

OSHA

UP TO DATE®



nsc.org

VOL. 49, NO. 2 | FEBRUARY 2020

Number of OSHA inspections at Trump-administration high, agency says



OSHA conducted 33,401 inspections in fiscal year 2019 – the largest total during President Donald Trump’s administration.

The total number of inspections is the most since FY 2015, when 35,820 were conducted. The agency conducted 31,948 inspections the next fiscal year, then 32,408 in FY 2017 and 32,023 in FY 2018.

“The FY 2017 and FY 2018 increases (from FY 2016) occurred despite the suspension of inspections in many areas of our nation due to hurricanes, fires and other natural disaster recovery efforts,” a Department of Labor spokesperson told *Safety+Health* magazine in March.

In contrast, OSHA conducted more than 40,000 inspections each fiscal year

between FY 2010 and FY 2012, with a high of 40,993 in FY 2010. The agency topped that number again in FY 2012, with 40,961 inspections recorded. At least 38,000 inspections were conducted in each fiscal year from 2003 to 2013.

A Dec. 3 press release from the agency states that a record 1,392,611 workers were trained on safety and health requirements via various education programs during FY 2019, which started Oct. 1, 2018, and ended Sept. 30, 2019. These programs include the OSHA Training Institute Education Centers, Outreach Training and the Susan Harwood Training Grants.

The agency also states that its free On-Site Consultation Program identified nearly 138,000 workplace hazards,

protecting an estimated 3.2 million workers “from potential harm.”

“OSHA’s efforts – rulemaking, enforcement, compliance assistance and training – are tools to accomplish our mission of safety and health for every worker,” Loren Sweatt, the agency’s principal deputy assistant secretary of labor, said in the release. “I am proud of the diligent, hard work of all OSHA personnel who contributed to a memorable year of protecting our nation’s workers.”

Fewer inspectors, fewer inspections

One likely reason for the fewer number of inspections since FY 2013 is a dwindling number of OSHA inspectors, also known as compliance safety and health officers. The agency had a record-low 875 CSHOs as of the beginning of 2019, according to a National Employment Law Project data brief issued in March.

During an April 3 congressional hearing, Rep. Rosa DeLauro (D-CT), chair of the House Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, pointed to a couple of significant factors for the

– article continues on p. 4

OSHA final rule corrects errors in standards

OSHA has issued corrections for its Walking-Working Surfaces, Personal Protective Equipment and Special Industries standards to remove “typographical, formatting and clerical errors,” publishing a final rule in the Dec. 17 *Federal Register*.

In its Personal Fall Protection Systems Standard (1910.140), OSHA no longer requires the gate strength of snaphooks and carabiners to be proof tested to 3,600 pounds in all directions. Instead, the “intended requirement” is that the gate of carabiners and snaphooks are “capable of withstanding a minimum load of 3,600 pounds without the gate separating from

the nose of the snaphook or carabiner body by more than 0.125 inches.”

OSHA made the correction to remain consistent with the ANSI/ASSE Z359.12-2009 standard. The agency warns that proof testing the gates may cause damage to the equipment and make them unsafe.

The other corrections:

Ladders, 1910.23(d)(4): The previous rule required that “the side rails of through or side-step ladders extend 42 inches above the top of an access level or landing platform served by the ladder.” OSHA has added the words “at least” before “42 inches.”

Stairways, 1910.25(a): The agency clarified that articulated stairs are not covered

by this standard, and added a title to Figure D-8 in 1910.25(c).

Scaffolds and Rope Descent Systems, 1910.27(b)(1)(i): OSHA corrected the metric equivalent of 5,000 pounds to 2,268 kilograms – previously listed as 268 kg.

Fall Protection Systems and Falling Object Protection – Criteria and Practices, 1910.29: OSHA corrected Figure D-11 to include labels for the “top rail” and “end post.”

Electric Power Generation, Transmission, and Distribution, 1910.269(h)(2): The agency changed the incorrect references to ladder standards to 1910.23(c)(4) and (c)(9).

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/dccsp/alliances/index.html.

