

Best Practices for OSHA Compliance

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Kami Blake – Discussion Host

- Assess regulatory requirements, information management technology and effectiveness of existing HazMat programs to develop and re-engineer compliance solutions
- Prior to joining 3E in 2002, served in Quality Assurance, Supply Chain Management and Process Engineering roles in the biotech and medical device manufacturing industries
- U.S. Marine
 - Computer Programmer / Systems Analyst
 - Two time Navy Achievement Medal recipient for small systems implementation and training

Agenda

- OSHA Update
- Focus on Hazcom Compliance
- Focus on Plant Safety
- OSHA Inspection Priorities
- Inspection Overview
- Best Practices / Proactive Approaches

- Increased Enforcement

- Conducted more than 41K inspections
 - **15-year high and 5% increase over FY 2009**
- Issued more than 94K citations
 - **Most in almost two decades and 7% increase over the previous year**

- Most Frequently Cited Violations

- scaffolding standard, 1926.451
- fall protection, 1926.501
- **hazard communication, 1910.1200**
- respiratory protection, 1910.134
- ladders, 1926.1053
- lockout/tagout, 1910.147
- electrical wiring methods, 1910.305
- powered industrial trucks, 1910.178
- electrical general requirements, 1910.303
- machine guarding, 1910.212

The above represents 49 percent of all citations issued by OSHA in FY 2010

- **Increased Penalties**

As part of its effort to get tougher on enforcement, OSHA has levied greater penalties.

The average fine for a serious violation rose by **6%** in FY 2010, while the number of significant cases - those with fines totaling more than \$100,000 - increased by **37%**.

New Initiatives

Assistant Secretary of Labor David Michaels claimed:

“...investing in job safety happens only when they (employers) have adequate incentives to comply with OSHA's requirements. Higher penalties and more aggressive, targeted enforcement will provide a greater deterrent and further encourage these employers to furnish safe and healthy workplaces for their employees.”

New Initiatives

- SVEP (Severe Violator Enforcement Program)
 - Replaces Enhanced Enforcement Program (EEP)
 - Expands enforcement measures and penalties for willful, repeat, and failure-to-abate violations with a focus on
 - ⊕ fatality or catastrophe situations
 - ⊕ industry operations or processes that expose workers to severe occupational hazards
 - ⊕ **exposing workers to hazards related to the potential releases of highly hazardous chemicals**
 - ⊕ all egregious enforcement actions.

- Internal Guideline Revisions
 - Expansion of time period for assessing a repeat violators (from three to five years)
 - Increase in the time frame for reviewing an employer's compliance history
 - Elimination an Area Director's ability to reduce a proposed penalty by more than 30 percent during an informal settlement conference
 - Expected increase in the average penalty for a serious citation from an average of \$1,000 to \$3,000 to \$4,000.

Hazard Communication Standard

- Scope

OSHA estimates over

- 32 million workers are exposed to
- 650,000 hazardous chemical products at
- more than 3 million workplaces, and
- thousands of new chemical compounds and their variants enter US production facilities each year

Disaster, and even death, can occur if chemicals are unlabelled, mishandled, or mistakenly combined, and cumulative use of certain products can cause some workers to experience a serious, lifetime injury and/or illness.

- 2010 Violations

Last year, OSHA issued 6,378 HazCom citations.

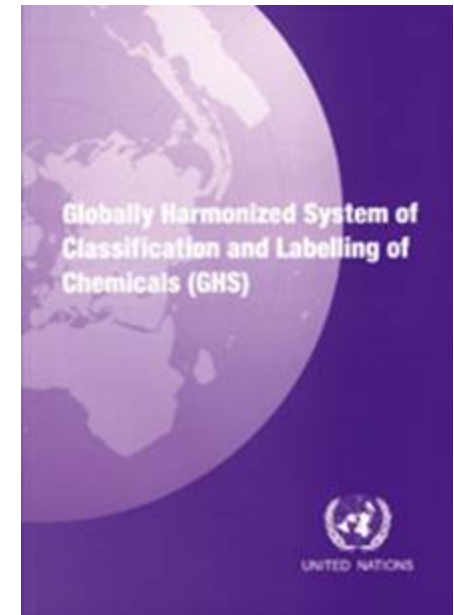
Companies were most often cited for

- Lack of a written program
- Little or no employee training
- Inadequate or inaccessible MSDS
- Improper or inadequate container labeling

