



**Occupational Safety  
and Health Administration**



UNITED STATES DEPARTMENT OF LABOR

# **OSHA “ON THE MOVE”**

INFRASTRUCTURE EXPO  
February 27, 2018

Bill McDonald, CSP, Area Director  
Region VII, St. Louis

# Loren Sweatt



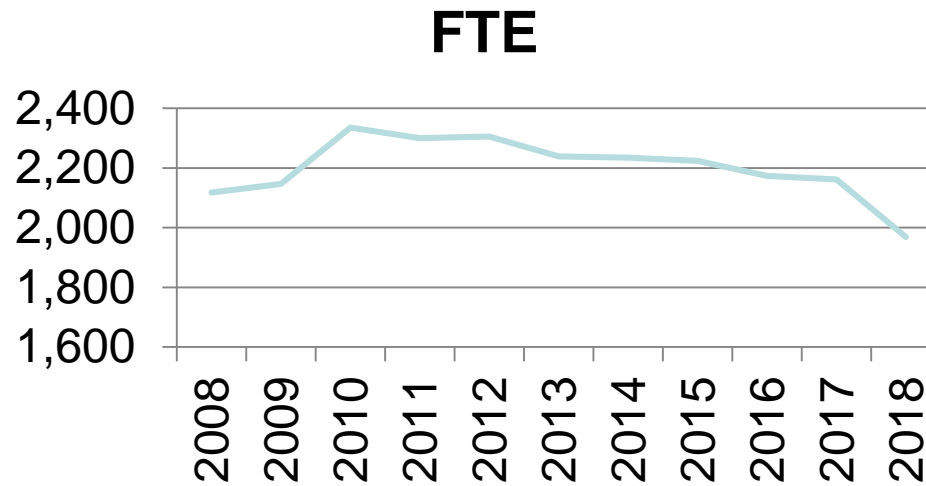
- Deputy Assistant Secretary of Labor for OSHA - effective July 24<sup>th</sup>, 2017.
- Acting Assistant Secretary for OSHA
- Previously Senior Policy Advisor for the Committee on Education and the Workforce at the House of Representatives for 15 years

# Scott Mugno

- Nominated on October 27<sup>th</sup>, 2017 for Assistant Secretary of Labor
- VP of Safety, Sustainability and Vehicle Maintenance at FedEx



# OSHA Staffing Agency wide



## Regulations

- Respirable silica rule – compliance assistance materials and directive.
- Subpart D, Walking Working Surfaces
- Beryllium rule – amend construction and shipyards (housekeeping and ppe). No changes to GI rule
- Recording & Reporting Occupational Injuries and Illness (1904.35)

## **Recording & Reporting Occupational Injuries and Illness (1904.35)**

- Anti-retaliation protections became effective December 1, 2016
- Electronic submission of injury and illness data (300A) by December 15, 2017:
  - Establishments with  $\geq$  250 employees
  - Establishments with 20-249 employees in certain high risk industries
- Electronic submission of ALL 2017 forms (300A, 300, and 301) by July 1, 2018
- Annual submission thereafter by March 2nd

# Respirable Silica Rule Update



- Respirable Crystalline Silica Standard, became enforceable for construction on September 23, 2017
- The standard establishes a new 8-hour time-weighted average, permissible Exposure Limit (PEL) of  $50 \mu\text{g}/\text{m}^3$ , and an action level of  $25 \mu\text{g}/\text{m}^3$
- OSHA rendered compliance assistance and outreach to assure that covered employers were fully and properly complying with its requirements
- FAQs are in development to assist employers with compliance



## Reasons for the Rule

- Previous permissible exposure limits (PELs) are formulas that many find hard to understand
- Construction/shipyard PELs are obsolete particle count limits
- General industry formula PEL is about equal to  $100 \mu\text{g}/\text{m}^3$ ; construction/shipyard formulas are about  $250 \mu\text{g}/\text{m}^3$

## Industries and Operations with Exposures

- Construction
- Glass manufacturing
- Pottery products
- Structural clay products
- Concrete products
- Foundries
- Dental laboratories
- Paintings and coatings
- Jewelry production
- Refractory products
- Asphalt products
- Landscaping
- Ready-mix concrete
- Cut stone and stone products
- Abrasive blasting in:
  - Maritime work
  - Construction
  - General industry
- Refractory furnace installation and repair
- Railroads
- Hydraulic fracturing for gas and oil

