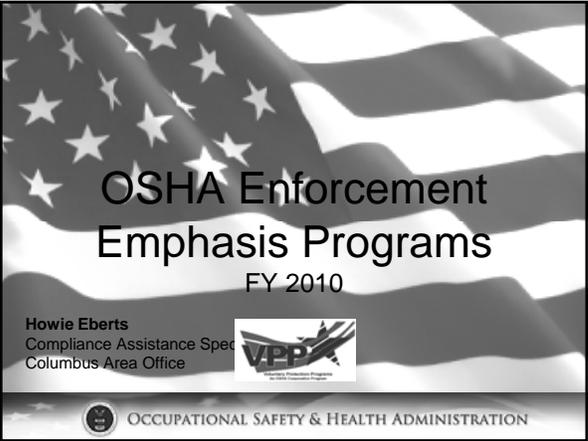




OSHA national and local emphasis programs for 2010
394
Howard Eberts

Tuesday, March 30, 2010 1 to 2 p.m.



OSHA Enforcement Emphasis Programs
FY 2010

Howie Eberts
Compliance Assistance Specialist
Columbus Area Office



OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

New Leadership

Secretary of Labor – Hilda L. Solis

- Assistant Secretary (OSHA)
 - David Michaels
- Deputy Assistant Secretary (OSHA)
 - Jordan Barab
- Chief of Staff (OSHA)
 - Deborah Berkowitz

OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

New Vision and Goals

DOL : Good Jobs for Everyone

OSHA : Safe Jobs for Everyone
Voice in the Workplace

OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

OSHA's Mission

Assure so far as possible every working man and woman in the nation safe and healthful working conditions



