

OSHA

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OSHA mulls update to HazCom Standard

James Lee held up a capsule about the size of a pharmaceutical pill to a room full of OSHA staff and safety professionals.

The capsule, created by Loveland, CO-based Hach Co., is used by municipalities worldwide and researchers to test chlorine levels in water. The capsule was designed to be small to minimize potential safety and health issues for workers who use them.

However, a big problem exists, said Lee, a senior compliance analyst with Hach. The pill has a minuscule surface, which makes it challenging to include the labeling required by OSHA's Hazard Communication Standard (1910.1200) and the Globally Harmonized System of Classification and Labeling of Chemicals, also known as GHS.

"It took a lot of time putting a small label onto this. I don't even know if you can read it," Lee said. "We were able to put in one pictogram. We had hundreds of employees last year sitting in a cafeteria labeling these things manually because we could not find a printer to do it automatically.

"We're asking OSHA to consider having more flexibility. It may be that OSHA was not aware of what we were running into."



Lee was participating in the agency's informal discussion about the Hazard Communication Standard on Nov. 16 in Washington. During the meeting, OSHA sought feedback from stakeholders about topics that the agency should consider for its next revision of the standard.

As for when the revision will occur, nobody can say for sure – particularly with a change in administration approaching. But OSHA officials want to start the conversation as they look to update the standard to align it more closely with GHS.

OSHA's most recent revision to the Hazard Communication Standard occurred in 2012. The agency promoted the revision by declaring on its website: "The standard that gave workers the right to know, now gives them the right to understand." The revision also provided "a common and coherent approach to classifying chemicals and communicating hazard information on labels and Safety Data Sheets."

A noble goal – but problems remained, said Ben Huggett, an attorney who represents employers for Philadelphia-based Littler Mendelson PC.

"The point of that revision was [to include] the Global Harmonization System proposals that they have been working on for more than a decade," Huggett said. "The attempt in that rulemaking was to bring the United States into line with the rest of the world so employers

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OSHA issues final rule on walking/working surfaces, fall protection

OSHA has released a long-awaited update to its standard on walking/working surfaces, issuing a final rule that addresses slips, trips and falls in the workplace and establishes employer requirements for the use of personal fall protection systems.

The agency estimates that the rule, scheduled at press time to go into effect Jan. 17, will prevent 29 fatalities and more than 5,842 lost-workday injuries each year. “The final rule will increase workplace protection from those hazards, especially fall hazards, which are a leading cause of worker deaths and injuries,” OSHA administrator David Michaels said in a Nov. 17 press release.

According to OSHA, the most significant update to the rule allows employers to choose the fall protection system that is most effective for them and based on a variety of acceptable options, including the use of personal fall protection systems. The agency has allowed the use of personal fall protection systems in construction since 1994, and the final rule adopts similar requirements for general industry.

The rule also allows employers to:

- Use rope descent systems up to 300 feet above a lower level.
- Require worker training on personal fall protection systems and other equipment designed for falls.

- Prohibit the use of body belts as part of a personal fall arrest system.

The final rule does not change construction or agricultural standards, and OSHA stated that it tried to align fall protection requirements for general industry “as much as possible” with its requirements for construction because many employers perform both types of activities.

The final rule for general industry updates requirements for ladders, stairs, dockboards, and fall and falling object protection.

OSHA first issued a notice of proposed rulemaking on the rule in 1990, followed by a second notice in 2010.

ASK THE EXPERT

with Rick Kaletsky

Q: How do I count weekends when logging the number of days off due to occupational injury or illness?

A: I’ll give two examples that together will address most concerns about how/if the tally should include Saturday or Sunday. However, remember that although those days are generally considered “the weekend” in the United States, they are certainly not regular days off for all workers.

1. An employee, Sharon, sustains an indisputable occupational injury on Friday. Her next scheduled work day is Monday. She visits a physician on Friday afternoon and the physician determines and documents that Sharon should not work the following day, but that she can return to work after Saturday. You must treat and record the injury as one with “day(s) away from work,” even though Sharon would not

have worked Saturday in any case. There was one day “away from work.”

2. Here I’ll expand your question to make a broader point. An employee, Jamal, sustains an obvious occupational injury on Friday. Jamal visits a doctor on Saturday morning. Jamal is not scheduled to work on Saturday or Sunday. The doctor determines and documents that Jamal should not return to work until Wednesday, at which time Jamal can resume full work duties. Monday is a federal holiday. Jamal’s place of business is closed that day. Weeks prior to the injury, Jamal had requested – and was granted – a vacation day for Tuesday. The OSHA log should indicate four days “away from work.”



