

OSHA Regulatory Update



October 2021



OSHA OKLAHOMA CITY AREA OFFICE

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AREA OFFICE STAFF

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- Jorge Delucca, CAS, VPP Coordinator
- Renato Uribe, Whistleblower Investigator
- 13 CSHO's

COOPERATIVE PROGRAMS

ALLIANCES

- Oklahoma Safety Council
- American Society of Safety Professionals (ASSP, Tulsa and OKC Chapters)
- MCEPS (Mid-Continent Exploration and Production Safety Network)
- Francis Tuttle Technology Center
- Oklahoma Section of the American Industrial Hygiene Association
- Mexican Consulate in Little Rock, AR



COOPERATIVE PROGRAMS

- **Alliances**

- Oklahoma Municipal Contractors Assoc.
- The Associated General Contractors of Oklahoma
- Latino Community Development Agency
- Associated Builders & Contractors of Oklahoma



ENFORCEMENT PROGRAMS

REGIONAL EMPHASIS PROGRAMS

- Falls in Construction & General Industry
- Cranes in Construction
- Upstream Oil & Gas Industry
- Fabricated Metal Products
- Construction
- Grain Handling Facilities
- High Noise in Manufacturing Industries
- Health Hazards in Healthcare Facilities
- Heat Illnesses
- Poultry Processing Facilities
- Fertilizer Grade Ammonium Nitrate (FGAN)



ENFORCEMENT PROGRAMS

NATIONAL EMPHASIS PROGRAMS

- Trenching and Excavation
- Hexavalent Chromium
- Lead
- PSM Covered Chemical Facilities
 - Category 1 – Petroleum Refineries
 - Category 2 – Ammonia facilities
 - Category 3 – Chemical Manufacturers
 - Category 4 – Facilities likely to be PSM covered not in Cat 1, 2, or 3.
- Primary Metal Industries
- Ship Breaking
- Combustible Dust
- Hazardous Machinery/Amputations



Top Ten Violations

**Most frequently cited
OSHA standards
during FY 2019
inspections**

1. Fall Protection – General Requirements (1926.501)
2. Hazard Communication (1910.1200)
3. Scaffolding (1926.451)
4. Lockout/Tagout (1910.147)
5. Ladders (1926.1053)
6. Respiratory Protection (1910.134)
7. Powered Industrial Trucks (1910.178)
8. Fall Protection – Training Requirements (1926.503)
9. Machine Guarding (1910.212)
10. Eye and Face Protection (1926.102)

Totals	Region 6 FY20	7229	5555	27	281
Standard		Total	Ser Vio(s)	Will Vio(s)	Rep Vio(s)
1926.501(b)(13)	Residential fall protection	521	443	1	69
1926.102(a)(1)	Eye and Face Protection	232	216	0	9
1926.1053(b)(1)	Portable ladders extend 3 ft.	196	179	0	9
1926.503(a)(1)	Fall Protection Training	189	125	0	2
1926.100(a)	Hard Hats	167	150	0	10
1926.501(b)(1)	Fall Protection for Unprotected Side or Edge	154	136	0	10
1904.39(a)(2)	Reporting a Workplace Severe Injury	132	2	0	3
1926.453(b)(2)(v)	Fall Protection in Aerial Lift	130	113	0	7
1910.1200(e)(1)	HAZCOM Program	126	89	0	6
(5)(a)(1)	General Duty Clause	124	116	3	4

FY 2019 Fatalities in Oklahoma

- 16 Fatality Events
- 16 Worker Death
- 1 Catastrophe (two hospitalized)

FY 2019 Fatalities by Industry

- 9 Construction
- 5 General Industry
- 2 Oil & Gas
- 1 General Industry Catastrophe

FY 2019 Fatality Event Types

- 8 Caught-In / Crushed By/ Struck By
- 5 Fall From Elevation (1 catastrophe)
- 3 Electrocution
- 1 Chemical Exposure

FY 2020 Fatalities in Oklahoma

- 30 Fatality Events
- 31 Worker Deaths

- 14 General Industry
- 14 Construction



FY 2020 Fatality Event Types

- 9 Fall from Height
- 9 Struck by or Crushed by
- 1 Fire
- 1 Electrical Shock
- 1 Confined Space
- 3 Work Place Violence
- 2 Covid Related
- 1 Work Zone
- 1 Natural Causes
- 2 Heat related

FY 2021 Fatalities in Oklahoma

- 1 Fatality Event
- 1 Worker Death
- 1 General Industry



FY 2021 Fatality Event Types

- 1 Struck by or Crushed by

Expanded reporting requirements

The rule expands the list of severe work-related injuries and illnesses that **all covered employers** must report to OSHA.

