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Developing a Safety Culture

ELEMENTS TO DEVELOPING A SAFETY CULTURE

- 1. Visible top management commitment,*
- 2. Middle management involvement,*
- 3. Forced supervisory performance,*
- 4. Worker participation,*
- 5. Positive reinforcement,*
- 6. Flexibility.*

WHAT ARE SUCCESSFUL SUPERVISORS AWARE OF?

- 1. Supervision Is Getting Things Done Through Others.**
- 2. You Need Your Employees More Than They Need You.**
- 3. You Get Paid For What Your Employees Do.**

**YOU MUST DO EVERYTHING
IN YOUR POWER TO HELP
THEM BE SUCCESSFUL.**

***DO YOU WANT TO KNOW WHY
PEOPLE DO THINGS?***

- **Understand the alternatives they are confronted with.**
- **Ask them WHY.**
- **Recognize that their behavior takes place within their view of the situation.**

HOW DOES A SUPERVISOR GET BETTER RESULTS?

- **STOP** interpreting your workers' actions in view of the alternatives that you see.
- Interpret what they do in view of the **ALTERNATIVES** they see.
- They **DO NOT** see the alternative that you see available.
- Give them **MORE ALTERNATIVES.**
- Discuss future consequences of the alternatives they are selecting.

***WHAT PRINCIPLES WILL HELP
IMPROVE SAFETY AND
PRODUCTIVITY?***

- 1. Take a proactive approach.**
- 2. Consider all accidents as preventable.**
- 3. You can control safety and increase production.**
- 4. Training is your responsibility.**
- 5. Preventing accidents contributes to success.**
- 6. Success is measured by the things that your workers do.**

***HOW DO SUCCESSFUL SUPERVISORS
MEASURE THEIR SUCCESS?***

**THROUGH THE THINGS YOUR
EMPLOYEES DO:**

When your people are successful, you are also. Therefore, anytime you choose NOT to help an employee succeed, you are involved in self-destructive behavior.

***WHAT ACTIONS CAN YOU
TAKE TO CHANGE UNSAFE
BEHAVIORS?***

- 1. Reward behaviors that workers are doing right.**
- 2. Use positive reinforcers, praise and recognition.**
- 3. Use non-punitive style.**
- 4. Reward immediately.**
- 5. Schedule reinforcement.**

***HOW CAN A SUPERVISOR
EFFECTIVELY CHANGE BEHAVIOR?***

- 1. State behavior wanted using measurable terms.**
- 2. Decide whether behavior deficit is inadequate skill or inadequate motivation.**
- 3. Train and reinforce.**
- 4. Form behavior baseline.**

***WHAT CAUSES WORKERS
TO ACT UNSAFELY?***

- 1. Comfort**
- 2. Convenience**
- 3. Peer Pressure**
- 4. No Rewards**
- 5. Daydreaming**

***LIST SOME POSITIVE
CONSEQUENCES FOR THE WORKER.***

- 1. Acknowledgment.**
- 2. Positive Reinforcement.**
- 3. Providing Instructions.**
- 4. Social Interaction.**
- 5. Participation.**
- 6. Knowing the Objectives.**

***LIST SOME NEGATIVE
CONSEQUENCES FOR THE WORKER.***

- 1. Pain and Suffering.**
- 2. Fear and Anxiety.**
- 3. Frustration.**
- 4. Humiliation.**
- 5. Punishment.**
- 6. Being Told What To Do.**

Direct and Indirect Costs of Accidents

Every accident results in costs. Invariably, costs are either:

1. **Direct:** Medical expenses incurred from injuries sustained in the accident and indemnity payments to injured workers while away from work. These costs are most often reimbursed by insurance.
2. **Indirect:** Other “non-billable” costs that result from internal systems adapting to the accident and its aftermath. These costs are most often uninsured and therefore unrecoverable; they account for 70 to 90 percent of the true cost of an accident. Indirect expenses may include:

Wage cost of injury:

- The day of the injury
- Subsequent days (other than those covered by workers’ compensation)
- Additional time off required for continued medical attention after injured worker returns to work
- Costs connected with decreased productivity of the injured after returning to work