- HCS Required Elements (for communicating chemical hazards)
 - ✓ Accurate and accessible inventory list of hazardous chemicals in the workplace
 - ✓ Current and accessible MSDS for each item on the chemical inventory
 - ✓ Container labels and warning signs
 - ✓ HCS employee training
 - ✓ A written hazard communication plan that addresses all of the above

Globally Harmonized System for Classification and Labeling of Chemicals

- A common and coherent United Nations approach to defining and classifying intrinsic hazards of chemical substances and mixtures, and conveying information about those hazards on labels and Safety Data Sheets (SDS)
- Criteria for hazard classification and hazard communication (Labels and SDS) are harmonized and standardized.



GHS – OSHA Proposed Rule



Proposal to modify the HCS to align with the GHS: OSHA is proposing to modify the current HCS to align with the provisions of GHS for Classification and Labelling of Chemicals.

Why modify the HCS: Adoption of GHS will not change the framework and scope of the HCS but will help ensure improved quality and more consistency in the classification and labeling of all chemicals. The harmonized format of the safety data sheets will enable workers to access the information more efficiently.

Major proposed changes to the HCS:

- **Hazard classification:** Provides specific criteria for classification of health and physical hazards, as well as classification of mixtures.
- **Labels:** Chemical manufacturers and importers will be required to provide a label that includes a harmonized signal word, pictogram, and hazard statement for each hazard class and category. Precautionary statements must also be provided.
- **Safety Data Sheets:** Will now have a specified 16-section format.
- **Information and training:** The GHS does not address training, but the proposed HCS will require that workers are trained within **two years** of the publication of the final rule to facilitate recognition and understanding of the new labels and safety data sheets.

OSHA Proposed Rule Impact



- **Number of workers affected by the proposed HCS:** Over 40 million workers
- **Affected Industries:** Over 5 million workplaces
- **Annualized compliance costs of the proposed standard:** Approximately \$97 million per year, estimates as follows
 - **Re-classifying** chemical hazards (GHS criteria) and revising SDS and labels to meet new format and content requirements = \$11 million a year on an annualized basis for an estimated 90,000 establishments.
 - **Training** for workers to become familiar with new warning symbols and the revised safety data sheet format under GHS would cost \$44 million a year on an annualized basis.
 - \$42 million a year for **general management** to become familiar with the new GHS system and to engage in other management-related activities as may be necessary for industry's adoption of GHS.
- **Expected Date of Implementation:** September 2011

Plant Safety: Preparation and Planning

Keys to Success

1. Roles and Responsibilities
2. Impact Research and Analysis
3. Resource Assessment
4. Management of Change

Roles and Responsibilities

1. Define
 - a) Scope and capacity
 - b) Individual responsibilities
 - c) Team and command structures

2. Document
 - a) ERP
 - b) Job descriptions
 - c) Training plans & records

3. Assign (primary & secondary)

Roles and Responsibilities

4. Train
5. Verify Response Capabilities
 - a) Capacity Planning
 - b) Resource Assessment
 - c) Effectiveness of Training
6. Review and Update

Impact Research and Analysis

- Regulatory requirements research
- Applicability of Best Practices and Industry Standards
- Application of existing information
- Hazard analysis
 - Health and physical
 - Chemical risks
 - Worker, community and environment
- Internal audits / Mock disaster scenarios / EOC

Resource Assessment

- Availability / Coverage
- Internal
- External
- Warning Systems
- Early Detection / Preventive Action

Management of Change

Circumstances, conditions and knowledge of them rarely remain the same. Organizations must have effective methods of implementing, communicating and documenting change.

- New tasks and operational processes
- Upgraded equipment and systems
- Revised and expanded regulations
- Improved PPE
- New technology and automation
- New chemical substances, revised formulations
- Changes in known hazards

Management of Change

Offers a collaborative workflow designed to systematically manage changes in Regulated Materials, Compliance Requirements, Technology, Equipment, Facilities, or Procedures.

Provides an accurate and comprehensive means to implement change organization-wide. Enterprise implementation reduces administrative overhead of assigning, tracking, reporting and soliciting and following-up on approvals, tasks, checklists, action items and training required to implement changes in regulated and non-regulated processes. Equally as important, it also provides a historical reference of all changes.