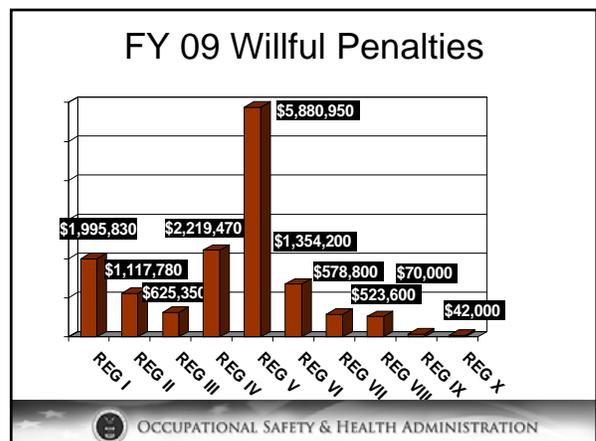
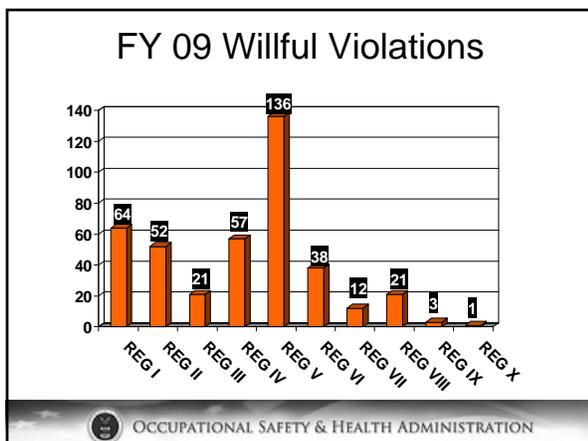
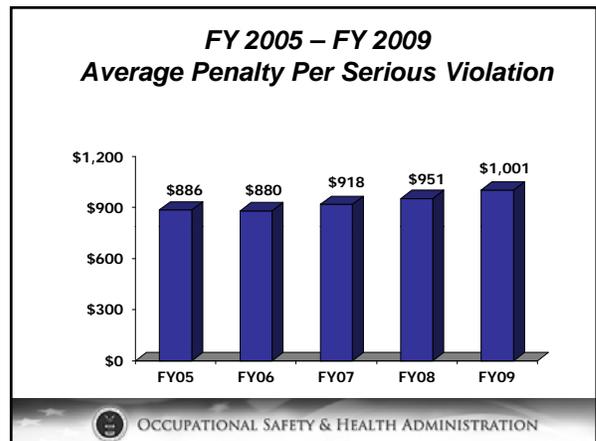
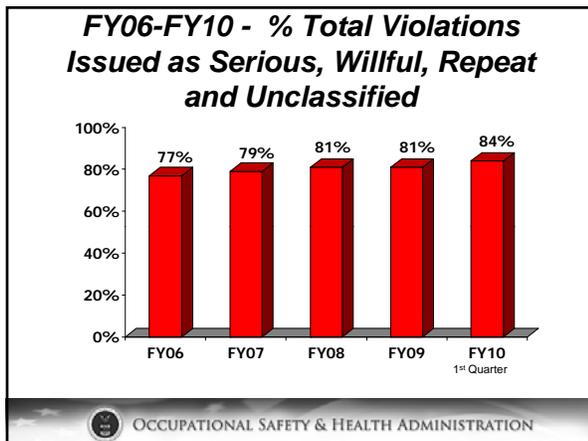
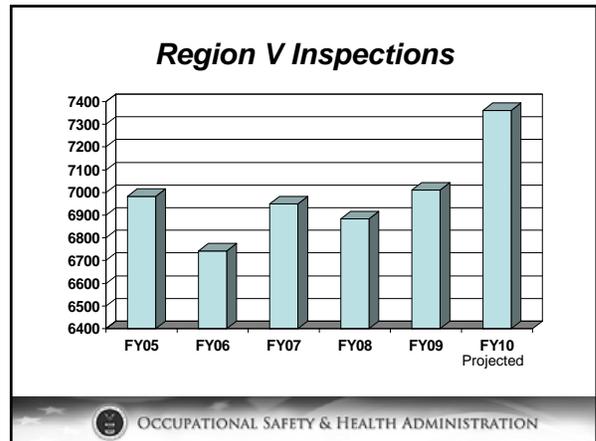
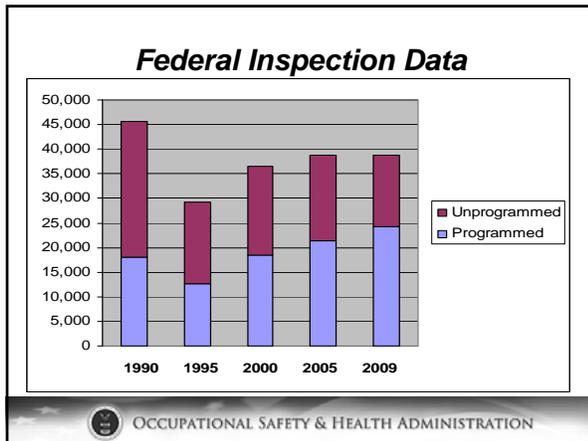
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