Wage cost of others:

- Time lost through work stoppage – this includes not only a shut down that may occur, but also the time workers spend helping, talking, watching at the end of an accident site or afterwards
- Supervisor’s lost time related to:
 - Responding to the emergency
 - Investigating the accident
 - Writing the report
 - Performing corrective/follow-up activities
 - Safety discussions/meeting related to the accident
 - Meeting(s) with manager(s) and other communications
- Replacements:
 - Costs of training personnel to perform the injured employee’s work
 - Cost of different productivity levels between the injured employee and replacement(s)
 - Overtime required to catch-up on output

- **Property Damage**
 - The cost of materials damaged, destroyed or otherwise made unusable
 - The cost of replacing, repairing, cleaning up damaged equipment, machinery and tools
 - Product(s) made defective by the accident
 - Damages to the building, fixtures and signs
 - The cost of materials, tools, equipment or machinery used to repair, replace and clean up the above items
 - The cost of personnel to clean up, replace and repair

Administrative costs

- **Management time:**
 - Reviewing, investigating, and reporting the accident
 - Researching, reviewing, implement the corrective measures
 - Reviewing, revising, communicating safety policies and procedures
 - If a court suit occurs, additional time related to satisfying judgment
- **Administrative personnel time processing safety/accident investigation forms and related information, such as hiring, processing, training new employee(s)**
- **Extra utilities and clean-up associated with extra or overtime hours**
- **Rental required**
- **Equipment, uniforms, supplies, tools, materials required for new employee(s)**
- **Cost of shipping/receiving delays**
- **Increases in workers' compensation costs**
- **Legal costs and/or increases in liability insurance premiums**

Impact of Accidents on Profits and Sales

The more accidents that take place in a facility, the higher that company's premiums. The higher a company's premiums, the lower the margin on each product unit sold.

Both direct and indirect accident costs must be reimbursed through the profit margin on each product unit sold.

Because accident costs are paid for with monies from the profit margin, the accountability for accident prevention should remain with the supervisors who are also responsible for production and quality.

To recover the expense of an accident with a total cost of \$500:

- A soft drink bottler would have to bottle and sell over 61,000 cans of soda.
- A food packer would have to can and sell over 235,000 cans of corn.
- A bakery would have to bake and sell over 238,000 donuts.
- A butcher would have to process and sell nearly 67,000 pounds of hamburger.

Sales Required to Pay for an Accident

If your company profit margin is:

Accident Costs	1%	2%	3%	4%	5%
\$ 1,000	\$ 100,000	\$ 50,000	\$ 33,000	\$ 25,000	\$ 20,000
\$ 5,000	\$ 500,000	\$ 250,000	\$ 167,000	\$ 125,000	\$ 100,000
\$ 10,000	\$ 1,000,000	\$ 500,000	\$ 333,000	\$ 250,000	\$ 200,000
\$ 25,000	\$ 2,500,000	\$ 1,250,000	\$ 833,000	\$ 650,000	\$ 500,000
\$ 100,000	\$10,000,000	\$ 5,000,000	\$ 3,333,000	\$ 2,500,000	\$ 2,000,000

Follow-up Questions to START Video

1. What are the attitudes of the top managers?
2. Why do you think they felt this way?
3. What is the most powerful safety tool ever invented?
4. What was the bad water, bad fish things about?

How to Build an 'IQ' for Safety

The tools of Knowledge, Understanding and Wisdom can be used to develop a company culture in which employees become safety "smart" for life.

by Joseph M. Kobus, BBA, CSP

A safety policy can be structurally sound and strong but without employee participation, the overall results can be negligible. The safety success of a company is dependent not just on management leadership and written programs, but on the behaviors of workers and the efforts of managers.

The I.Q. (KUW) approach to safety addresses that underlying truth by building an individual's *Knowledge, Understanding* and *Wisdom*. The I.Q. process zeros in on the need to increase the feelings of responsibility for safety within the individual and the organization. It provides employers with a process to manage and administer the legal and moral responsibilities they have to their employees.

