

Top 10 OSHA Citations And More

Presented by:

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Agenda – Best Hour Ever!

- PERSPECTIVE - What's happening now in May 2021
- OSHA Enforcement FAQs
- Top 10 Citations
 - Workplaces
 - Industries
 - Notifications
 - IIPP
 - Covid-19
- Checklists and Action Items



Here we are May 2021

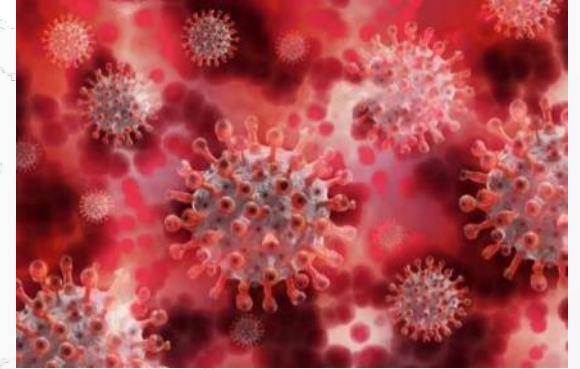
✓ Let's talk about Covid-19

- ✓ Enforcement
- ✓ ETS
- ✓ Fed/OSHA and State Plans

✓ Other Enforcement (CA)

- ✓ HIPP
- ✓ IIPP
- ✓ ATD
- ✓ Wildfire Smoke

✓ Appeals and Zoom Trials



FAQs – OSHA ENFORCEMENT

TRUE OR FALSE:

1. Fed/OSHA is focused on enforcing the CDC Guidelines.
2. State OSHA plans are required to create their own Covid-19 enforcement programs.
3. OSHA inspectors must have a search warrant to enter a work premises.
4. An employee complaint to OSHA means an inspector is coming to our workplace to investigate the complaint.
5. Right now, the priority is Covid-19 investigations and citations.



TOP TEN CITATIONS

LEARN FROM THE MISTAKES OF OTHERS



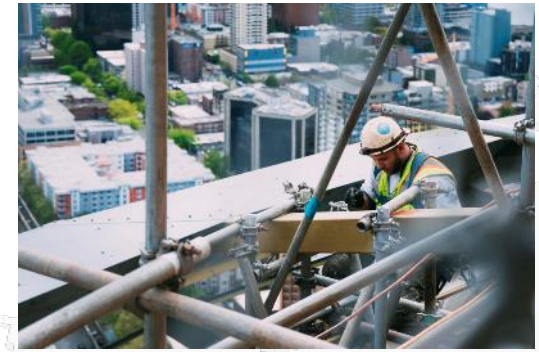
Reporting to OSHA – hospitalization or fatality

- ☐ Fed/OSHA Standard - <https://www.osha.gov/report>
- ☐ Cal/OSHA Standard - <https://www.dir.ca.gov/dosh/report-accident-or-injury.html>
- ☐ Considerations
 - ☐ Available information
 - ☐ Admissions (should counsel do the reporting)
 - ☐ Site Visit

Do you know or understand?

- ✓ At our company, who is designated to report an injury or fatality?
- ✓ Do we know how to properly report an injury or fatality?
- ✓ What information is required when reporting to OSHA?
- ✓ Any exceptions to the reporting requirements?
- ✓ The difference between reporting and recording?
- ✓ What about Covid-19?

Fall Protection



- Fed/OSHA Standard - 29 CFR 1926.501
- Cal/OSHA Standard – It's complicated
 - https://www.dir.ca.gov/dosh/dosh_publications/Fall-Protection-in-Construction-fs.pdf
 - Variety of approved systems
 - Different heights for fall protection
- Classification – Serious w/ high penalties
 - Can typically show likelihood of injuries or fatalities
 - \$\$\$\$\$\$\$\$

Hazard Communication

California Language: Requires manufacturers or importers to classify the hazards of chemicals which they produce or import, and all employers to provide information to their employees about the hazardous chemicals to which they may be exposed, by means of a hazard communication program, labels and other forms of warning, safety data sheets, and information and training.

Top Citations: training, SDS, labels

California - IIPP

Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum: (1) Identify the person or persons with authority and responsibility for implementing the Program. (2) Include a system for ensuring that employees comply with safe and healthy work practices. (3) Include a system for communicating with employees includes meetings, training programs, posting, written communications, Etc. (4) Include procedures for identifying and evaluating work place (5) Include a procedure to investigate occupational injury or occupational illness. (6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures (7) Provide training and instruction (8) Allow employee access to the Program.

California IIPP – Top Citations

- ❑ Inadequate Documentation – Legacy documents or not IIPP in the field;
- ❑ Hazard Identification lacking such as identifying hazards with a new task, new location or new piece of equipment;
- ❑ Training – no documentation or records
- ❑ Implementation – Employees when interviewed can't identify elements of the safety program or communicate key concepts
- ❑ Accident Investigation – inadequate or non-existent



Ladders – It's Complicated!