Global Cold Chain Alliance

Date of alliance: July 31, 2019

Through the alliance, the organizations are committed to reducing injuries, illnesses and fatalities, and supporting OSHA’s priority initiatives. Specifically, both organizations are committed to providing OSHA personnel, GCCA



members and the public 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 OSH Act. Through the alliance, the organizations will work to reduce and prevent exposure to hazards related to chemical releases from ammonia refrigeration systems, and improve the Process Safety Management programs for these systems.

Raising awareness: Outreach and communications

- Share information on OSHA’s National Initiatives (emphasis programs, regulatory agenda, outreach) and opportunities to participate in initiatives and the rulemaking process.
- Share information on occupational safety and health laws and standards, including the rights and responsibilities of workers and employers.
- Develop information on the recognition and prevention of workplace hazards related to ammonia refrigeration and communicate such information (e.g., print and electronic media, electronic assistance tools, and OSHA and the GCCA websites) to employers and workers in the industry.
- Develop information on emergency preparedness and response, and communicate such information (e.g., via print and electronic media, electronic assistance tools, and OSHA and the

GCCA websites) to employers and workers in the industry

- Speak, exhibit or appear at OSHA and GCCA conferences, meetings or other events.
- Convene or participate in forums, roundtable discussions or stakeholder meetings on ammonia safety to help forge innovative solutions in the workplace or to provide input on safety and health issues. Examples include the Global Cold Chain Expo and the Cold Chain Policy Forum.
- Share information among OSHA personnel and industry safety and health professionals regarding ammonia system safety good practices or effective approaches through training programs, workshops, seminars and lectures (or any other applicable forum).

Excerpted from osha.gov/alliances/gcca/gcca.

In Other News...

OSHA revises NEP on amputations in manufacturing

Effective Dec. 10, OSHA has updated its National Emphasis Program on amputations in manufacturing industries to “identify and reduce or eliminate” amputation-related hazards.

According to data from the Bureau of Labor Statistics, 5,920 amputation injuries occurred among U.S. private-sector employees in 2018.

The updated NEP:

- Revises coding requirements for agency amputation inspections in the OSHA Information System database.
- Revises targeting methodology to include data from the amputation reporting requirement, as mandated under the agency’s incident reporting standard.
- Removes two appendices from the previous NEP, which expired at the end of this past fiscal year, and adds appendices on amputations targeting methodology and covered North American Industry Classification System codes.

OSHA seeks volunteers to assist small-business panel on tree care safety

OSHA is planning to convene a Small Business Advocacy Review panel on a possible tree care operations safety standard early this year.

According to a Dec. 17 press release from the Small Business Administration, the potential standard would likely cover “employees who perform tree care operations, as well as establish safe work practices for such operations.”

Employers potentially affected by the proposed rule are asked to contact Bruce Lundegren, assistant chief counsel at SBA, at bruce.lundegren@sba.gov or (202) 205-6144.

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.

Precautionary statements in Hazard Communication standard

Standards: 1910.1200 and 1910.1200 App C

Date of response: Sept. 11, 2019

You requested clarification on precautionary statements required by the Hazard Communication standard (1910.1200). This letter constitutes OSHA’s interpretation only of the requirements herein, and may not be applicable to any questions not delineated within your original correspondence. Your paraphrased questions and our responses are below.

Question 1: *When the precautionary statements “Immediately call a poison center/doctor” and “Call a poison center/doctor/.../if you feel unwell” appear on a label, is it acceptable to only use the more protective statement, “Immediately call a poison center/doctor,” per Appendix C.2.4.7?*

Response: Yes, where a chemical is classified for a number of hazards, and the precautionary statements are similar, the most stringent must be included on the label. See Appendix C, C.2.4.7 of the HCS. For more information on the use of precautionary statements, please refer to the Hazard Communication directive, *Inspection Procedures for the Hazard Communication Standard (HCS 2012)*, dated July 9, 2015, found at [osha.gov/sites/default/files/enforcement/directives/CPL_02-02-079.PDF](https://www.osha.gov/sites/default/files/enforcement/directives/CPL_02-02-079.PDF).

Question 2: *When precautionary statements are similarly worded, is it permissible to omit irrelevant word(s) or rearrange and reword?*

Response: Yes, precautionary statements may be arranged to create an order of preference, or combined to save space and improve readability. However, all precautionary statements must be listed, except as otherwise noted in Appendix C, C.2.4.5, C.2.4.6 and C.2.4.8.