The I.Q. approach recognizes that behaviors are observable and measurable, but the attitudes of an individual are not. Therefore, it focuses on behavior and behavior modification techniques. By focusing on task-related activities, employees can expand their control over behaviors, maximize safe behavior and minimize unsafe behavior. When people control their behavior, they act responsibly. When consistent responsible behavior occurs, a change in attitude is developed. Proper behavior is the key that unlocks the storehouse of improved awareness levels, beliefs and attitude.

Some managers may believe that all they need to do is enact safety rules and a safe workplace will result. That's simply not the case. Moreover, if employees feel that management allows supervisors to ignore unsafe conditions or acts to ensure productivity, they see a double standard being applied. This is particularly true if management is quick to blame workers for injuries by citing employee carelessness. When this is the environment, both

workers and employers lose the objectivity needed to solve problems and resort to placing blame.

A continuous improvement process for occupational safety and behavior modification would certainly seem more appropriate - one that goes beyond a fault-finding reactive approach and tries to find the root causes for an accident or a serious near miss. This process approach deals with fact-finding vs. fault-finding. It also recognizes that there are external factors as well as internal factors to be considered in every incident.

<u>External Factors</u>	<u>Internal Factors</u>
Environment	Personality
Unsafe Equipment	Behavior
Unsafe Conditions	Attitude
Policies	Beliefs
Procedures	Temperament
Practices	Maturity/Discipline
Engineering	Intelligence

External factors are easier to address than the internal factors found within all of us. Yet, companies that manage occupational safety in the same manner as managing production cost, quality and productivity are the same companies that have come to recognize, as did Dr. W. Edwards Deming, that a company's "most valuable, God-given resource" is its workers.

No self-respecting business would tolerate a fire breaking out every few days and then only squirt enough water on it to put it out, only to do the same thing the next time it happened in the same spot. Root cause problem-solving would take place and continued tolerance of the situation would not be routine.

It is time for a paradigm shift that puts occupational safety into the same context. Employees must be put on the same level as buildings /equipment in order to make lasting improvements in the

struggle to reduce risks, exposures and injuries to workers.

Training & Education

At last year's ASSE Professional Development Conference in San Diego, E. Scott Geller, Ph.D., had this to say about education and training: "Although the terms 'education' and 'training' are used interchangeably, they do not refer to the same process. Education refers to teaching and learning the theory (principles) and rationale behind a certain set of procedures, whereas training occurs when people learn how to carry out the procedures of a particular process. Lectures, videotape presentations, demonstrations and group discussions are useful for educating people. However, training requires an additional format for assuring the appropriate practices or behaviors involved in a procedure are learned. Role playing or one-to-one interaction is needed so participants can receive specific feedback about their behaviors relevant to executing the procedure or process appropriately. Obviously, long-term culture change requires both education and training for all participants."

Once employees have acquired Knowledge through training, the success of the company's training efforts are measured in the Understanding and performance levels of the employees. The success of the business itself rests with the Wisdom demonstrated by the employees to use the Knowledge and

Understanding as they were intended.

Educators tell us that training or education is subject to a few common rules. These are:

- **Frequency:** Most of us do best the things we do most. Remember the old saying "Practice makes perfect."
- **Recency:** Most of us remember best that which we learned last. Reviewing and reinforcing the information or activity can prolong retention.
- **Primacy:** Most of us react to the priority level and intensity of what we are learning. Mixed messages can be sent if managers don't "Talk the talk and walk the walk," or practice a philosophy of "Don't do as I do, do as I say."

Employees need understanding as well as knowledge. The reasons for why, *along with the ability of how*, should be information now residing with the individual. We usually understand things with which we are familiar and comfortable. A span of control can quickly be established when handling things that we understand and are knowledgeable about.

We might assume that people who possess Knowledge and Understanding would certainly qualify for Wisdom. Shouldn't they have the prerequisites via the experience of the training and the understanding derived from the information?

