

OSHA

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VOL. 48, NO. 12 | DECEMBER 2019

OSHA's Top 10 most cited violations

Fall Protection – General Requirements (1926.501) is OSHA's most frequently cited standard in fiscal year 2019. This marks the ninth consecutive year it has stood atop the agency's "Top 10" list.

The list:

1. Fall Protection – General Requirements

This standard outlines where fall protection is required, which systems are appropriate for given situations, the proper construction and installation of safety systems, and the proper supervision of employees to prevent falls. It's designed to protect employees on walking/working surfaces (horizontal or vertical) with an unprotected side or edge above 6 feet.

Total violations: 7,014

FY 2018 ranking: No. 1 (7,216 violations)

2. Hazard Communication

This standard addresses chemical hazards – both those chemicals produced in the workplace and those imported into the workplace. It also governs the communication of those hazards to workers.

Standard: 1910.1200

Total violations: 4,170

FY 2018 ranking: No. 2 (4,537 violations)



Patrick Kapust, deputy director of OSHA's Directorate of Enforcement Programs, presented OSHA's most frequently cited standards for fiscal year 2019 in September at the National Safety Council 2019 Congress & Expo in San Diego.

3. Scaffolding

This standard covers general safety requirements for scaffolding, which should be designed by a qualified person and constructed and loaded in accordance with that design. Employers are bound to protect construction workers from falls and falling objects while working on or near scaffolding at heights of 10 feet or higher.

Standard: 1926.451

Total violations: 3,228

FY 2018 ranking: No. 3 (3,319 violations)

4. Lockout/Tagout

This standard outlines minimum performance requirements for the control of

hazardous energy during servicing and maintenance of machines and equipment.

Standard: 1910.147

Total violations: 2,975

FY 2018 ranking: No. 5 (2,923 violations)

5. Respiratory Protection

This standard directs employers in establishing or maintaining a respiratory protection program. It lists requirements for program administration; worksite-specific procedures; respirator selection; employee training; fit testing; medical evaluation; respirator use; and respirator cleaning, maintenance and repair.

– article continues on p. 4

OSHA requests input on model for online training

OSHA is seeking public comment as it considers a new online delivery model for its Outreach Training Program.

The program provides instruction on prevention, recognition and abatement of hazards in the construction, general and maritime industries. According to a Request for Information published in the Oct. 8 *Federal Register*, OSHA initially would limit the use of the new model, known as Online Outreach Training Program Consortia Model, to its 10- and 30-hour courses.

Consortia would consist of three or four collaborators, OSHA states in an Oct.

7 press release. Those with three collaborators would include the agency, an OSHA Training Institute Education Center and an online provider. Consortia with four collaborators would include “a stakeholder organization that is interested in developing and offering online outreach training to only their members (e.g., labor unions, associations or employers).” Each member of a consortium would have specific responsibilities.

In the RFI, OSHA lists a number of concerns with its existing online program, including inconsistent training quality, insufficient monitoring and oversight, and public confusion. The agency is asking

for comment and information on several aspects of the proposed model, including:

- Modifying the current online delivery model for outreach training
- The scope of online offerings
- Offerings in other languages
- Responsibilities of consortium members
- Requirements of a consortium agreement
- Validating online training content and curriculum
- Ensuring program management and strengthening oversight

At press time, comments on the RFI were due Dec. 9. To comment, go to sb-m.ag/2CNkuWD.

OSHA ALLIANCES

The OSHA Alliance Program fosters collaborative relationships with groups committed to worker safety and health. Alliance partners help OSHA reach targeted audiences and give them better access to workplace safety and health tools and information. For more on OSHA alliances, go to osha.gov/dcsp/alliances/index.html.

Hispanic Contractors Association de Tejas

Date of alliance: Aug. 21, 2019

The Hispanic Contractors Association de Tejas and OSHA are committed to providing members and others with information, guidance and access to training resources that will help them protect the health and safety of workers and understand the rights of workers and the responsibilities of employers under the Occupational Safety and Health Act of 1970.

Through the alliance, the organizations will continue to address the “Focus Four” and other hazards observed in the construction industry.

Raising awareness:

- To convene or participate in forums, roundtable discussions, or stakeholder meetings on the “Focus Four” hazards in the construction industry to help forge innovative solutions in the workplace or to provide input on safety and health issues.



- To encourage worker participation in workplace safety and health with internet pages and resource links.

Training and education:

- To develop effective training and education programs for construction workers regarding falls, struck by, caught between and electrical hazards, and to communicate such information to constituent employers and workers.
- To deliver or arrange for the delivery of construction safety courses.
- To develop effective training and education programs for construction contractors to promote understanding of workers’ rights – including the use of the OSHA complaint process – and

the responsibilities of employers, and to communicate such information to workers and employers.

Outreach and communication:

- To develop information on the recognition and prevention of workplace hazards, and to develop ways of communicating such information (e.g., print and electronic media, electronic assistance tools, and OSHA’s and the HCAT’s websites) to employers and workers in the industry.
- To share information among OSHA personnel and industry safety and health professionals regarding HCAT members’ good practices or effective approaches through training programs, workshops, seminars and lectures (or any other applicable forum) developed by the participants.

Excerpted from osha.gov/dcsp/alliances/regional/reg6/hcat_renewal2019.html.

