

AIHA YUMA PACIFIC- SOUTHWEST SECTION

“Healthy Work Environments Through Engineering”

OSHA Update

Ken Atha
Regional Administrator

Leadership

Secretary of Labor – Thomas Perez



OSHA

- Assistant Secretary
David Michaels
- Deputy Assistant Secretary
Jordan Barab
- Deputy Assistant Secretary
Richard Fairfax
- Senior Policy Advisor
Deborah Berkowitz
- Chief of Staff
M. Lucero Ortiz



- Workplace fatalities reduced by over 65%
- Occupational injury and illness rates declined by 67%
- U.S. employment has doubled

Making a Difference

Preliminary 2012 Data

- 4,383 worker fatalities in 2012
- 12 deaths every day
- Construction workers – increased 5%
- Hispanic/Latino workers - down 5%
- Workers under 16 yrs - almost doubled
- Violence – accounted for 17%

Activities

- National Emphasis Programs
- Directives and Initiatives
- Whistleblower Update
- Standards
- Inspections Data

NEP Overview

- Currently twelve active National Emphasis Programs

In FY 2013

- 7,879 Inspections Conducted
- 22,595 Violations Cited

Chemical NEP

Top 5 Most Cited Standards

1. *Process Safety Management*
2. *Lockout/Tagout*
3. *Confined Space*
4. *Electrical, Wiring Methods*
5. *Respiratory Protection*

Data Criteria	Total
Total Inspections	236
% Programmed	56%
% Unprogrammed	44%
Number Inspections With Violations Cited	131
Total Violations Cited	1,158
% Cited As Serious	81%
% Cited As S,W,R,FTA, Unclass	85%
Avg. Number Violations Cited Per Initial Inspection	6.3
Avg. Current Penalty Per Serious Violations	\$3,940

Trench NEP

Top 5 Most Cited Standards

1. *Specific Excavation Requirements*
2. *Requirements for Protective Systems*
3. *Safety Training and Education*
4. *Ladders*
5. *Head Protection*

Data Criteria	Total
Total Inspections	1,452
% Programmed	58%
% Unprogrammed	42%
Number Inspections With Violations Cited	894
Total Violations Cited	2,308
% Cited As Serious	75%
% Cited As S,W,R,FTA, Unclass	85%
Avg. Number Violations Cited Per Initial Inspection	2.3
Avg. Current Penalty Per Serious Violations	\$2,188

Silica NEP

Top 5 Most Cited Standards

1. *Respiratory Protection*
2. *Hazard Communication*
3. *Occupational Noise Exposure*
4. *Air Contaminants*
5. *Scaffolding*

Data Criteria	Total
Total Inspections	697
% Programmed	45%
% Unprogrammed	55%
Number Inspections With Violations Cited	467
Total Violations Cited	1,915
% Cited As Serious	65%
% Cited As S,W,R,FTA, Unclass	76%
Avg. Number Violations Cited Per Initial Inspection	3.4
Avg. Current Penalty Per Serious Violations	\$1,686

Lead NEP

Top 5 Most Cited Standards

1. *Lead (Construction)*
2. *Lead (General Industry)*
3. *Respiratory Protection*
4. *Hazard Communication*
5. *Electrical, Wiring Methods*

Data Criteria	Total
Total Inspections	562
% Programmed	30%
% Unprogrammed	70%
Number Inspections With Violations Cited	377
Total Violations Cited	1,691
% Cited As Serious	69%
% Cited As S,W,R,FTA, Unclass	83%
Avg. Number Violations Cited Per Initial Inspection	3.8
Avg. Current Penalty Per Serious Violations	\$2,022

Amputations NEP

Top 5 Most Cited Standards

1. *Lockout/Tagout*
2. *Machine Guarding*
3. *Electrical, Wiring Methods*
4. *Powered Industrial Trucks*
5. *Mechanical Power Transmission Apparatus*

Data Criteria	Total
Total Inspections	3,273
% Programmed	52%
% Unprogrammed	48%
Number Inspections With Violations Cited	2,444
Total Violations Cited	10,616
% Cited As Serious	75%
% Cited As S,W,R,FTA, Unclass	77%
Avg. Number Violations Cited Per Initial Inspection	4.0
Avg. Current Penalty Per Serious Violations	\$2,007

Combustible Dust NEP

Top 5 Most Cited Standards

1. *Respiratory Protection*
2. *Hazard Communication*
3. *Walking Working Surfaces*
4. *Electrical, Wiring Methods*
5. *Lockout/Tagout*

Data Criteria	Total
Total Inspections	499
% Programmed	43%
% Unprogrammed	57%
Number Inspections With Violations Cited	342
Total Violations Cited	1,788
% Cited As Serious	72%
% Cited As S,W,R,FTA, Unclass	76%
Avg. Number Violations Cited Per Initial Inspection	4.7
Avg. Current Penalty Per Serious Violations	\$2,226

Isocyanate NEP

Top 5 Most Cited Standards

1. *Respiratory Protection*
2. *Hazard Communication*
3. *Spray Finishing Using Flammable & Combustible Materials*
4. *Personal Protective Equipment*
5. *Occupational Noise Exposure*

Data Criteria	Total
Total Inspections	57
% Programmed	47%
% Unprogrammed	53%
Number Inspections With Violations Cited	26
Total Violations Cited	64
% Cited As Serious	61%
% Cited As S,W,R,FTA, Unclass	61%
Avg. Number Violations Cited Per Initial Inspection	3.7
Avg. Current Penalty Per Serious Violations	\$1,514

HexChrome NEP

Top 5 Most Cited Standards

1. *Chromium*
2. *Respiratory Protection*
3. *Hazard Communication*
4. *Personal Protective Equipment*
5. *Spray Finishing Using Flammable & Combustible Materials*

Data Criteria	Total
Total Inspections	293
% Programmed	39%
% Unprogrammed	61%
Number Inspections With Violations Cited	174
Total Violations Cited	1,065
% Cited As Serious	63%
% Cited As S,W,R,FTA, Unclass	66%
Avg. Number Violations Cited Per Initial Inspection	4.0
Avg. Current Penalty Per Serious Violations	\$2,034