This is where character, commitment and motivation come into the picture. Reliance on knowledge via training is not enough. To increase the probability that desired behaviors will result from large investments in training, managers must use feedback, recognition and motivation to achieve accountability by their employees. Reliance upon negative motivation such as punishment, penalties and discipline should be reserved for serious infractions and not directed at the general work force. Save discipline for special serious circumstances because, most times, it causes little progress and its effects are often short-lived.

The working environment is affected the most by the norms established in the individual's work group. Managers need skills that go beyond stepping up to the employee and quoting a particular safety rule or state/federal law. Managers need to be able to do correction and reinforcement so that they can positively motivate em-

ployees and overcome persistent safety problems. An effective safety process is built on a proactive approach that recognizes and rewards individuals and groups that cooperate, participate and collaborate in reaching desired goals in occupational safety.

The cost in money and time to train employees on safety is the most visible expenditure. Couple this cost with the cost of accidents, workers' comp payments, lost productivity, replacement employees, increased premiums and most importantly, human suffering, and you start to get the idea of how important Wisdom is to the safety process. Emphasis must be given to improving the wisdom level of employees.

I.Q. (KUW) Defined

KNOWLEDGE: The state of knowing, cognition/understanding, that which is known.

UNDERSTANDING: 1. n. the ability to understand/the act of one who understands/ the power to form reasoned judgments/an informal agreement that is only morally binding/a resolution of differences/ 2. adj. feeling and showing sympathy, tolerance, etc.

WISDOM: The quality of being wise/intelligence drawing on experience and governed by prudence/ a store of knowledge/such knowledge converted into teaching.

Coaching and monitoring or even enforcement cannot be done continuously with employees. A system integrated into the employee that prompts the person to make the correct decision is the goal of behavior reinforcement. The worker who regularly displays unsafe behaviors or performs unsafe acts even when he/she knows better is following Skinner's Law of Operant Conditioning: Satisfying events continue to reinforce the behavior.

The worker who performs an unsafe act benefits personally because:

- The advantages and satisfaction to be gained by the person at that particular moment seem greater than the disadvantages or dissatisfactions.
- The action "makes real sense" to the person. If challenged, an explanation is presented: "I've been doing it this way for years, etc."
- The behavior gives the person satisfaction and may attract the attention of co-workers. It may give the person a thrill, a feeling of bucking authority or offer a type of "payback."
- The person may perceive the action as having definite job-related advantages

and may give a feeling of "personal control" over the situation.

This list of motivations indicates that the person is probably strongly affected by the consequences experienced. The consequences actually have supported and maintained the behavior displayed. In a sense, this is a display of Wisdom, but it is of the unwanted kind. Methods must be used to develop a more positive type of wisdom, one that contributes to the welfare of the entire organization and not just the immediate satisfaction of the employee.

Wisdom = Safe Behavior

Any behavior pattern will sharply increase in probability if it is immediately followed by some event that satisfies a need. We know that unsafe on-the-job behavior patterns have the characteristic of being consistently followed by a personal need-satisfying event. Occasionally, however, the results are not satisfying and an injury or worse is inflicted upon the individual. This is something totally unexpected, since it is rare that first-time offenders are involved. The occurrence is not likely to affect others unless it is a particularly serious or horrible incident.

Improvements in the behavior patterns of individuals require that satisfying events regularly occur after the desired behavior, preferably immediately. However, the individual's safe behavior patterns seldom result in as wide a variety of personal satisfaction as the unsafe behavior patterns do. Safety professionals now recognize that instead of attempting to suppress unwanted behavior, one should strive to increase the satisfiers of appropriate behavior.

Reinforcing safe behavior:

1. Removes the unwanted side effects of discipline, punishment, conflict, frustration and aggressive damage.
2. Increases the job satisfaction experienced by the individuals involved.
3. Changes the nature of the relationship between management and employee from a "watchdog" and "policeman" to a more supportive role.
4. Creates an atmosphere of reciprocity between supervisor and employee.
5. Increases the probability of positive behavior rather than reducing the probability of negative behavior.
6. Is more direct in its effects.