In Other News...

OSHA implements new enforcement weighting system

OSHA has altered its enforcement weighting system, the agency announced in a Sept. 27 press release. As of Oct. 1, the new OSHA Weighting System takes into account factors such as types of hazards inspected and abated, as well as Site-Specific Targeting and other enforcement initiatives.

Previously, the weighting system placed value on inspections based on the time needed for completion and, in certain cases, the inspection's impact on workplace safety and health.

In the release, the agency states that the new system "reinforces OSHA's balanced approach to occupational safety and health (i.e., strong and fair enforcement, compliance assistance, and recognition) and will incorporate the three major work elements performed by the field: enforcement activity, essential enforcement support functions (e.g., severe injury reporting and complaint resolution) and compliance assistance efforts."

New video: OSHA's inspection process, procedures

OSHA has released a new video detailing its general inspection process and the reasons for inspections.

The five-minute video describes what occurs during each of the three phases of an OSHA inspection: opening conference, walk-around and closing conference.

Reasons for inspections include imminent danger situations, fatalities, hospitalizations, amputations or losses of an eye, worker complaints, referrals, targeted inspections aimed at certain high-hazard industries or individual workplaces, and follow-up inspections.

Watch the video at sb-m.ag/32wFfjW.

OSHA STANDARD INTERPRETATIONS

OSHA requirements are set by statute, standards and regulations. Interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. Enforcement guidance may be affected by changes to OSHA rules.

Regarding the applicability of construction standards to certain commercial sign installation activities

Standards: 1926.32 and 1926.1427

Date of response: Oct. 1, 2019

Thank you for your July 11, 2019, letter to the Occupational Safety and Health Administration (OSHA) regarding the applicability of OSHA's construction standards in 29 CFR Part 1926 to employers engaged in certain commercial sign installation activities. You request guidance about whether those activities are covered by OSHA's construction standards (29 CFR Part 1926) or general industry standards (29 CFR Part 1910). We have attempted to identify the standard that would apply to the activities you describe.

Removal and replacement of like-in-kind components: More information needed

In general, more information about the scale and complexity of the project, including the size of the items and the manner in which they are (or will be) attached to other structures, would be needed to make determinations about the following activities you list:

- Setting or removing a pole and installing or removing signs on the poles
- Installing a sign structure onto a building or removing the structure from the building (roof, building front or wall)
- Removing a historic sign for renovation/restoration, and then reinstalling it
- Replacing a sign face because of a change in occupancy

The initial installation of a sign or pole will generally be a construction activity. However, replacement of existing signs or with in-kind materials may not be construction activity, depending on the scale and complexity of the project. For example, the activities you identify typically would not be construction activities if the pole/sign is being replaced (as distinguished from initial installation) with like-in-kind components that would not constitute an improved type of sign or associated materials. However, if the pole replacement could not be completed without demolishing, dismantling or significantly altering the surrounding equipment/structures, that activity would typically be considered construction.

New installations

ISA listed several sign installation activities that are alterations and upgrades to structures/equipment or completions of a construction process. In contrast to removal and replacement of like-in-kind components structure/equipment, new installations and upgrades are a common type of alteration that would typically be considered construction. One common factor in most of these examples that must be considered is that the employer is building or attaching something new that was not previously part of the structure/equipment.

OSHA reviewed guidance in the Frequently Asked Questions regarding commercial sign replacement (as distinguished from initial installment). OSHA believes this guidance is consistent with all similar guidance provided.

Scott C. Ketcham, Acting Director
Directorate of Construction

Excerpted from osha.gov/laws-regs/standardinterpretations/2019-10-01.

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OSHA Up To Date (ISSN 09941-0000) is published monthly by the National Safety Council, 1121 Spring Lake Drive, Itasca, IL 60143, and is printed in the United States. © 2019 by the National Safety Council.

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Standard: 1910.134

Total violations: 2,826

FY 2018 ranking: No. 4 (3,112 violations)

6. Ladders

This standard covers general requirements for all ladders.

Standard: 1926.1053

Total violations: 2,766

FY 2018 ranking: No. 6 (2,780 violations)

7. Powered Industrial Trucks

This standard covers the design, maintenance and operation of powered industrial trucks, including forklifts and motorized hand trucks. It also covers operator training requirements.

Standard: 1910.178

Total violations: 2,347

FY 2018 ranking: No. 7 (2,281 violations)

8. Fall Protection – Training Requirements

This standard addresses training requirements for employers in regards to fall protection.

Standard: 1926.503

Total violations: 2,059

FY 2018 ranking: No. 8 (1,978 violations)

9. Machine Guarding

This standard covers guarding of machinery to protect operators and other employees from hazards, including those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks.

Standard: 1910.212

Total violations: 1,987

FY 2018 ranking: No. 9 (1,969 violations)

10. Personal Protective and Life Saving Equipment – Eye and Face Protection

This standard addresses appropriate personal protective equipment for workers exposed to eye or face hazards, such as flying particles and chemical gases or vapors.

Standard: 1926.102

Total violations: 1,630

FY 2018 ranking: No. 10 (1,528 violations)

Based on OSHA Information System data from Oct. 1, 2018, to Sept. 30. Data current as of Nov. 1.

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