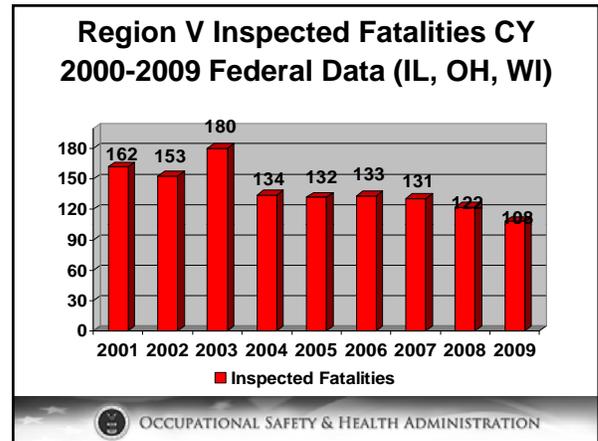
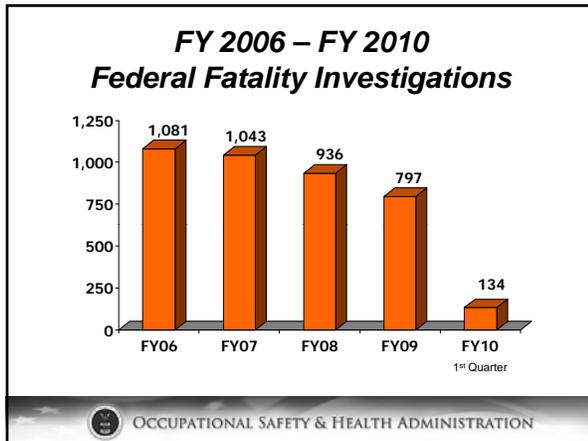
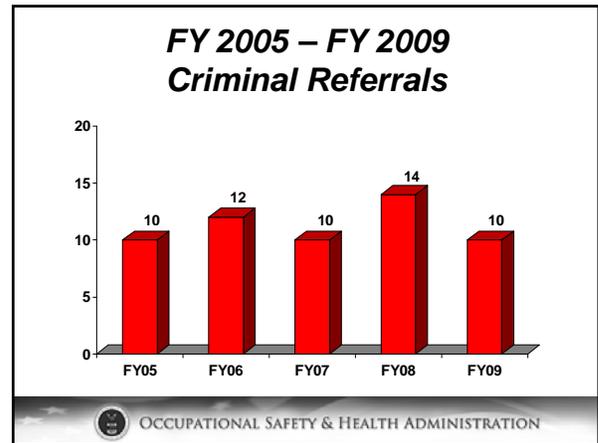
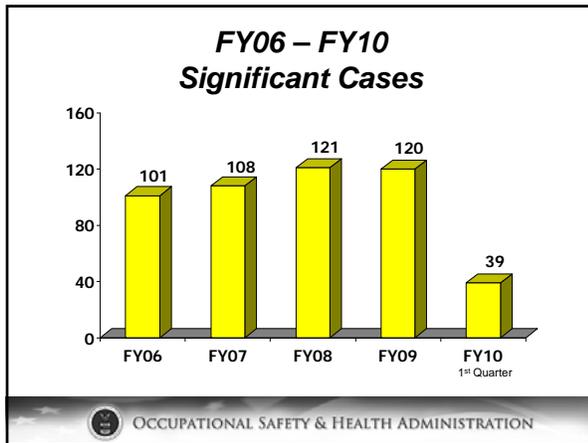
Workplace Safety Data

- 369,000 lives saved since passage of OSHAct in 1970
- Costs associated with disabling injuries
 - \$48.3 billion in direct costs annually
 - \$145 – 290 billion in indirect costs annually

AFC-CIO 2008 Profile

OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION





OSHA Saves Lives

As of December 31, 2009 there have been **108** fatalities under OSHA's jurisdiction in Region V this calendar year

Fatalities Per Industry – CY09

Industry	Fatalities
Construction	48
Manufacturing	26
Other	34

Fatalities by Event – CY09

Caught	18
Electrocution	7
Fall	27
Fire & Explosions	3
Exposure	8
Struck	44
Other	1
Trench Cave-Ins (Included In Caught)	1

Region V Fatalities CY06-CY09

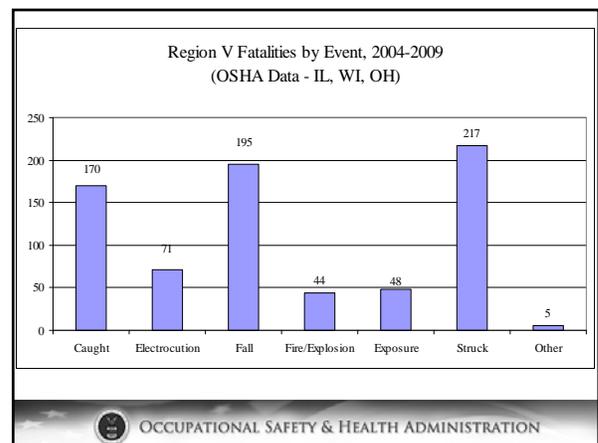
Calendar Year	Fatalities
CY06	133
CY07	130
CY08	122
CY09	108

IMMLANG-Y Fatalities – CY09

Hispanic	9
Indian	1
Polish	2
Vietnamese	1
Korean	1

NOTE: Data subject to change upon completion of investigations

OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION
Region V
Produced by the Audit & Analysis Team
Date Produced: February 16, 2010



National Operating Plan

Reduce injuries and illnesses in:

Focus Four

- Falls
- Electrical
- Struck-by
- Caught Between

Additional areas

- Air Contaminants
- Amputations
- Noise Exposure



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National Emphasis Programs

- Chemical Plants / PSM
- Amputations
- Trenching
- Crystalline Silica
- Lead
- Combustible Dust
- Federal Agency
- Air Traffic Control Towers
- Flavorings
- Recordkeeping



OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

What's Up with PSM?