Question 3: *Is it permissible to use a precautionary statement that essentially combines the precautionary statements from the C.4.1, Acute Toxicity-Oral precautionary statements, with C.4.4., Skin Corrosion/Irritation, precautionary statements?*

Response: Please see response to Question 2.

Question 4: *Where exposure by multiple routes requires the precautionary statement, “If exposed: Immediately call a poison center or doctor. Get medical attention immediately,” is it acceptable, on both the label and Safety Data Sheet, to state this precautionary statement only once, and then follow it with each of the individual exposure route precaution statements?*

Response: Please see response to Question 2.

Patrick Kapust, Acting Director
Directorate of Enforcement Programs

Excerpted from [osha.gov/laws-regs/standardinterpretations/2019-09-11](https://www.osha.gov/laws-regs/standardinterpretations/2019-09-11).

In This Issue

- Number of OSHA inspections at Trump-administration high, agency says
- OSHA final rule corrects errors in standards
- OSHA Alliances: Global Cold Chain Alliance
- OSHA Standard Interpretations

VOL. 49, NO. 2 | FEBRUARY 2020

Board of Directors

Andrew O. Johnson, Chairman
Elaine Beitler, Vice Chairman

Delegates

Elaine Beitler, Chair of Delegates

President and CEO

Lorraine M. Martin

COO

Nicholas Smith

Vice President, Communications and Advocacy

Kelly Nantel

Publisher

Deborah Meyer, deborah.meyer@nsc.org

Editor

Melissa J. Ruminski, melissa.ruminski@nsc.org

Managing Editor

Jennifer Yario, jennifer.yario@nsc.org

Copy Editor

Paul Wlekinski, paul.wlekinski@nsc.org

Assistant Editor

Tracy Haas-Depa, tracy.haas-depa@nsc.org

Associate Editors

Barry Bottino, barry.bottino@nsc.org

Kevin Druley, kevin.druley@nsc.org

Alan Ferguson, alan.ferguson@nsc.org

Senior Graphic Designer

Michael Sharkey

Online Content Manager

Amy Bellinger

Production Coordinator

Joy Tan-Pipilas

Subscriptions/Circulation

subscriptions@nsc.org

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. © 2020 by the National Safety Council.

Information contained in this publication is compiled from sources believed to be reliable. The National Safety Council makes no guarantee as to, and assumes no responsibility for, the correctness, sufficiency or completeness of such information. Additional measures may be required under particular circumstances. Information in this publication may not be reproduced without permission from the publisher.

For single and bulk subscription prices, as well as mailing inquiries and address changes, contact NSC Customer Service at (800) 621-7619.

— continued from p. 1

decline in the number of CSHOs: a federal hiring freeze during the first year of the Trump administration, as well as retirements and resignations among inspectors.

To try to counteract that, the Department of Labor committed to adding 44 new full-time equivalent inspectors to the agency for FY 2020 after allocating for the addition of 42 CSHOs in FY 2019.

Then-Secretary of Labor R. Alexander Acosta testified during the April congressional hearing that he expected inspections to increase once the new CSHOs were up to speed.

“Once these inspectors can go out in the field independently, I fully expect – and have told OSHA that I expect – the inspections to be up even more,” Acosta said.

In his written testimony for the hearing, Acosta acknowledged that it could take as

long as three years to get the inspectors working in the field unsupervised.

A more detailed enforcement summary for FY 2019 should come out later this year. OSHA’s FY 2018 summary showed 941 fatality/catastrophe investigations – the most since 1,043 in FY 2007.

OSHA ENFORCEMENT	
FISCAL YEAR	TOTAL # OF INSPECTIONS
2019	33,401
2018	32,023
2017	32,408
2016	31,948
2015	35,820
2014	36,163
2013	39,228
2012	40,961
2011	40,614
2010	40,993

Source: OSHA

Get the safety message to the front line.



Today's Supervisor offers concise news and information for front-line managers. Each issue includes:

- The Five Minute Safety Meeting
- A summary of NIOSH fatality reports and tips on how to avoid similar incidents
- News Briefs and Safety Stats
- Articles on safety trends

For more information, contact NSC Customer Service at (800) 621-7619.