## Most Important Reason for the Rule

- **Previous PELs do not adequately protect workers**
- Exposure to respirable crystalline silica has been linked to:
  - Silicosis
  - Lung cancer
  - Chronic obstructive pulmonary disease
  - Kidney disease
- Extensive epidemiologic evidence that lung cancer and silicosis occur at exposure levels below  $100 \mu\text{g}/\text{m}^3$

## Construction Standard

- (a) Scope
- (b) Definitions
- (c) Specified exposure control methods
- OR**
- (d) Alternative exposure control methods
  - (1) PEL
  - (2) Exposure Assessment
  - (3) Methods of Compliance
- (e) Respiratory protection
- (f) Housekeeping
- (g) Written exposure control plan
- (h) Medical surveillance
- (i) Communication of silica hazards
- (j) Recordkeeping
- (k) Dates

## Example of a Table 1 Entry

Equipment / Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum APF	
		≤ 4 hr/shift	> 4 hr/shift
<b>Stationary masonry saws</b>	<p>Use saw equipped with integrated water delivery system that continuously feeds water to the blade.</p> <p>Operate and maintain tool in accordance with manufacturer's instructions to minimize dust emissions.</p>	None	None

## Example of a Table 1 Entry

Equipment / Task	Engineering and Work Practice Control Methods	Required Respiratory Protection and Minimum APF	
		≤ 4 hr/shift	> 4 hr/shift
Handheld power saws (any blade diameter)	Use saw equipped with integrated water delivery system that continuously feeds water to the blade.		
	<p>Operate and maintain tool in accordance with manufacturers' instruction to minimize dust</p> <ul style="list-style-type: none"> <li>- When used outdoors</li> <li>- When used indoors or in an enclosed area</li> </ul>	<p>None</p> <p>APF 10</p>	<p>APF 10</p> <p>APF 10</p>

## List of Table 1 Entries

- Stationary masonry saws
- Handheld power saws
- Handheld power saws for fiber cement board
- Walk-behind saws
- Drivable saws
- Rig-mounted core saws or drills
- Handheld and stand-mounted drills
- Dowel drilling rigs for concrete
- Vehicle-mounted drilling rigs for rock and concrete
- Jackhammers and handheld powered chipping tools
- Handheld grinders for mortar removal (tuckpointing)
- Handheld grinders for other than mortar removal
- Walk-behind milling machines and floor grinders
- Small drivable milling machines
- Large drivable milling machines
- Crushing machines
- Heavy equipment and utility vehicles to abrade or fracture silica materials
- Heavy equipment and utility vehicles for grading and excavating

## Fully and Properly Implementing Controls Specified on Table 1

- Presence of controls is not sufficient.
- Employers are required to ensure that:
  - Controls are present and maintained
  - Employees understand the proper use of those controls and use them accordingly



## Respiratory Protection Requirements on Table 1

- Respirators required where exposures above the PEL are likely to persist despite full and proper implementation of the specified engineering and work practice controls
- Where respirators required, must be used by all employees engaged in the task for entire duration of the task
- Provisions specify how to determine when respirators are required for an employee engaged in more than one task

## Employees Engaged in Table 1 Tasks

- Employees are “engaged in the task” when operating the listed equipment, assisting with the task, or have some responsibility for the completion of the task
- Employees are not “engaged in the task” if they are only in the vicinity of a task

## Alternative Exposure Control Methods – Exposure Assessment

- Required if exposures are or may reasonably be expected to be at or above action level of  $25 \mu\text{g}/\text{m}^3$
- Exposures assessments can be done following:
  - The performance option
  - The scheduled monitoring option

## Performance Option

- Exposures assessed using any combination of air monitoring data or objective data sufficient to accurately characterize employee exposure to respirable crystalline silica

## Scheduled Monitoring Option

- Prescribes a schedule for performing initial and periodic personal monitoring
- If monitoring indicates:
  - Initial below the AL: no additional monitoring
  - Most recent at or above the AL: repeat within 6 months
  - Most recent above the PEL: repeat within 3 months
  - When two consecutive non-initial results, taken 7 or more days apart, are below the AL, monitoring can be discontinued
  - Reassess if circumstances change

## **Alternative Exposure Control Methods – Methods of Compliance (Hierarchy of Controls)**

- Employers can use any engineering or work practice controls to limit exposures to the PEL
- Respirators permitted where PEL cannot be achieved with engineering and work practice controls

## Respiratory Protection

- Must comply with 29 CFR 1910.134
- Respirators required where specified by Table 1, or for exposures above the PEL:
  - While installing or implementing controls or work practices
  - For tasks where controls or work practices are not feasible
  - When feasible controls cannot reduce exposures to the PEL