Primary Metals NEP

Top 5 Most Cited Standards

1. *Respiratory Protection*
2. *Hazard Communication*
3. *Lead*
4. *Occupational Noise Exposure*
5. *Lockout/Tagout*

Data Criteria	Total
Total Inspections	219
% Programmed	69%
% Unprogrammed	31%
Number Inspections With Violations Cited	155
Total Violations Cited	790
% Cited As Serious	72%
% Cited As S,W,R,FTA, Unclass	76%
Avg. Number Violations Cited Per Initial Inspection	4.0
Avg. Current Penalty Per Serious Violations	\$2,288

Federal Agency NEP

Top 5 Most Cited Standards

1. *Electrical, Wiring Methods*
2. *Electrical, General Requirements*
3. *Maintenance, Safeguards, & Operational Features for Exit Routes*
4. *Lockout/Tagout*
5. *Hazard Communication*

Data Criteria	Total
Total Inspections	157
% Programmed	91%
% Unprogrammed	9%
Number Inspections With Violations Cited	99
Total Violations Cited	472
% Cited As Serious	60%
% Cited As S,W,R,FTA, Unclass	72%
Avg. Number Violations Cited Per Initial Inspection	3.9
Avg. Current Penalty Per Serious Violations	\$2,143

Nursing Home NEP

Top 5 Most Cited Standards

1. *Bloodborne Pathogens*
2. *Hazard Communication*
3. *Electrical, General Requirements*
4. *Medical Services and First Aid*
5. *Lockout/Tagout*

Data Criteria	Total
Total Inspections	399
% Programmed	91%
% Unprogrammed	9%
Number Inspections With Violations Cited	210
Total Violations Cited	694
% Cited As Serious	55%
% Cited As S,W,R,FTA, Unclass	56%
Avg. Number Violations Cited Per Initial Inspection	2.8
Avg. Current Penalty Per Serious Violations	\$2,340

Shipbreaking NEP

Top 4 Most Cited Standards

1. Scaffolding
2. Lead
3. Ladders
4. Abatement Verification

Data Criteria	Total
Total Inspections	35
% Programmed	83%
% Unprogrammed	17%
Number Inspections With Violations Cited	11
Total Violations Cited	34
% Cited As Serious	82%
% Cited As S,W,R,FTA, Unclass	82%
Avg. Number Violations Cited Per Initial Inspection	2.8
Avg. Current Penalty Per Serious Violations	\$2,334

Directives and initiatives Under Development

- Noise
- Respiratory Protection
- Poultry Industry
- Wind Turbine Directive
- Revised LEP Directive
- Agriculture Focus
- Revisions to Amputations Directive

SVEP

SVEP Eligibility Criteria:

- **SVEP-Fatality:** Fatality/catastrophe + 1 or more willful/ repeat/ failure-to-abate violation (WRFTA)
- **SVEP-HEH:** ≥ 2 high-gravity WRFTA related to a High-Emphasis Hazard
- **SVEP-PSM:** ≥ 3 high-gravity WRFTA related to PSM standard
- **SVEP-Egregious:** any egregious case

Temporary Workers Initiative

- April 29, 2013 Initiative Launch – Coding Memo
- Development of Best Practices
- ASA Webinar
- Presentations to NACOSH/ACCSH
- Additional coding memo September 6, 2013
- Enforcement Guidance – Initiating Memo followed by Compliance Directive
- Series of Advisories (Recordkeeping, Training, PPE, Shared Relationship, Bloodborne, etc)

Oil & Gas Initiative

- **Developed an OSHA Upstream Oil and Gas Safety Workgroup**
 - Addresses the increasing numbers of fatalities and injuries
 - DEP is leading a staff experienced in oil and gas operations
 - Includes State Plan and Consultation program representatives
 - Examine relevant data
 - Focus on compliance assistance resources
 - Reach out to local industry associations

Ergonomic Initiative

OSHA's current ergonomics enforcement

- OSHA continues to enforce ergonomics in all industries utilizing the general duty clause.

Overall (2001 – present) ergonomic inspection data:

- Federal OSHA has issued thirty-four 5(a)(1) citations to 28 companies, plus two Notices of Unsafe or Unhealthy Working Conditions (Federal Agency equivalent)
- Approximately 962 EHAs to employers (including USPS)

Improving Chemical Facility Safety and Security

- Executive Order 13650 signed on August 1, 2013
- Establishes a multi-agency working group
- Requires improving state and local response coordination
- Establishes a regional pilot program for sharing and testing best practices
- Enhances inter-agency information sharing
- Requires policy and regulation modernization
- Establishes stakeholder involvement sharing best practices

Workplace Violence

- WPV directive provides general policies and procedures that apply when workplace violence is identified as a hazard while conducting an inspection under an SST, NEP, REP, or LEP
 - These should also be used when responding to incidents of workplace violence

Heat Stress

- **April 16, 2013** – OSHA re-issued a memo updating the Heat-Related Illness Memo and the Heat-related Inspection Questionnaire for CSHOs.
 - The Agency’s goal is to provide guidance to CSHOs for investigating workplace conditions that pose a risk of heat-related illness.
- Previous Heat-related Illness memos issued:
 - **August 19, 2011**- The memo focused on compliance assistance and outreach among outdoor workers in the construction and agricultural industries.
 - **May 2, 2012**- OSHA reissued the August 19, 2011, heat memo.



