - Manufacturers/importers of chemical mixtures have raised concerns about anticipated noncompliance due to delays in obtaining information needed from an upstream supplier(s)
    - Manufacturers/importers must demonstrate ‘reasonable diligence’ and make ‘good faith efforts’ to acquire the necessary information in order to successfully make a claim that they were unable to comply by the June 1, 2015 date
QUESTIONS?