# Housekeeping

- When it can contribute to exposure, employers must not allow:
  - Dry sweeping or brushing
  - Use of compressed air for cleaning surfaces or clothing, unless it is used with ventilation to capture the dust
- Those methods can be used if no other methods like HEPA vacuums, wet sweeping, or use of ventilation with compressed air are feasible



# Construction – Written Exposure Control Plan

- The plan must describe:
  - Tasks involving exposure to respirable crystalline silica
  - Engineering controls, work practices, and respiratory protection for each task
  - Housekeeping measures used to limit exposure
  - Procedures used to restrict access, when necessary to limit exposures

## Construction – Competent Person

- Construction employers must designate a competent person to implement the written exposure control plan
- *Competent person* is an individual capable of identifying existing and foreseeable respirable crystalline silica hazards, who has authorization to take prompt corrective measures
- Makes frequent and regular inspection of job sites, materials, and equipment

## Construction – Compliance Dates

- Employers must comply with all requirements (except methods of sample analysis) by Sep. 23, 2017
- Compliance with methods of sample analysis required by June 23, 2018

OSHA  
has  
delayed  
enforce  
ment of  
the  
construct  
ion  
standard  
until  
Sep. 23,  
2017

# Crane Certification

EFFECTIVE DATE : NOVEMBER 10, 2018

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## Subpart D – Walking Working Surfaces



- Published November 18, 2016
- Effective January 17, 2017 (except for training requirements)
- Training requirements effective May 17, 2017
- Directive in development for GI
- FAQs to be issued

# **Walking Working Surfaces !**

**Does not change  
construction rules!**

# Updated Subpart D & I

Subpart D Section and Requirement	Compliance Date
<b>1910.27(b)(1):</b> Certification of anchorages	November 20, 2017
<b>1910.28(b)(9)(i)(A):</b> Deadline by which employers must equip existing fixed ladders with a cage, well, ladder safety system, or personal fall arrest system	November 19, 2018
<b>1910.28(b)(9)(i)(B):</b> Deadline by which employers must begin equipping new fixed ladders with a ladder safety system, or personal fall arrest system	November 19, 2018
<b>1910.28(b)(9)(i)(D):</b> Deadline by which all fixed ladders must be equipped with a ladder safety system, or personal fall arrest system	November 18, 2036
<b>1910.30(a) and (b):</b> Deadline by which employers must train employees on fall and equipment hazards	May 17, 2017

# 2015 SAFETY & HEALTH PROGRAM MANAGEMENT GUIDELINES

- The guidelines update and replace OSHA's voluntary Safety and Health Program Management Guidelines, first published in 1989.
- They build on lessons learned about successful approaches and best practices under OSHA programs such as the Voluntary Protection Programs (VPP) and the Safety and Health Achievement Recognition Program (SHARP).







# 2015 SAFETY & HEALTH PROGRAM MANAGEMENT GUIDELINES

- **Appendix A** describes a number of tools and resources that are available. OSHA will add to these resources through the guidelines website at [www.osha.gov/2015Guidelines](http://www.osha.gov/2015Guidelines).
- **Appendix B** identifies existing OSHA standards that include provisions similar or identical to action items in these guidelines.



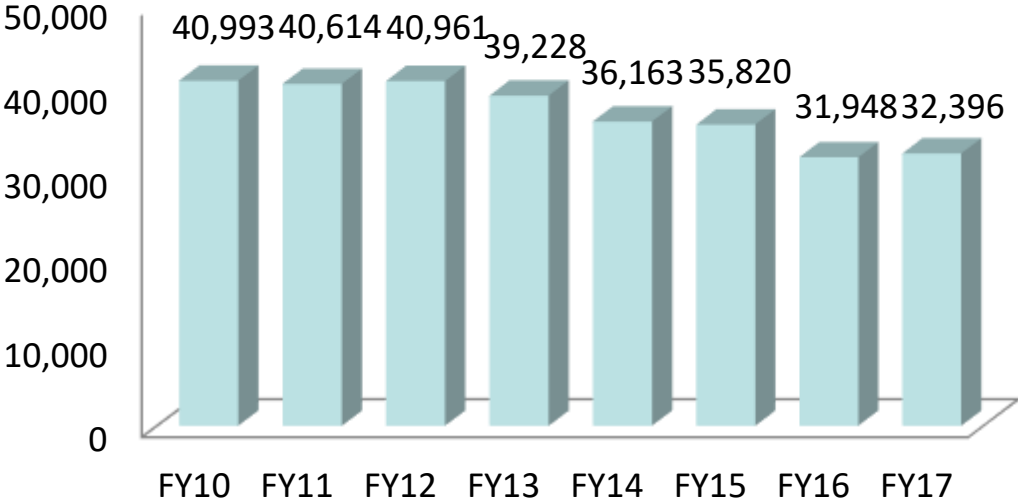
## **On-Site Safety and Health Consultation Program**