Increasing the Probabilities

An unsafe act is an opportunity for the wrong thing to happen. Safety processes are designed to reduce these deviations from safe practices and to eliminate them whenever possible. Managers who can recognize this are moving toward a solution to the problem, but it is only one part of the solution. Managers who spend most of their time trying to personally control each unsafe act will soon run out of time, patience and energy.

An alternative strategy is for management to increase the readiness for safe behavior in every employee. By choosing to spend more time recognizing and rewarding appropriate behavior, managers cultivate a more positive environment. They strengthen and enhance the importance of the contribution by the employee, and focus attention on safety in a positive light. A manager can be looked on as more of a colleague who is genuinely interested in the welfare of his people. This strategy also demonstrates the defined standards of behavior that the company expects and shows that other behaviors will not be condoned.

Eliminate Safe Behavior Obstacles

The presence of unwanted behavior indicates that the environment supports, allows or even condones that behavior. The satisfaction and advantages of the preferred behavior need to be increased while the obstacles that contribute to the unwanted behavior are removed.

1. **Is the obstacle:** Time? Effort? Discomfort? Physical Interference? Personal Conflict? or Group Dissatisfactions? (Group discussions or one-on-one discussions with the employees involved should help identify the obstacles.)

2. **Reduce the Obstacles:** Use group participation techniques: develop a suggestion plan, solicit ideas at safety meetings, encourage feedback and reactions to ideas proposed.

3. **Discuss Changes:** Go over proposed changes with the individuals involved before making permanent changes to procedures, policy or job requirements.

4. **Problem of the Month:** Any manager can develop a list of troublesome practices from individual experience and then initiate action.

Promoting the Choice of Safe Behavior

How Managers Can Increase the Readiness to Choose Safe Behavior

1. Increase the ratio of time spent on recognizing appropriate behavior compared to the time spent on complaining about unwanted behavior.
2. Recognize that discipline must be used when deemed appropriate due to the seriousness of the incident.
3. Use tangible recognition and/or awards presented to individuals displaying appropriate behavior.
4. Provide increased opportunities for job satisfaction and work group recognition for appropriate behavior.
5. Provide increased emphasis on the

personal gains an individual reaps by following procedures.

6. Emphasize the positive effect to the organization from having everyone follow procedures and safe practices.
7. Incorporate employee participation in developing changes to safety procedures.
8. Reward those that participate in developing improved methods for doing jobs or eliminating obstacles.
9. Conduct audits of practices and procedures.
10. Communicate with charts and/or graphs the increases in appropriate behaviors noted during audits.

Stewardship

When a company builds an I.Q. for safety within its employees, it equips them with the tools to become stewards within the organization. A steward is a person who has accepted defined roles and responsibilities and embraced common goals. He or she also has objectives clearly in mind and a high level of personal discipline to facilitate recognition that others depend on his or her behavior. These attributes now propel the person into a stewardship role, a performance-based state of mind that emphasizes the growth of the individual and of the organization through cooperation and personal commitment.

An employer creates stewardship by involving people in problem-solving, in process improvements, in resource allocation and, most importantly, in "goal setting." Both the employer and the employees begin to recognize their mutual accountability. Employees understand that they have a responsibility for enhancing their own performance, for incorporating the organization's values into their own everyday practice, and for practicing self-preservation in the face of occupational risks. When this occurs, there will be promoting their personal well-being as well as the company's success through the virtues and rewards of stewardship.

Forward-thinking companies em-

power employees to involve them in the daily operations and running of the business. The goal attainable through the stewardship approach is an organizational workplace that is built on loyalty and trust. Employees are constantly encouraged to produce a sustained level of high performance and are constantly provided an environment to support that performance. Training, education and the competence level of the work force cannot be counted on to provide the advantage needed by a company to succeed in the global market of the 21st Century.