- Refinery National Emphasis Program (NEP)
- Pilot PSM "Chemical NEP"

Refinery NEP Updated

- Refinery NEP was updated
 - Signed 8/18/09
 - Reason for and only significant change is to extend timeframe for completion of NEP inspections
 - Region VI until end of FY 2011
 - Region VIII until 12/31/09
 - Inspections continue same as in past

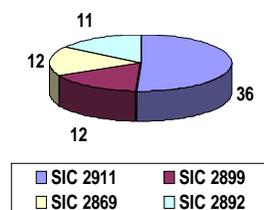
Refinery NEP

- **OSHA national PSM enforcement program**
 - NEP for inspecting **petroleum refineries**
 - **SIC 2911 / NAICS 324110**
- **Contains policies and procedures to verify employers' compliance with OSHA's PSM standard**
- Primary Purpose: Tool for OSHA CSHOs to **determine compliance w/PSM**

Why a Refinery NEP?

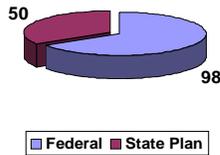
- Need for OSHA to conduct programmed inspections at high risk facilities
- 178 total PSM FAT/CAT incidents between 1992 – 2005
 - 138 fatalities
 - 553 injuries
- Data indicated that Refineries were a good place to start

FAT/CATs by Most Frequent SIC

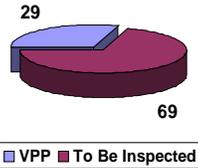


U.S. Refineries by Fed / State Plans

Federal vs. State Plan Refineries (148 Total)



98 "Federal NEP" Refineries



NEP Focus Areas

- Prioritize on **Implementation** versus programs
 - Ensure that employers do what they have committed to do
- RAGAGEP – Recognized and Generally Accepted Good Engineering Practices
 - 119(d)(3)(ii) – "...shall comply with RAGAGEP"
 - Mostly Equipment (Vessels, Piping, Relief Systems, Blowdown Systems)
- Equipment Deficiencies
 - 119(j)(5) – fix deficient equipment before further use or take necessary means to assure safe operation until deficiency can be fixed at next opportunity
- PHA
 - 119(e)(1) - "...shall identify, evaluate, and control hazards of process"

As of February 2010...

- NEP launched June 7, 2007
- 80 Federal refinery inspections opened
- Citations issued to 68 refinery employers so far, remainder of 80 inspections ongoing
 - 81 contractor inspections also opened
- Inspections finding many deficiencies
 - CSHOs finding wide range of problems:
 - Many deficiencies found in addition to those from IPIs
 - Resulting in longer inspections than originally planned

Inspection Logistics

- Inspection Duration
 - On-site: 6 weeks to 4 months
 - Total time (on and off-site): 3 to 6 months
 - Time dependent on many factors
 - Size of refinery
 - Number of deficiencies
 - Violation Classifications

Citation Classifications & Penalties

Violation Classification	Refineries		Contractors	
	Number of Violations	Total Penalties	Number of Violations	Total Penalties
<i>Willful</i>	6	\$379,000	0	\$0
<i>Repeat</i>	17	\$447,500	0	\$0
<i>Serious</i>	462	\$1,661,705	18	\$39,225
<i>Unclassified</i>	9	\$429,000	0	\$0
<i>Other</i>	29	\$31,450	13	\$7,487
Total	523	\$2,948,655	31	\$46,172
Average	17.4	\$98,300	0.4	\$658

- Federal inspections only
 - Based on *Refinery NEP First Year Inspection Results* - study of 14 Refinery NEP Inspections