- **Division of Labor Standards**  
On-Site Safety and Health Program  
3315 W. Truman Boulevard, Room 205  
P.O. Box 449  
Jefferson City, MO 65102-0449  
Phone: 573-522-SAFE(7233)  
Fax: 573-751-3721  
[laborstandards@labor.mo.gov](mailto:laborstandards@labor.mo.gov)

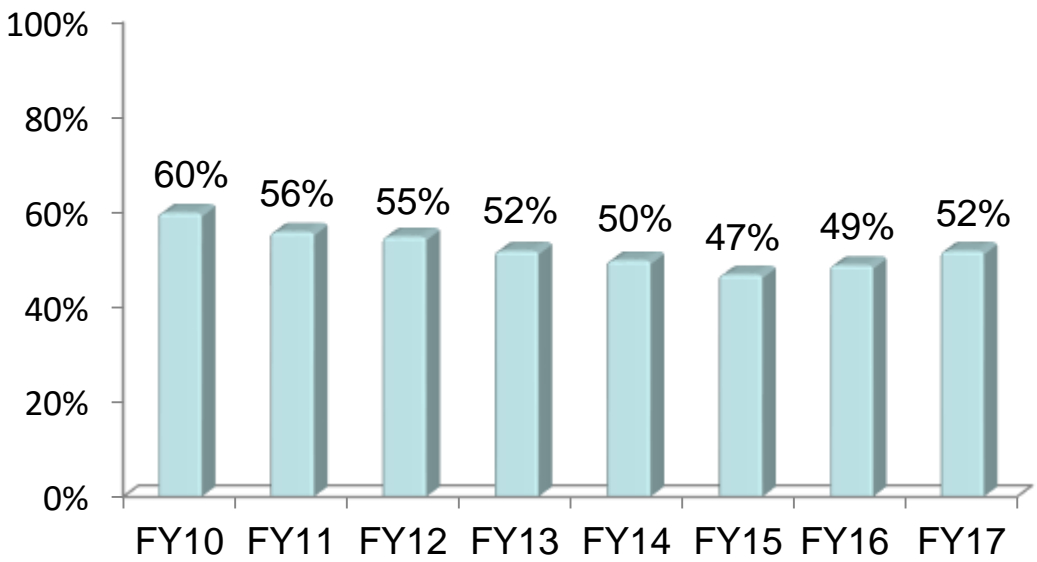
# **ENFORCEMENT ACTIVITY OVERVIEW**

**Inspections Conducted**

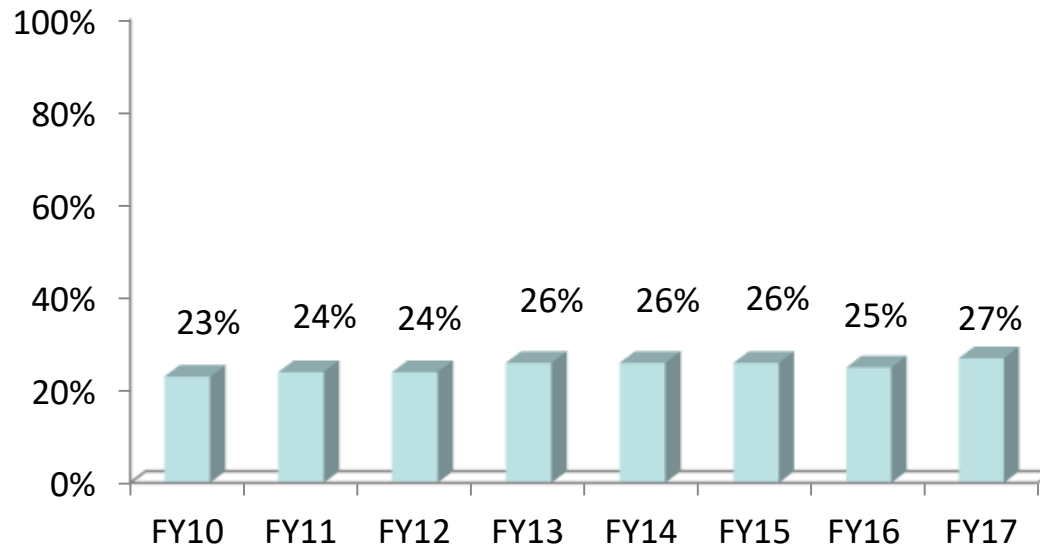
**FY 2010 – FY 2017**



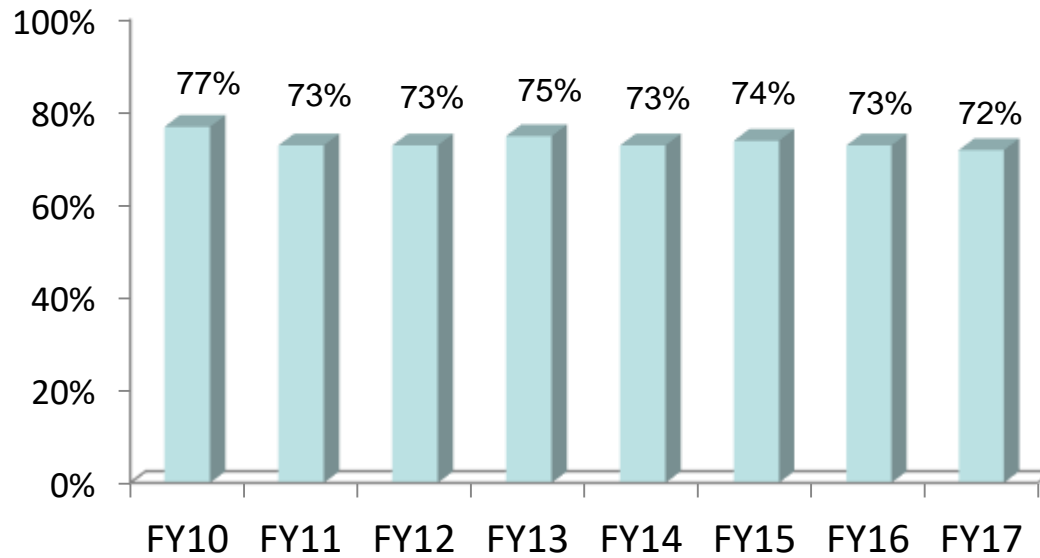