Whistleblower Protection

- 22 Statutes covered for discrimination
- Online filing
- WPAC



Standards in Pre-Rule Stage

- Combustible Dust
- Infectious Diseases
- Injury and Illness Prevention Program
- Reinforced Concrete in Construction and Preventing Backover Injuries and Fatalities
- *Review/Lookback of OSHA Chemical Standards*

Proposed Rules

- Occupational Exposure to Crystalline Silica
- Occupational Exposure to Beryllium
- Bloodborne Pathogens

Final Rules

- Confined Spaces in Construction
- Electric Power Transmission and Distribution;
Electrical Protective Equipment
- Walking Working Surfaces and Personal Fall
Protection Systems (Slips, Trips, and Fall Prevention)

Top 10 Most Cited Standards

1. *Fall Protection*

2. *Hazard Communication*

3. *Scaffolding*

4. *Respiratory Protection*

5. *Electrical, Wiring
Methods*

6. *Powered Industrial
Trucks*

7. *Ladders*

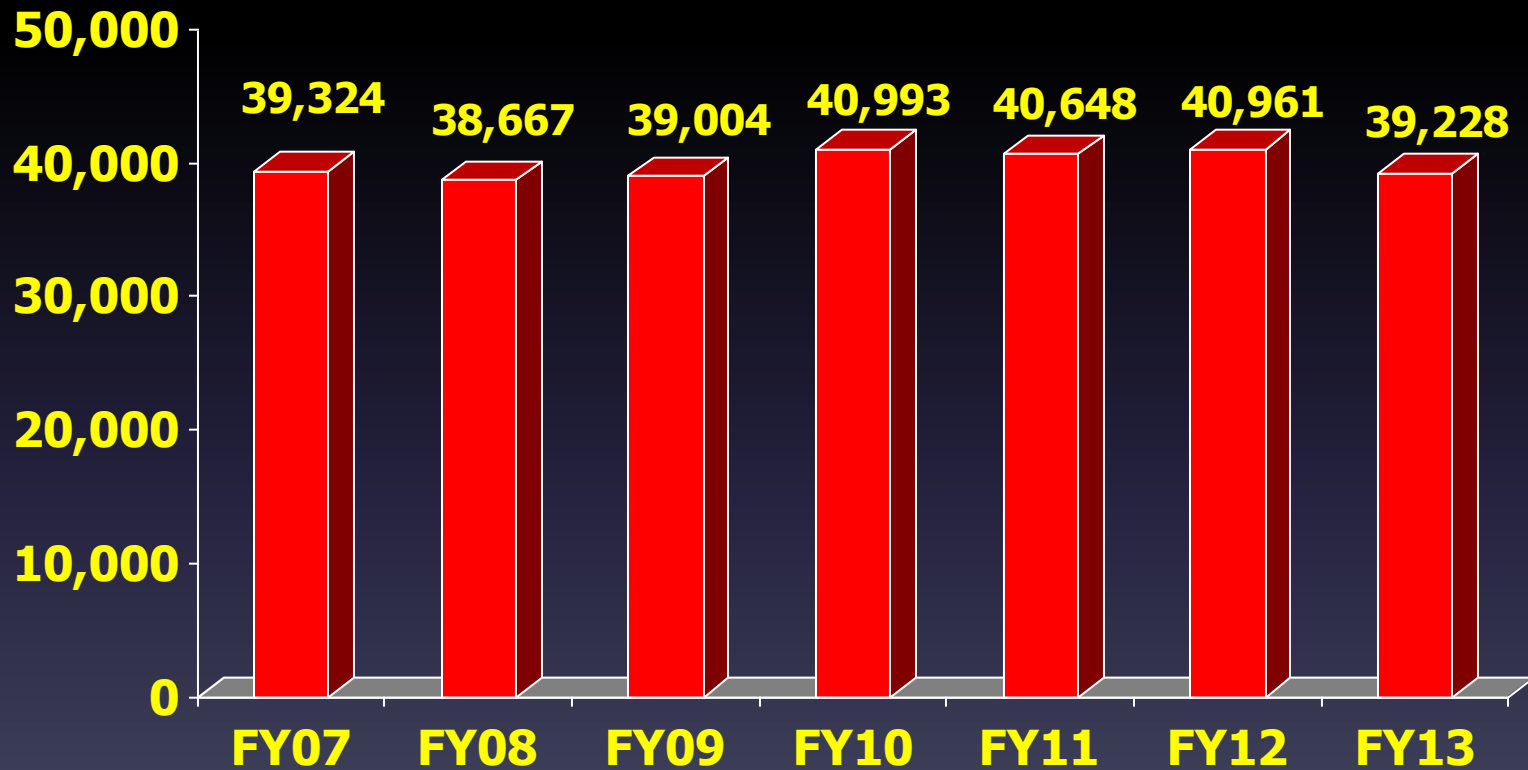
8. *Lockout/Tagout*

9. *Electrical, General
Requirements*

10. *Machine Guarding*

FY 2007 – FY 2013

Inspections Conducted

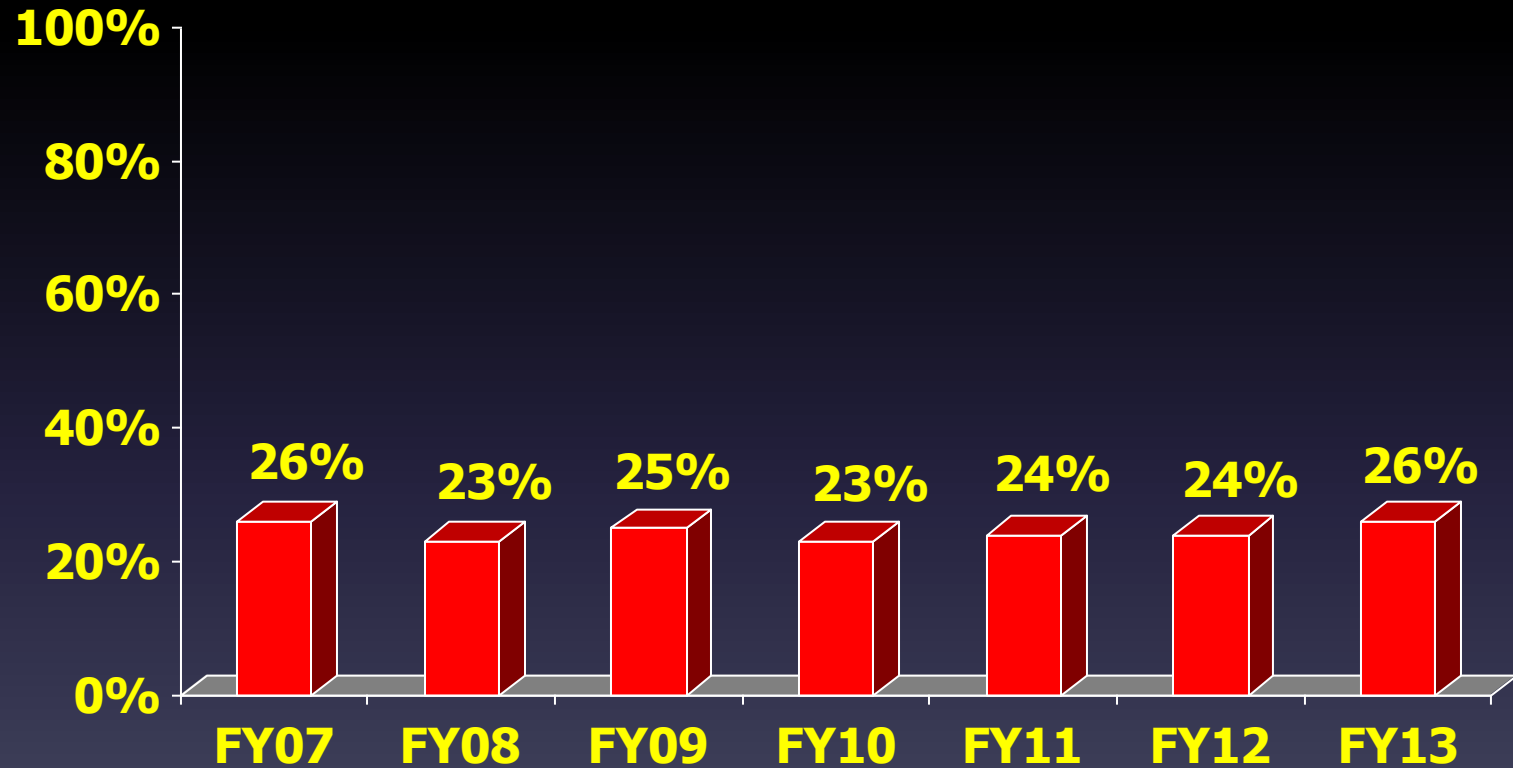


