OSHA Update for ASSP

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Q&A

• Lagging vs Leading Indicators Question:

  – How will Leading indicators be used by the agency? Will OSHA be utilizing Leading Indicators at some point in the future in the targeted inspections process, weighted enforcement priorities, etc.?
Inspection Statistics
Denver and Englewood Offices
10/1/18 - 9/30/19

• Total Inspections: 1215
  – Health: 207
  – Safety: 1008

*Unofficial totals
Inspection Statistics
Denver and Englewood Offices
10/1/18- 9/30/19

• Unprogrammed Inspections: 802 (749 FY19)
  – Complaints: 448
  – Fatality/Catastrophe: 23
  – Referral: 53
  – Employer Referral: 105
  – Unprogrammed Related: 138

• Programmed Inspections: 413 (445)

*Unofficial totals
Inspection Statistics
Denver and Englewood Offices
10/1/18- 9/30/19

• Construction: 730 (60.1%)
• General Industry: 485 (39.9%)
• Not In Compliance: 759 (62.5%)
• Issued with SWRU: 609 (50.1%)

*Unofficial totals
Inspection Statistics
Denver and Englewood Offices
10/1/18- 9/30/19

• Total Penalty Issued: $5,664,076
• Total Penalty Current: $4,224,856

• Total Citations: 1511
• Serious: 938
• Other-than-Serious: 480
• Repeat: 90
• Willful: 3

*Unofficial totals
Inspection Statistics
Denver and Englewood Offices
10/1/18 - 9/30/19

• Average Initial Penalty: $3,846

• Average Inspection Hours:
  – Health: 27.73 hours
  – Safety: 16.87 hours
  – Total: 18.59 hours

*Unofficial totals
Informal Complaints and Rapid Response Investigations

• Total Phone and Fax Investigations:
  – 933

• Total Rapid Response Investigations
  – 309

  – .11 EU

*Unofficial totals
Informal Investigations

• Conducted for:
  – Some informal complaints and referrals
  – Some employer reports of injury illness

• Consider severity, relation to EPs, general circumstances and employer information
Expectations for an Informal Investigation

• Call employer and follow with letter/e-mail
• Allow 5 days for written response
• Close file if satisfactory response
  – Written description
  – Photos
  – Purchase orders, contracts, training records, etc
• Send close out letter to employer and complainant
Expectations for an Informal Investigation

• Unsatisfactory response
  – Request more information
  – Conduct inspection
National and Regional Emphasis Programs
FY 20 NEPs

- Amputations in Manufacturing (Extended)
- Lead Exposures (GI and Construction)
- Federal Agency Targeting Inspection Program
- Hexavalent Chromium Exposures
- Process Safety Management
- Combustible Dust
- Trenching and Excavation (Updated)
- Primary Metals Industries (Foundries)
- Shipbreaking
- Site Specific Targeting (SST) 2016

[https://www.osha.gov/dep/neps/nep-programs.html]
FY 20 Regional and Local Eps (Region VIII)

• Regional Emphasis Programs
  – Fall Hazards in Construction
  – Roadway Work Zone Activities
  – Oil and Gas Industry
  – Grain Handling Facilities
  – Workplace Violence in Residential Intellectual and Developmental Disability Facilities
  – Beverage Manufacturing
  – Hazards in Automotive Services

• Local Emphasis Programs
  – Asbestos Abatement (Englewood)
  – Scrap & Recycling (Englewood)
  – Wood Manufacturing and Processing (Billings)
  – Aircraft Support and Maintenance Facilities (Englewood)
INITIATIVES

• Trenching – OSHA’s Priority Goal for 2020
• Safe+Sound (S+S Week August 2020)
• Fall Prevention (Stand Down May 2020)
• Oil and Gas
• Temporary Workers
• Grain Handling
• Healthcare
Trenching

- Summits held across the country (Denver – September 2019)
- Increase hazards abated by 12% over 2017 levels
- Increased CSHO training
- Generate publicity and awareness
Trenching

• Criminal Actions
  – Willful
  – Fatality
  – Charged/Prosecuted by entity outside of OSHA
Trenching

• Contractone, Inc. (Granby, CO)
  – Fatality in June 2018
  – 10 Serious, 1 OTS, 1 Willful citation
  – $57K in penalty issued
  – Owner charged with manslaughter by 14th Judicial District in August 2019
  – Based on investigations by OSHA and Granby PD
Trenching

• Atlantic Drain Services (Massachusetts)
  – 2 year manslaughter sentence for owner
  – Suffolk County Superior Court
  – History of violations
  – Falsifying of records
Trenching

- Backhoe Excavating Inc. (Windsor, CO)
  - Double fatality - May 2019
  - Laying sewer pipe in residential construction
  - Extensive media coverage

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Protecting Temporary Workers:  
A joint responsibility

- 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**
Disclaimer

• This information has been developed by an OSHA Compliance Assistance Specialist and is intended to assist employers, workers, and others as they strive to improve workplace health and safety. While we attempt to thoroughly address specific topics, it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in a presentation of this nature. Thus, this information must be understood as a tool for addressing workplace hazards, rather than an exhaustive statement of an employer’s legal obligations, which are defined by statute, regulations, and standards. Likewise, to the extent that this information references practices or procedures that may enhance health or safety, but which are not required by a statute, regulation, or standard, it cannot, and does not, create additional legal obligations. Finally, over time, OSHA may modify rules and interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, or to review information on a wide range of occupational safety and health topics, you can visit OSHA’s website at www.osha.gov.