**% Construction Inspections**  
**FY 2010 – FY 2017**



**% Inspections In-Compliance**  
**FY 2010 – FY 2017**

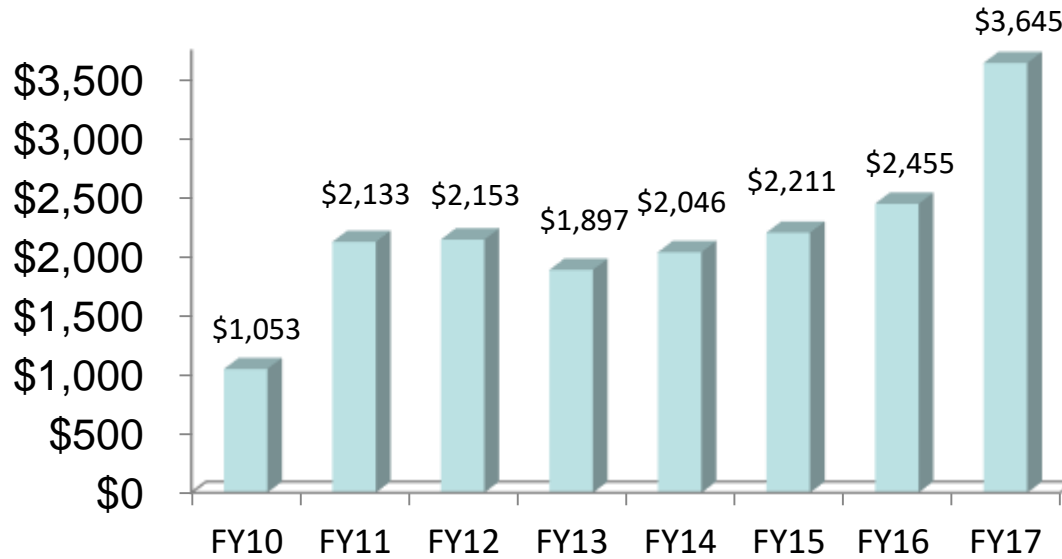


**% Total Violations Issued As Serious**  
**FY 2010 – FY 2017**





**Average Current Penalty per Serious Violation**  
**FY 2010 – FY 2017**



**Note:** Increased maximum OSHA penalties went into effect August 2, 2016 in compliance with the 2015 Inflation Adjustment Act.