Increased State Plan Oversight

- 27 Plans
- Consistency with Federal Actions
- Enhanced Evaluations

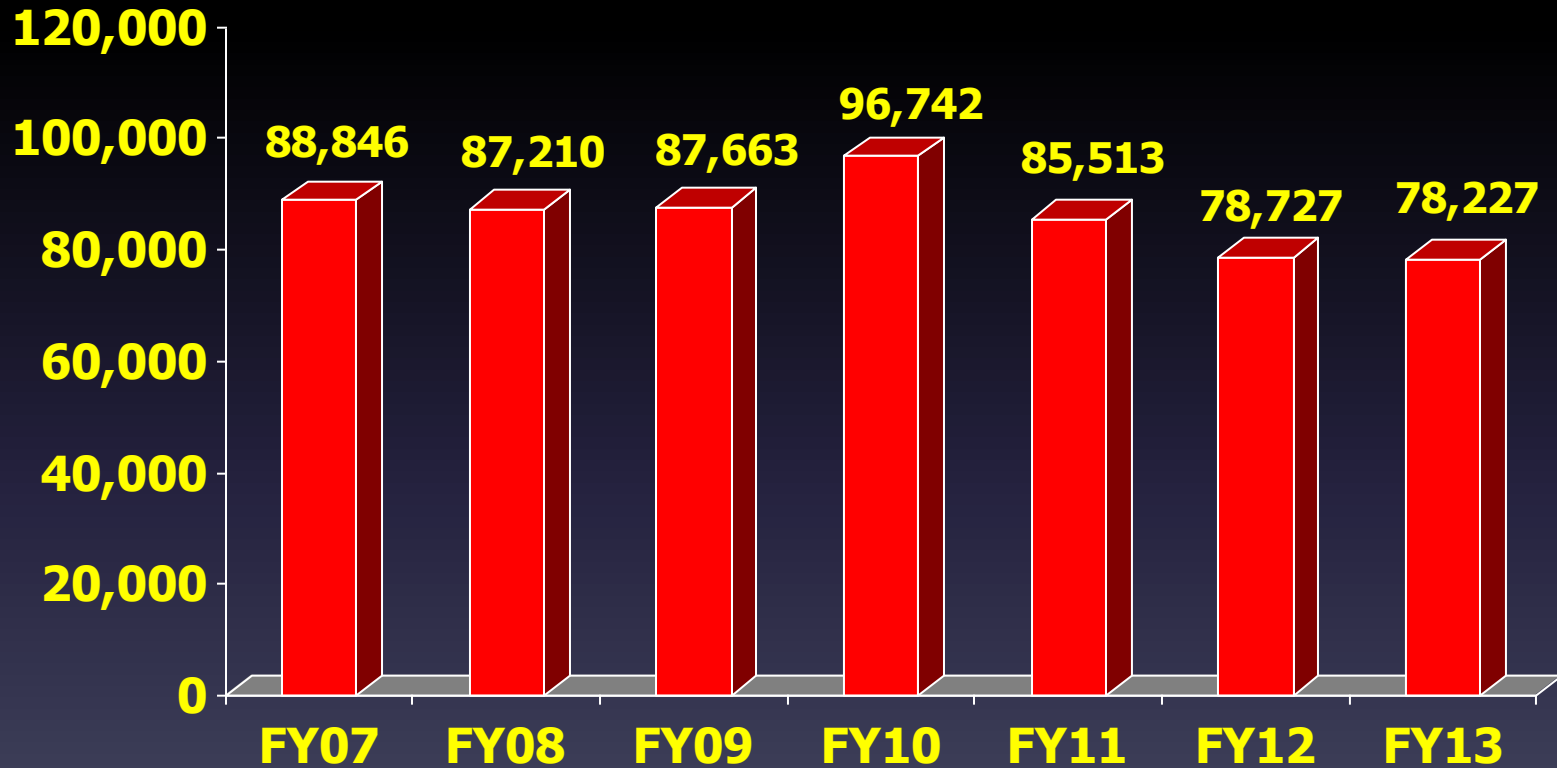
FY 2007 – FY 2013

% Inspections In-Compliance



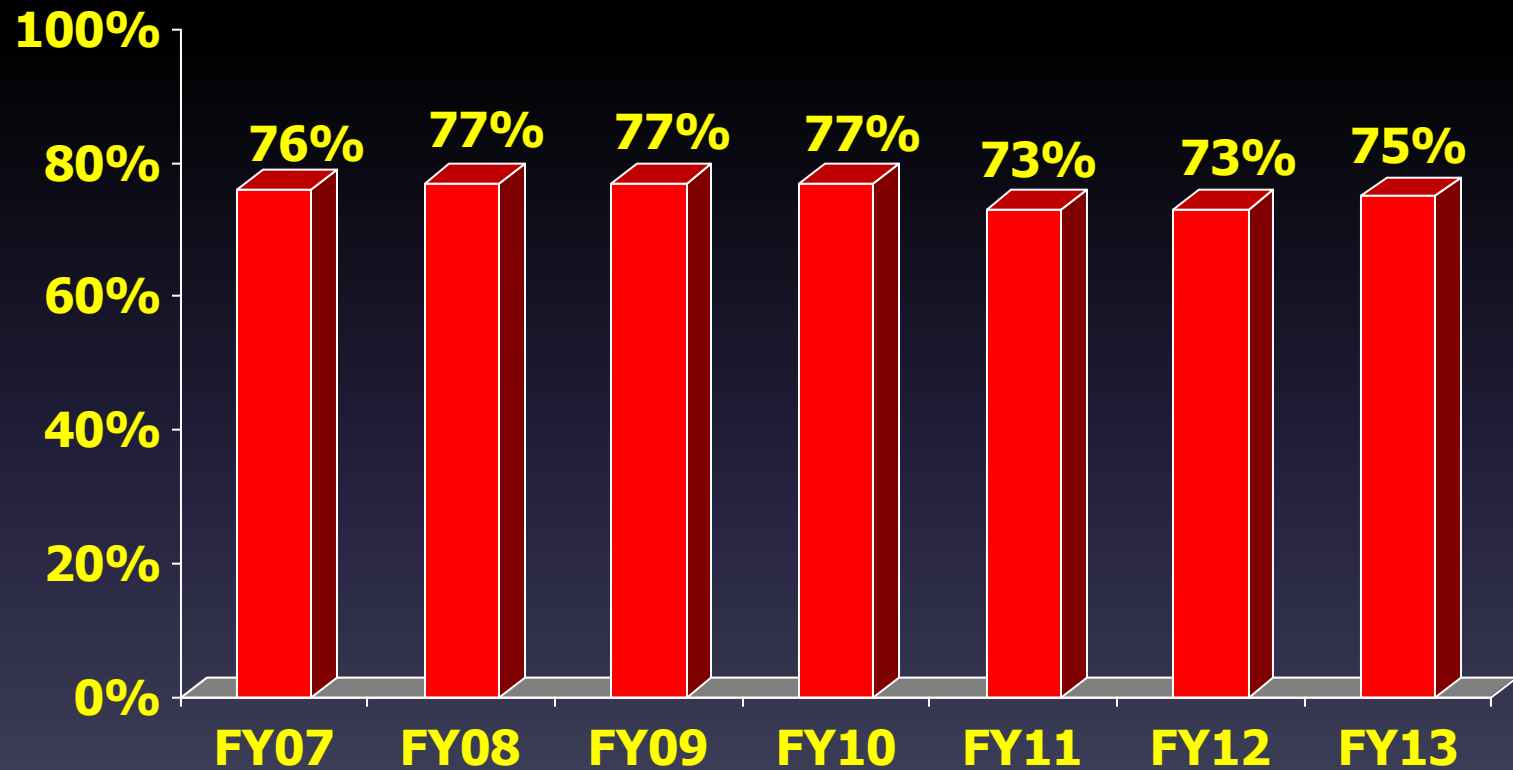
FY 2007 – FY 2013

Total Violations Issued



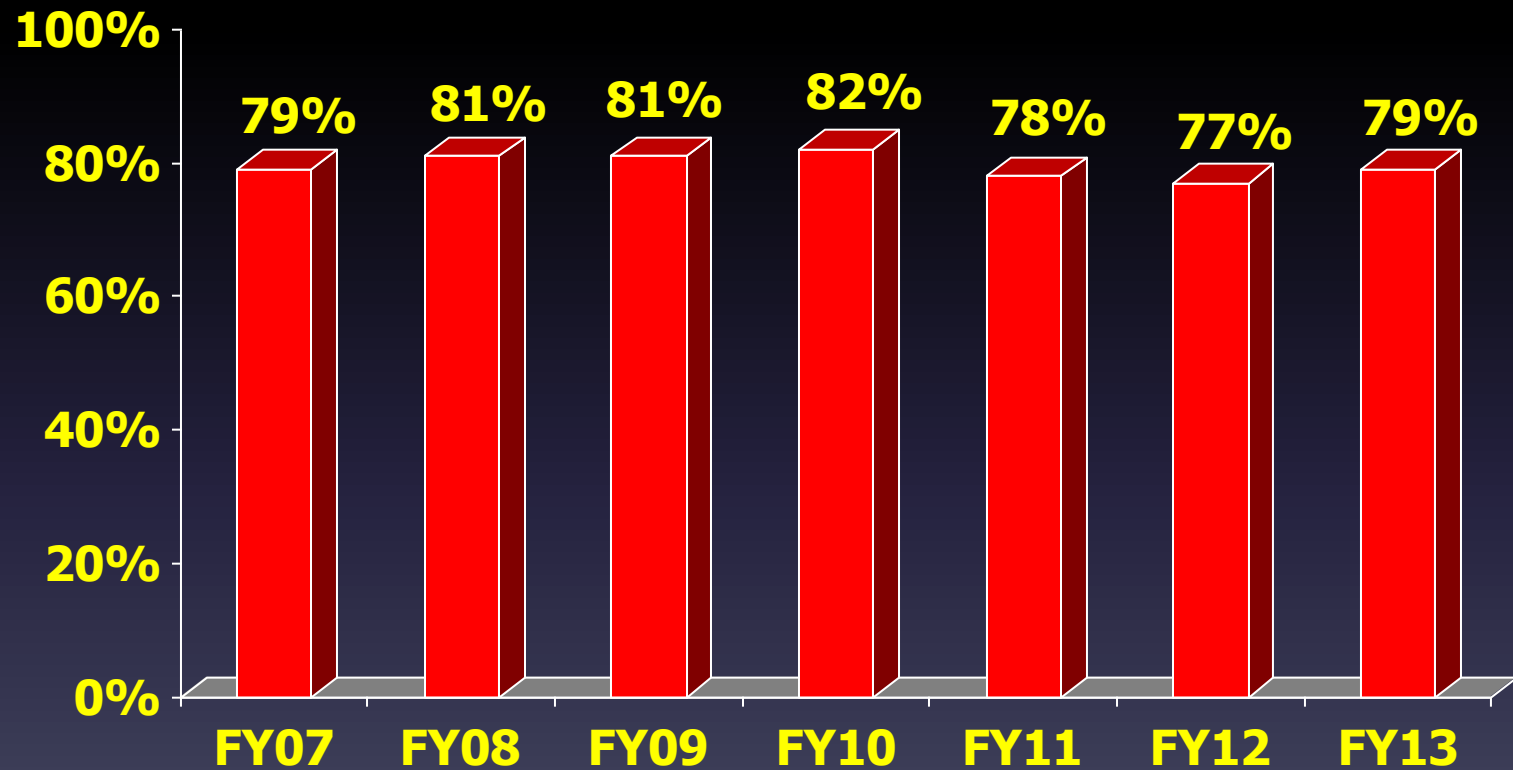
FY 2007 – FY 2013

% Total Violations Issued As Serious



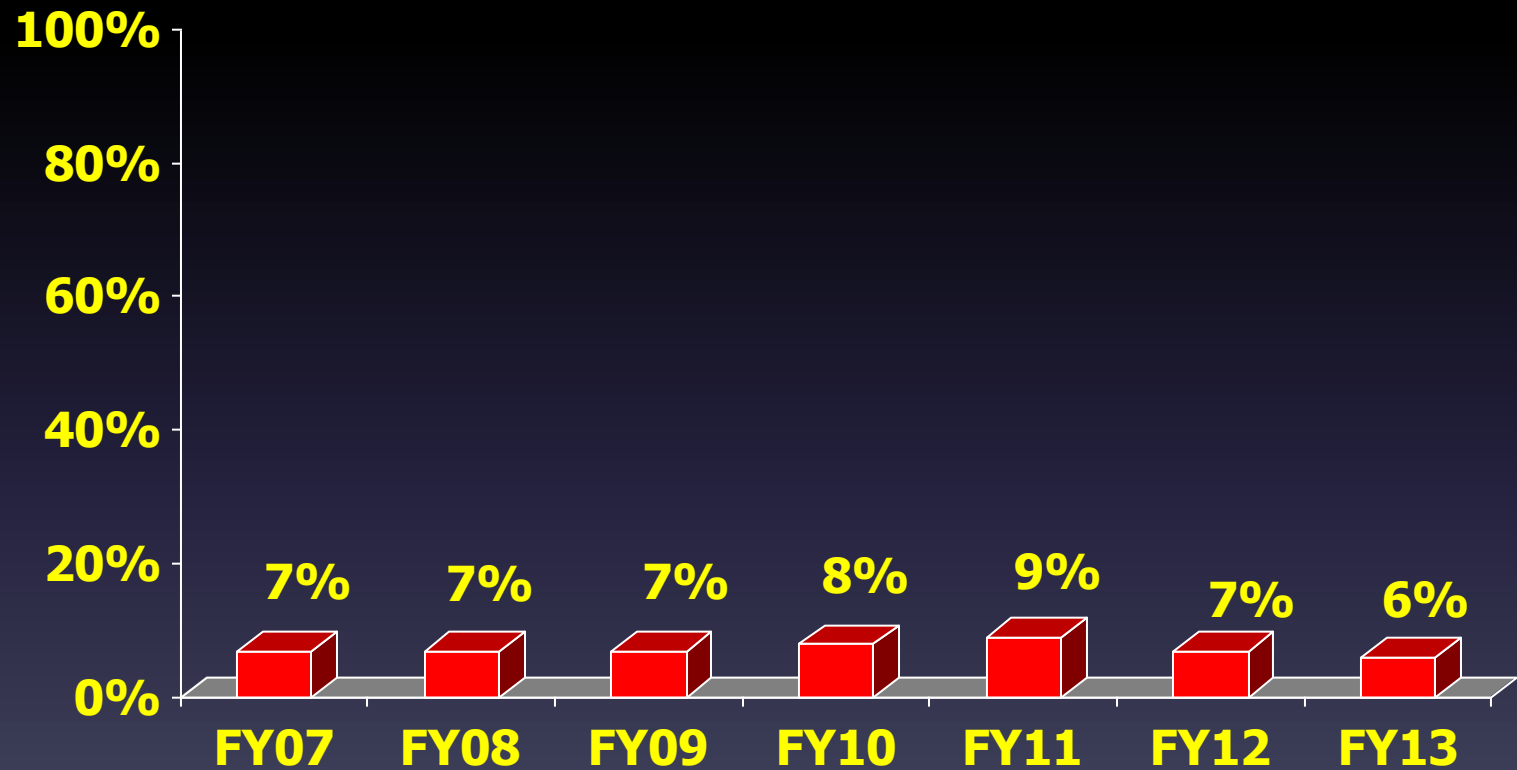
FY 2007 – FY 2013

% Total Violations Issued As Serious, Willful, Repeat, & Unclass



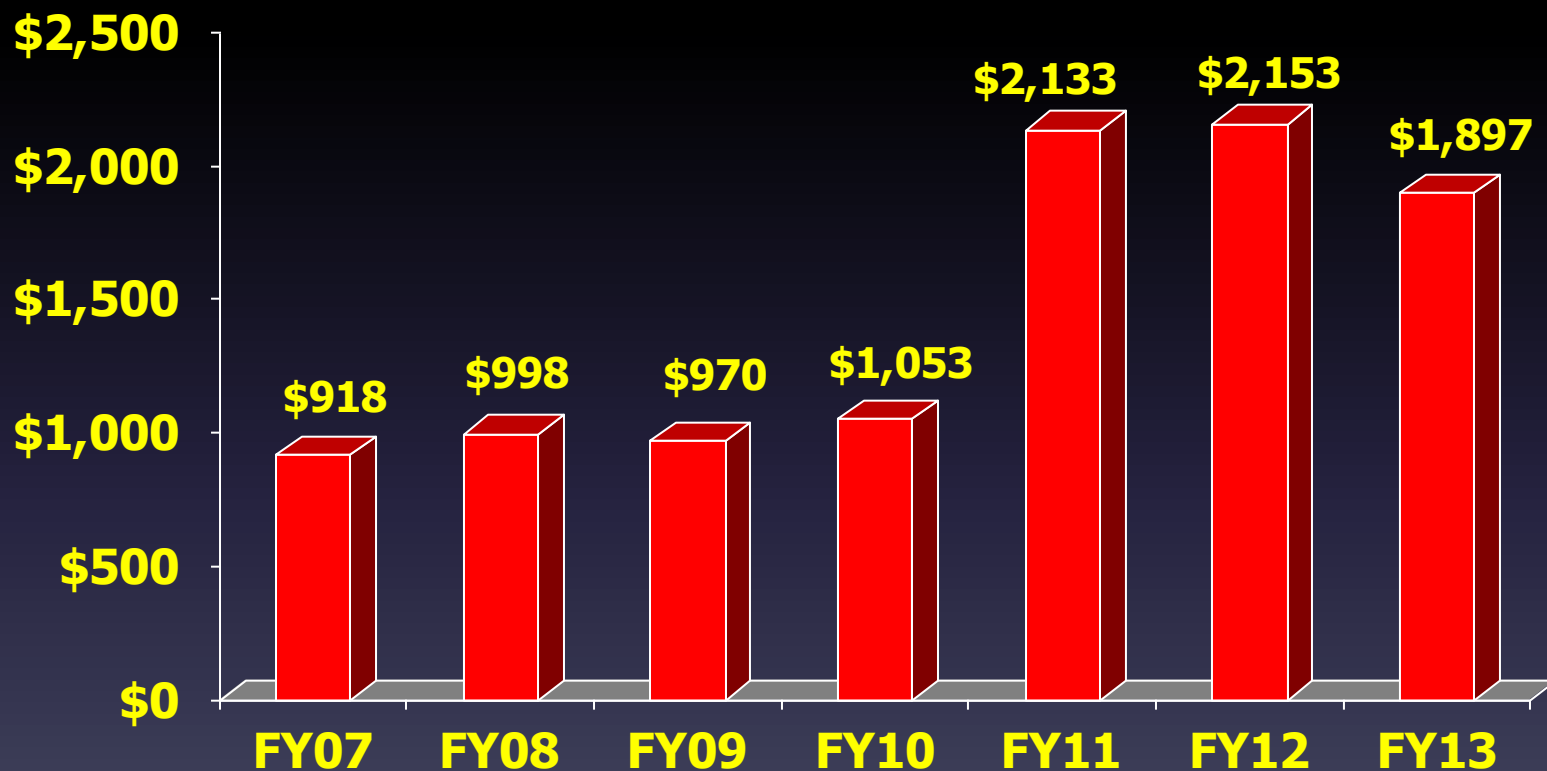
FY 2007 – FY 2013