Former OSHA inspector turned consultant **Rick Kaletsky** is a 46-year veteran of the safety industry. He is the author of “OSHA Inspections: Preparation and Response,” published by the National Safety Council. Now in its 2nd edition, the book has been updated and expanded in 2016. Order a copy at www.nsc.org, and contact Kaletsky with safety questions at safehealth@nsc.org.

In Other News...

OSHA publishes guide on silica rule compliance for small businesses

OSHA has released a compliance guide meant to help small businesses in the construction industry adhere to a final rule regarding occupational exposure to crystalline silica.

The guide is intended as an advisory tool and does not create or change any obligations for employers, according to the agency. Resources for small business highlighted in the guide include specified exposure control methods, respiratory protection, housekeeping and a written exposure control plan.

In March, OSHA issued a final rule lowering the permissible exposure limit to 50 micrograms of respirable crystalline silica per cubic meter of air during an eight-hour period for all industries.

OSHA launches amputation prevention initiative in 4 states

OSHA has launched an enforcement initiative to emphasize the prevention of amputation hazards among workers in Arkansas, Louisiana, Oklahoma and Texas, the agency announced Nov. 1.

Starting immediately, inspectors will examine operations, working conditions, recordkeeping, and safety and health programs in these states for compliance, the agency stated. OSHA also will look at employers in industries using machinery that can be hazardous to workers.

Each year, amputations cause more than 1,400 serious injuries, according to OSHA. In 2015, the agency received reports of more than 2,600 amputations nationwide, with 57 percent occurring among manufacturing workers.

OSHA area offices will continue to conduct new inspections in response to complaints, hospitalizations and deaths.

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.

'Evaluating the work-relationship of an injury or illness'

Standard: 1904.5(b)(3)

Date of response: Sept. 12, 2016

In your letter, you request an interpretation from OSHA regarding the work-relatedness of an eye injury experienced by your employee.

Scenario: Your employee works with glass and was wearing the appropriate personal protective equipment. He stated that while driving home from work, he began to feel something in his eye and it became irritated. That evening, he sought medical treatment for the eye irritation. The medical diagnosis stated that there was an abrasion to the employee's eye with no foreign body present. The employee was unsure if his eye was irritated at work or not.

Response: Section 1904.5(a) provides that an injury or illness must be considered work-related if an event or exposure in the work environment either caused or contributed to the injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Section 1904.5(b)(2) specifically applies. A case is presumed work-related if, and only if, an event or exposure in the work environment is a discernible cause of the injury or illness or of a significant aggravation to a pre-existing condition. Because the employee's condition arose outside of the work environment and there was no discernable event or exposure that led to the condition, the presumption of work-relationship does not apply.

If it is not obvious whether the precipitating event occurred in the work environment or elsewhere, the employer is to evaluate the employee's work duties and environment and make a determination whether it is more likely than not that work events or exposures were a cause of the injury or illness or of a significant aggravation of a pre-existing condition.

[Section 1904.5(b)(3)] How do I handle a case if it is not obvious whether the precipitating event or exposure occurred in the work environment or occurred away from work? In these situations, you must evaluate the employee's work duties and environment to decide whether or not one or more events or exposures in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition.

The employer has the ultimate responsibility for making good-faith recordkeeping determinations regarding an injury and/or illness. Employers must decide if and how a particular case should be recorded and their decision must not be an arbitrary one.

Sincerely,

Amanda Edens, Director

Directorate of Technical Support and Emergency Management

Excerpted from https://osha.gov/pls/oshaweb/owadis.show_document?p_table=INTERPRETATIONS&p_id=31067.

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that have chemicals that cross boundaries internationally can share the same Safety Data Sheet on the chemical and not have to create revised versions for every country that you may go into.

“When they finally published the final rule, unfortunately, it wasn’t quite a 100 percent matchup. The U.S. still has requirements that are different than Europe because OSHA wanted to maintain a number of things that they had that weren’t in the European versions of Safety Data Sheets. So we didn’t quite get to the whole point of doing the revisions in the first place, but it resulted in changes to the Safety Data Sheets, to labeling of hazardous chemicals and other information.”

OSHA does not plan to significantly overhaul the standard. The agency stated

that it intends to modify only the provisions that need to be changed to align with GHS.

Key tenets:

- Chemical manufacturers and importers are responsible for providing information about the identities and hazards of chemicals they produce or import.
- All employers with hazardous chemicals in their workplaces are required to establish a hazard communication program and provide information to employees about their hazards and associated protective measures.

To learn more about OSHA’s 2012 revision to the Hazard Communication Standard, visit www.osha.gov/dsg/hazcom/index.html.

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