# OSHA TOP TEN

- FALL PROTECTION 1926.501
- HAZARD COMMUNICATION  
1910.1200
- SCAFFOLDING  
1926.451
- RESPIRATORY PROTECTION 1910.134
- LOCKOUT/TAGOUT 1910.147
- POWERED INDUSTRIAL TRUCKS 1910.178
- LADDERS  
1910.1053
- MACHINE GUARDING  
1910.212
- ELECTRICAL – WIRING METHODS 1910.305
- ELECTRICAL – GENERAL REQ. 1910.303

**Top 10 Most Cited Standards  
St. Louis Area Office-FY16  
(Construction)**

1. 1926.501(b)(13) Residential Fall Protection
2. 1926.102(a)(1) Eye & Face Protection
3. 1926.1053(b)(1) Ladders
4. 1926.020(b)(2) Jobsite Inspections
5. 1926.503(a)(1) Fall Protection Training
6. 1926.453(b)(2)(v) Aerial Lift Fall Protection
7. 1926.501(b)(10) Fall Protection-Low Slope
8. 1926.100(a) Head Protection
9. 1926.021(b)(2) Safety Training
10. 1926.501(b)(1) Unprotected Sides and Edges



## New Penalty Levels (Adjusted Jan 13)

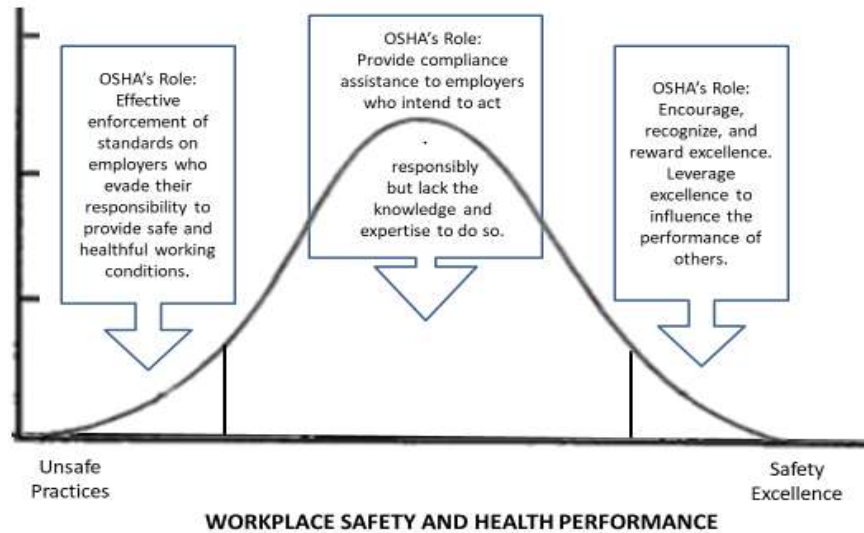
Type of Violation	New Maximum*
Serious and Other-Than-Serious Posting Requirements	\$12,675 per violation
Willful or Repeated	\$126,749 per violation
Failure to Abate	\$12,675 per day beyond the abatement date

\*Maximum penalties will be readjusted annually for inflation.

# Where is the Agency Going?

- Draft FY 2018-2022 DOL Strategic Plan (comments due December 7, 2017)
  - Strategic Goal 2.1 – Secure safe and healthful working conditions for America’s workers
- Draft Operational Plan (FY 18)

**Fig. 2: Moving the Safety Performance Curve**



## National Emphasis Programs

- Amputations
- Hexavalent Chromium
- Combustible Dust
- Lead
- Silica
- Trench
- Federal Agencies
- Process Safety Management

## **Regional Emphasis Programs**

- Noise and Respiratory Hazards
- Powered Industrial Trucks
- High Hazard Safety & Health Workplaces
- Falls, Scaffolds, and Electrocutions from Overhead Power Lines in Construction



## **Planned Initiatives in specific Industries**

- Oil and Gas Workers
  - Addition of industry to SVEP
  - Continue REP
  - OTI course
- Temporary Workers
  - Compliance Directive
  - Temporary Worker Initiative bulletins
- Telecommunication Workers (Towers)
- Grain Handling
- Construction