

Winter 2014

OSHA Safety Cornerstones Newsletter

A newsletter of practical compliance and safety tips provided by Integrity Insurance Agency, Inc.

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OSHA Proposes Rule Requiring Electronic Submission of Injury and Illness Reports

On Nov. 7, 2013, OSHA announced a proposed rule to require certain employers to submit injury and illness reports electronically. This proposal does not create additional recordkeeping or reporting duties for employers. Rather, it would dictate how this information must be submitted to OSHA.

Depending on the employer's size and industry, OSHA would require the quarterly, annual or limited electronic submission of work-related employee injury and illness reports that these employers are already required to maintain under current regulations.

OSHA is providing the public a 90-day window to comment on the proposal. All comments must be sent to OSHA for evaluation by March 8, 2014. As with any proposal, it may be some time before OSHA finalizes a rule concerning this issue, and the final rule may vary considerably from the proposal.

Quarterly Electronic Filing Requirement

Under the proposed rule, the quarterly electronic filing requirement applies only to establishments that:

- Are already under an obligation to report work-related employee injuries and illnesses; and
- Had at least 250 employees during the previous calendar year, including full-time, part-time and seasonal workers.

These employers would be required to submit some of the entries they already make on OSHA Forms 300 and 301. Information from OSHA Form 300A would still be required annually. The proposal would not apply to establishments that are exempt from keeping injury and illness records under OSHA regulations. Partial exemptions for employers in some industries may be possible.

Annual Electronic Filing Requirement

Under the proposed rule, the annual electronic filing requirement applies only to establishments that:

- Are already under an obligation to report work-related employee injuries and illnesses;
- Belong to an identified high-risk industry; and
- Had at least 20 employees during the previous year.

These employers would be required to submit information from their annual summary (OSHA Form 300A). This requirement would replace the current requirement to fill out and send the annual survey.



Fall Protection Still Very Much a Point of Emphasis for OSHA

Falls in construction are deadly and all too common. According to data from the U.S. Department of Labor's (DOL) Bureau of Labor Statistics, an average of 40 workers are killed each year as a result of falls from residential roofs—the number one cause of workplace deaths in construction.

In addition to launching a number of recent safety and training initiatives aimed at increasing awareness of fall hazards, OSHA has been cracking down on employers for failing to comply with fall protection standards.

Some of OSHA's recent fall protection fines include:

- Citing Jenkintown, Pa.-based James J. McCullagh Roofing Inc. in early January for 10 alleged safety violations—including three willful—following its investigation of a fatal accident in June when a worker fell 45 feet from a roof while performing roofing repairs on a church in Philadelphia. Fines total \$71,600.
- Citing Painting & Decorating Inc., a Ronkonkoma, N.Y.-based painting and stucco contractor with a long history of fall protection and scaffold safety violations, an additional \$460,350 in fines following an inspection of a worksite in Manhasset, N.Y.
- Citing Affordable Roofing and Exteriors Inc. for five safety violations, carrying proposed penalties of \$158,015, following inspections at three job sites where workers were not provided fall protection during the installation of shingles on residential roofs. Since 2009, the Trenton, Ill.-based company has been cited in five inspections for similar violations.

Contact Integrity Insurance Agency, Inc. for more information on OSHA's fall protection standards, including resources for training employees.



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OSHA announces online process for filing whistleblower claims

On Dec. 5, 2013, OSHA announced that whistleblowers can now file retaliation complaints online. To file online, whistleblowers must first fill out the online form provided on OSHA's [website](#). The online form has the functionality to allow whistleblowers to fill out the complaint online and then fax or mail it to the agency.

Employers should be aware that the ease of this new filing process may increase the number of whistleblowers who report retaliation claims. This could also allow OSHA more timely access to these complaints. Greater claim numbers and faster access to complaints could lead OSHA to initiate more retaliation investigation proceedings.

Because of this possibility, employers should make sure that they are informed about laws that protect whistleblowers so that they can avoid any violations.

OSHA administers 22 different whistleblower protection statutes. Whistleblowers who want to report retaliation claims must file their complaints by the [applicable deadlines](#).

New rules for OSHA inspection and documentation requirements

OSHA has issued a new rule revising the inspection and documentation requirements for operators of mechanical power presses.

Effective Feb. 18, 2014, the new rule eliminates a requirement for employers to document mandatory weekly inspections of mechanical power presses.

In addition, the rule will align the existing standard's maintenance and repair provisions to the American National Standards Institute (ANSI) standard for safety requirements for mechanical power presses.

This standard explicitly states that maintenance and repair must be completed before the mechanical power press is operated and that, in keeping with the ANSI standard, employers would certify maintenance and repair for the entire machine rather than for certain parts of the power press.

According to OSHA, this new rule is expected to save employers more than 600,000 hours of unnecessary paperwork.

Recent arctic temperatures highlight importance of protecting workers in winter

Temperatures across much of the country were dangerously cold in early January, threatening even the most basic everyday tasks for employees who work outdoors. Protect your workers from cold stress by training them how to recognize the workplace conditions that can lead to cold stress, the symptoms of cold stress, how to prevent cold stress, how to help those affected by cold stress and how to select proper clothing for outdoor work.

Also, make sure supervisors are monitoring outdoor conditions, scheduling frequent breaks to warm up, providing warm, sweet beverages and providing engineering controls, such as radiant heaters, when necessary.

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