Starting January 1, 2015 employers **must report** the following to OSHA:

- All work-related fatalities within 8 hours (same as current requirement)
- All work-related in-patient hospitalizations of one or more employees within 24 hours
- All work-related amputations within 24 hours
- All work-related losses of an eye within 24 hours



How This Works:



Report the incident if the amputation, loss of eye, hospitalization occurred within 24 hrs. of the workplace incident

Expanded reporting requirements

- **Method of reporting:**
 - By telephone to the [nearest OSHA Area Office](#) during normal business hours.
 - By telephone to the 24-hour OSHA hotline (1-800-321-OSHA or 1-800-321-6742).
 - Electronically through OSHA's website.
- Fatality reporting remains unchanged at 8 hours of the employer becoming aware

FY 2019 Severe Injury Reports in OK

- **244 Total Severe Injury Reports**
 - 183 Hospitalizations
 - 61 Amputations
- **188 Rapid Response Investigations**
- **56 Onsite Inspections**
 - 16 amputations (26%)
 - 40 hospitalizations (22%)



FY 2020 year to date Severe Injury Reports in OK

- **205 Total Severe Injury Reports**
 - 151 Hospitalizations
 - 54 Amputations
- **158 Rapid Response Investigations**
- **47 Onsite Inspections**
 - 8 amputations (15 % of reported)
 - 39 hospitalizations (26% of reported)



OSHA Inspection Priority

Priority

Category of Inspection

1st

Imminent Danger: Reasonable certainty an immediate danger exists

2nd

Fatality / Catastrophe/Severe Injury:
Reported to OSHA; inspected ASAP

3rd

Complaints/ Referrals: Worker or worker representative can file a complaint about a safety or health hazard.

4th

Programmed Inspections: Cover industries and employers with high injury and illness rates, specific hazards, or other exposures.



Citations and Penalties

VIOLATION TYPE

WILLFUL: A violation that the employer intentionally and knowingly commits or a violation that the employer commits with plain indifference to the law.

OSHA may propose penalties of up to **\$134,937** for each willful violation.

SERIOUS: A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard.

There is a mandatory penalty for serious violations which may be up to \$13,494.



Citations and Penalties

VIOLATION TYPE

OTHER-THAN-SERIOUS: A violation that has a direct relationship to safety and health, but probably would not cause death or serious physical harm.

OSHA may propose a penalty of up to \$13,494 for each other-than-serious violation.

REPEATED: A violation that is the same or similar to a previous violation.

Penalties based on the same criteria as SERIOUS or OTHER-THAN-SERIOUS with multipliers ranging from x2 to x10



NEW PENALTY STRUCTURE

Adjustment Factor for Size of Employer

Employees	Percent Reduction
1 – 10	70
11 - 25	60
26 - 100	30
101 – 250	10
251 or more	None

OSHA COMPLAINTS

- **Non-Formal / Phone & Fax**
 - Not signed
 - Ex-employee
 - Not an employee
 - Anonymous
 - Processed within one (1) day
 - Employer has five (5) days to respond
 - Can be elevated to on-site inspection
- **Formal**
 - Signed by a current employee or their representative
 - On-sight inspection within five (5) days



How Are Inspections Conducted?

The OSH Act authorizes OSHA compliance safety and health officers (CSHOs) to conduct workplace inspections at reasonable times.

OSHA conducts inspections without advance notice, except in rare circumstances (e.g. Imminent Danger)

In fact, anyone who tells an employer about an OSHA inspection in advance can receive fines and a jail term.



OSHA Inspection from Start to Finish

Opening Conference:

- ✓ **The compliance officer will present credentials and ask for most senior person on site.**
- ✓ **Introductions are made and the employer has the opportunity to gather whoever he wishes to include.**
 - If personnel are offsite we normally allow up to one hour for arrival.
- ✓ **The nature and scope of the inspection is presented.**
- ✓ **If a an organized labor union is present we afford them the opportunity for a separate opening conference.**



OSHA Inspection from Start to Finish

Walk Around and Interviews:

- ✓ **Physical inspection of the workplace or location proceeds with minimal delay.**
- ✓ **Photos and video are taken with the employer allowed to take their own photos and videos alongside the inspector.**
- ✓ **Employee interviews are conducted in a private and confidential setting.**
- ✓ **Union representation is allowed to accompany the physical walk around.**



OSHA Inspection from Start to Finish

Initial Closing:

- ✓ Before leaving the location the Compliance Officer will provide an initial closing that will detail how the remainder of the inspection will proceed.
- ✓ Documents requests may be made either verbally, in writing, by email, or thru subpoena.
- ✓ Additional interviews with employees and management can be scheduled to accommodate work schedules as long as they are in a timely manner.

OSHA Inspection from Start to Finish

Final Closing:

- ✓ **Within 6 months of the opening and include information about the violations being proposed.**
- ✓ **Citations are issued and may be delivered by mail (USPS), in person, or in some cases by other delivery services.**
- ✓ **Option for an informal settlement conference within 15 working days of receipt.**
 - May be in person at the Area Office or by phone
- ✓ **Contested citations are handled by our Solicitors office in Dallas.**



Questions??

THANK YOU