NEP Citation Instances, by PSM Element

Element	Description	Number of Instances
J	Mechanical Integrity (MI)	404
D	Process Safety Information	270
F	Operating Procedures (OP)	224
E	Process Hazard Analysis	195
M	Incident Investigation (II)	159
L	Management of Change	94
O	Compliance Audits (CA)	78
H	Contractors	35
C	Employee Participation	16
G	Training	14
Total		1489

- Out of 1517 total violation instances cited (96%)
 - Federal inspections only
 - Based on *Refinery NEP First Year Inspection Results* - study of 14 Refinery NEP Inspections

Comparison of NEP and Prior PSM Inspections

- NEP is the most significant PSM enforcement action since the standard was promulgated in 1992
- Significant differences between current effort and pre-2007 inspections:
 - 73% of early inspections were for accidents, complaints or referrals. NEP inspections are nearly all originated as programmed

From Refinery NEP First Year Inspection Results - study of 14 Refinery NEP Inspections

Pilot “Chemical” NEP

- **PSM Covered Chemical Facilities National Emphasis Program (NEP) - 09-06 (CPL 02)**
 - Effective – 7/27/09
 - https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=4008

Pilot “Chemical” NEP

- Need for programmed inspections at high risk chemical facilities
- Reasons for pilot program
 - PSM inspection resources heavily deployed conducting Refining NEP
 - OSHA desires to take NEP out for test drive and get opportunity to “kick the tires” before possibly implementing program throughout the country

Pilot “Chemical” NEP

- Pilot Program for Chemical Facilities
 - Programmed inspections in regions with few Refinery NEP inspections
 - Regions 1, 7, and 10
 - Unprogrammed inspections in all regions
 - ~1 year duration

Pilot Chemical NEP

- Site population to be Inspected 
 - Use RMP Program 3 facilities as main target for selecting sites for inspection
 - SICs typically covered by PSM which are not well covered by RMP
 - Known PSM facilities
 - From prior PSM inspections and local knowledge
 - Selection randomized within population
 - The agency is **NOT** focusing on any particular industries
 - The specific reference to ammonia refrigeration and chlorine for wastewater facilities is actually for **limiting** the number of inspections at these type facilities

Pilot Chemical NEP

- Inspection Strategy
 - Many inspections, fewer inspection priority items (IPIs), shorter duration
 - Use Dynamic List for IPIs
 - No Static List
 - All stakeholders invited to provide IPIs to OSHA's Directorate of Enforcement Programs (DEP)
- VPP sites are exempt
- Inspections have started

Pilot Chemical NEP

- 49 Inspections opened through 2-1-10
- 13 sites with citations issued
- 5 sites in Region V (4 in WI, 1 in OH)
- So far, citations reflect Refinery findings

Refinery Findings Letter

- OSHA sent letter to all refinery plant managers on findings of the NEP
 - Sent to both inspected and to be inspected refineries
 - Contains 1st year overview of findings
 - Appendix with synopsis of citation language for many citations which were issued
 - Provides more information than just what standard was cited
 - Letter is available at OSHA website (www.osha.gov/dep/neps/refinery_nep_ltr_final.html)

Top 10 Refinery NEP Violations

1. 1910.119(d)(3)
2. 1910.119(j)(4)
3. 1910.119(f)(1)
4. 1910.119(e)(3)
5. 1910.119(j)(5)
6. 1910.119(j)(2)
7. 1910.119(e)(5)
8. 1910.119(m)(1)
9. 1910.119(m)(4)
10. 1910.119(o)(4)

Local Emphasis Programs Region V

Construction

- ARRA- Federal Facilities
- ARRA Roads, Bridges, Runways and Air Terminals
- Falls
- Building Renovation/Rehab
 - Cal City, Milwaukee, Appleton and OH Only
- High Rise
 - Calumet City Only

General Industry

- Lead
 - Illinois Only
- Silica
 - Illinois Only
- Powered Industrial Vehicles*
- Primary Metal Industries
 - WI and OH Only

*Applies to construction as well



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Resources

- www.osha.gov
- Quick Takes
<http://www.osha.gov/as/opa/quicktakes>
- www.dol.gov – Twitter, Facebook, You Tube
- Compliance Assistance Specialists in OSHA offices
- On-site Consultation
- OSHA Quick Cards
- OTI and Education Centers



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Questions