% Inspections With Violations Contested

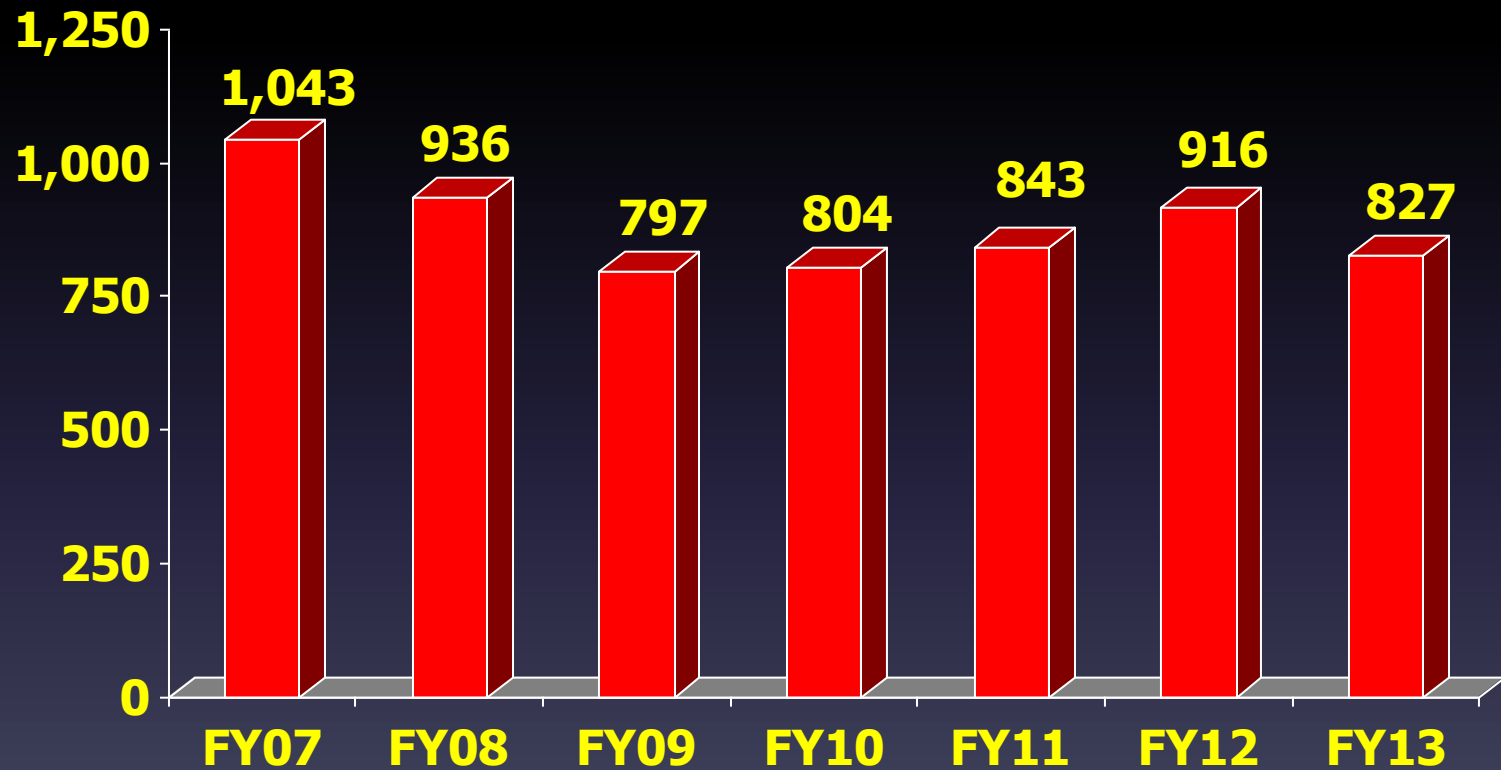


FY 2007 – FY 2013

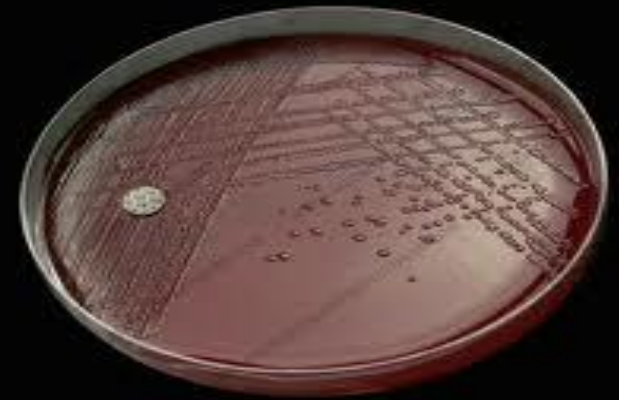
Average Current Penalty Per Serious Violation



FY 2007 – FY 2013 Fatality Investigations



Meningitidis Fatality Investigation



Neisseria meningitidis

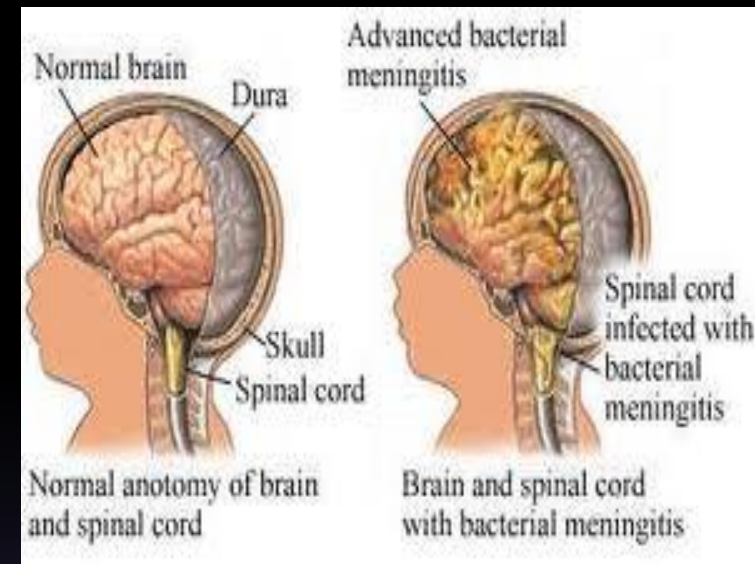
- Research group trying to create a serogroup B vaccine via LOS purification
- Victim (Research Assistant) working with live *Neisseria Meningitidis*

Timeline



- April 27 – Workday; felt sick in the evening
- April 28 – Severely ill in the morning; rash developed
 - Requested to be brought to the hospital at 10:30 am
 - Lost consciousness during the car ride

Fatality



- Arrived at hospital after 12:15 pm
- Numerous attempts to revive him
- Pronounced dead at 3:51 pm

April 28-29, 2012

- Lab was closed immediately and decontaminated
- All in contact with deceased that week received prophylaxis by Sunday





Entrance of the Lab
where the work was
performed

The third work bench
from the entrance
where the deceased
worked





Deceased's workbench. Equipment left on the bench included pipettes, test tubes, a gas fired Bunsen burner, various buffing solutions, metal loops, and scrapers used to work with the live culture.

The level 2 Bio Safety Cabinet where live work with meningitidis culture should have been conducted



Lab procedures called for all live culture work to be done in the cabinet

Violative Conditions

- Failed to ensure the researchers were using the BSC when working with the live culture
- Failed to provide formal training on signs and symptoms
- Failed to offer appropriate vaccinations