A favorite at construction sites for general citations

- ☐ Portable ladders
- ☐ Extension ladders
- ☐ Sectional ladders
- ☐ Special purpose ladders
- ☐ Step ladders
- ☐ Step stools

Classified as Serious frequently if there is a fall!



Citations and Appeals – True or False

John Studley, OSHA Inspector, issues citations to Dohickey Company on May 3, 2021. There are four citations totaling \$30,500.00. He hand delivers the citations to company address on May 4, 2021, and the safety director Roger receives the citations on May 7, 2021 when he comes to the office and opens the citations envelope.

Roger has 30 days from May 4, 2021 to appeal the citations by serving a letter contesting the \$30,500 penalty amount on the OSHA inspector.

PPE – General Citations Galore!

- ✓ Safety shoes (including reimbursement)
- ✓ Eye Protection
- ✓ Face Protection
- ✓ Gloves (or incorrect glove usage)
- ✓ N95 masks and respiratory protection program

Practice Pointer: Abatement can be expensive!

Training – All Industries

- ✓ Documentation inadequate
- ✓ Instructor information lacking
- ✓ No training on specific equipment or tasks
- ✓ Lack of training on compounds or substances
- ✓ Typically a general citation, but some aggressive inspectors will classify as serious



Machine Guarding – Manufacturing & Heavy Industry

Federal Standard: One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc.

Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself.

Lock Out Tag Out – “Fatal Five” leading to Citations

- ✓ Failure to stop equipment – Basic and first step
- ✓ Failure to disconnect from power source – frequent mistake
- ✓ Failure to drain residual energy – pressurized tank, battery, hot pipe, heavy object, etc.
- ✓ Accidental restart of machinery – goodbye finger tips
- ✓ Failure to clear work area – tools and debris dangers

Powered Industrial Trucks – Typical Accidents That Lead to Citations

- ☐ Forklift Rollovers
- ☐ Pedestrian Impacts
- ☐ Lack of Operator Training
- ☐ Falling Loads
- ☐ Truck drives off dock or trailer
- ☐ Blocked Site
- ☐ Mechanical Failure
- ☐ Emissions Poisoning
- ☐ Crushed by Forklift

Covid Citations – 2020 and 2021

- Reporting Hospitalization or Fatality
- Injury and Illness Prevention Plan
 - Hazard Identification
 - Training
 - Documentation
- PPE
 - Face Masks
 - N95s
 - Face Shields

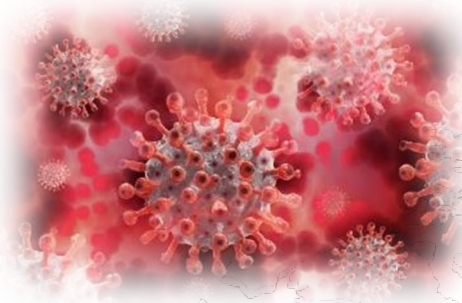


Checklists and Action Items

SCENARIO I



An OSHA inspector comes to our worksite on Monday morning at 10 am based upon a fellow contractor's accident last week wherein a worker was hospitalized after a 10 foot fall from the rafters. The superintendent is at another worksite. We are confident that our foreman is competent to have an opening conference and walk around even though they've never handled an inspection. What could possibly go wrong



SCENARIO 2

Gerald didn't show up for work on Monday May 17th. We contacted his family on Tuesday, and they say he has Covid-19 and has been in the hospital since Sunday. They said that he must have gotten Covid-19 at work since he rarely goes out except to grocery shop or walk the dog.

Should you report this hospitalization to OSHA?

TOP LESSONS LEARNED FROM CLIENTS

- A “late” report to OSHA is better than no report to OSHA;
- Maintaining safety program documentation is critical;
- Serious citations can have a detrimental impact on insurance rates, pre-qualification, professional reputation, contracting with governmental entities, and more; and
- Trade groups and my insurance loss control professionals are usually terrific resources for safety materials, assistance in a crisis, and advice.


Helpful Checklist – Top Priorities

- My written safety program is documented and implemented;
- Covid-19 Prevention Programs or Processes are implemented and continue to evolve;
- My company is ready for summer and has a heat illness prevention program;
- We are ready for wildfire smoke with a written program; and
- Our accident investigation protocols protect our internal processes and privileges

Karen and Kevin and Phillip

Next 20 minutes - Questions

Our 54 Offices



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Thank you!



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A stylized map of the United States, where the landmasses are represented by a dense network of yellow and orange dots and lines, resembling city lights or a data network. The map is set against a dark blue background.

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