OSHA Inspection Priorities

OSHA Inspection Priorities



1. Imminent Danger Situations
2. Facilities and Catastrophes
3. Complaints
4. Referrals
5. Follow-ups
6. Planned / Programmed Investigations

Inspection Overview

Unannounced

- Inspections are conducted without advance notice, with the following special circumstances exceptions under which OSHA may give notice to the employer, but such a notice will normally be less than 24 hours.
 - Imminent danger situations that require correction as
 - Accident investigations where the employer has notified the agency of fatality or catastrophe
 - Inspections that must take place after regular business hours or require special preparation
 - Cases where notice is required to ensure that the employer and employee representative or other personnel will be present
 - Cases where an inspection must be delayed for more than 5 working days when there is good cause
 - Situations in which the OSHA Area Director determines that advance notice would produce a more thorough or effective inspection

OSHA Inspections

- Programmed Inspections

Targeted for specific high-hazard industries, workplaces, occupations, or health substances, or other industries identified in OSHA's current inspection procedures. OSHA selects industries for inspection on the basis of factors such as the injury incidence rates, previous citation history, employee exposure to toxic substances, or random selection. OSHA also may develop special emphasis programs that are local, regional, or national in scope, depending on the distribution of the workplaces involved. OSHA normally will conduct comprehensive safety inspections in manufacturing in those establishments with lost-workday injury rates at or above the BLS national rate. States with their own occupational safety and health programs may use somewhat different systems to identify industries for inspection.

OSHA Inspections

- OSHA Compliance Officer Preparation

Before the inspection, the compliance officer will become familiar with as many relevant facts as possible about the workplace, such as its inspection history, the nature of the business, and the particular standards that might apply. This provides the compliance officer with a knowledge of the potential hazards and industrial processes that he or she may encounter and aids in selecting appropriate personal protective equipment for use against these hazards during the inspection.

OSHA Inspections

- Opening Conference
 - Selection criteria
 - Scope of inspection
 - Full / Partial
 - Limited with applicable exemptions
 - Identification of applicable standards
 - Designation of employee representative

- Walkthrough
 - Route
 - Duration
 - Observation
 - Employee communication (can be private, as determined by the Compliance Officer)
 - Can also include
 - Photos
 - Video tapes
 - Instrument readings and measurements
 - Examination of controls
 - Request for written procedures (HCS)

OSHA Inspections



- Closing Conference
 - Issuance of Employer's Rights and Responsibilities
 - Identification of unsafe, unhealthy conditions observed
 - All issues that may result in citation or violation
 - Notice of Right to Appeal

OSHA Inspections

- Inspection Results
 - Citations
 - Penalties - Fines and corrective action range based on category and must be posted
 - Other than Serious
 - Serious
 - Willful
 - Repeated
 - Failure to Abate
 - Other
 - Failure to post
 - Assault and resistance
 - Falsifying records

Proactive Approaches

Proactive Approaches

1. Employee involvement
2. Quality Process Approach
3. Develop Agency Relationships
4. Exceeding the Letter of the Law

Employee involvement

1. The most effective safety programs and emergency response plans are significantly impacted by employee involvement and feedback
2. Employees that are involved in safety planning and decision making
 - ✓ Take ownership and demonstrate leadership when action is required
 - ✓ Network with co-workers to brain storm and implement improvements
 - ✓ Register less complaints

Quality Process Approach

- ↓ **Scope Definitions** should drive
(Plans, Projects, Scheduled Events, Standard Operations)
- **Standard Procedures** defined in detail by
 - **Written Instructions** supported by
 - **Accessible References
& Records**

Develop Agency Relationships

1. Solicit information
 - a) Most common issues / violations
 - b) Training recommendations
 - c) Industry trends
 - d) Reporting and inspection schedules
 - e) Contact information
2. Provide information
3. Request an inspection for educational purposes

Exceeding the Letter of the Law

1. Stay Informed
 - Professional association involvement
 - Access to accurate and updated data
 - New methodologies and approaches
2. Compliance with recognized standards
3. Superior training programs (on-going)
4. Rigorous, regularly scheduled internal audits
5. Voluntary programs
6. Community outreach / transparency

Questions?

Thank you!