When management cultivates individual Knowledge, provides Understanding and rewards Wisdom and couples that with clearly communicated goals and objectives and demonstrated support, we can expect a predictable outcome: Contributing employees supplying solutions to safety problems because they are directly involved in the total process. OH

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Dan Petersen: Why Safety is a 'People Problem'

If you want to improve your safety performance, says consultant, author and educator Dan Petersen, put away your accident statistics and start listening to the real experts on safety – your employees

by Stephen G. Minter

He is arguably the best known safety professional in the United States. His consulting clients are the cream of American industry. He has written 17 books and appeared in 10 videotapes on a variety of safety-related topics. He is a past president of the National Safety Management Society and a former vice president of the American Society of Safety Engineers. But despite 42 years of success in safety, Dan Petersen's prescription for improved safety management still seems less than enshrined in America's workplaces.

Petersen attributes some of that to timing. The Occupational Safety and Health Act went into effect in 1971, the same year his first book, *Techniques of Safety Management*, was published. "My book said to go a certain direction and OSHA said to go the exact opposite, and OSHA was a little bit more powerful in terms of influence."

Petersen has long maintained, as he wrote in the 1988 edition of *Safety Management*, that safety is a "people problem." In his view, the two keys to a "world-class" safety program are to make the line organization accountable for safety performance and to have employee involvement. Yet, he complains, the "fundamental principle" that undergirds OSHA is that "accidents are

caused by things, not by people."

Petersen has also taken safety management to task, arguing that the field has been slow to adopt new management theories and react to changes in the workplace. Instead, the safety field has developed its "own little mystique," insisting on using measures of performance such as injury frequency and severity rates that weren't very meaningful" to company executives. As a result, he says, executives have concluded that the same techniques that work for improving quality and productivity are "not usable in safety because it's different."

Management Function

In new editions of his books *Safety By Objectives*, *Analyzing System Safety*



Dan Petersen, Ph.D.

Effectiveness, and *Human Error Reduction and Safety Management*, published by Van Nostrand Reinhold, as well as in a new series of video training programs produced by CoreMedia, Petersen emphasizes that "safety is just another management function and should be managed in the same way." In fact, in *Analyzing System Safety Effectiveness*, Petersen argues that five widely held beliefs about safety management are simply wrong:

1) ACCIDENTS ARE CAUSED BY UNSAFE ACTS AND CONDITIONS. That idea, Petersen noted, is derived from W. H. Heinrich's *Industrial Accident Prevention*, first published in 1931. Heinrich said unsafe acts account for 88 percent of accidents, while unsafe conditions account for 10 percent. "That was his first axiom and was something that he just made up. There was no research behind it whatsoever," Petersen said.

By focusing on unsafe acts and conditions, he said, safety managers end up dealing with accidents on a symptomatic rather than a causal level.

"Behind every unsafe condition, there is a management system that could have allowed that hazard to exist," said Petersen. "Behind every unsafe behavior or unsafe act, there is a reason that those people engage in those behaviors. A lot of times, that has to do with the management system - the way

"Behind every unsafe condition, there is a management system that ... allowed that hazard to exist."

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people are measured and rewarded, the culture of the organization that leads unsafe behavior to be O.K. “

Instead, he has stressed, managers have to look at the causes of accidents as being “a combination of a management system and a culture or environment that leads to human error.”

“We have to deal at the culture level, not at the unsafe act level. We have to understand why people do these things. What are we in management doing that is



allowing or even encouraging those behaviors? Until we get to that causal level, we're not going to get very far,” he warned, adding: “Unfortunately, that unsafe act or condition or domino theory of accident causation undergirds most safety programs and all legislation. It's a difficult problem.”

2) THERE ARE CERTAIN ESSENTIAL ELEMENTS TO A SAFETY PROGRAM. Take a common element of safety programs, such as safety meetings, safety committees or job safety analyses, says Petersen, and compare its use at different organizations or even at different locations within the same company. These [sic] ideas will be “highly effective” in one place and “a total waste of time” at another.

“There are no essential pieces or elements to the safety program. Rather, it's the environment and the culture in which those things are placed that determine whether or not they're going to work,” said Petersen.

Yet in terms of organizational culture, he added, some elements do seem to recur among the best companies. They include accountability, employee involvement, flexibility to make choices about how results will be obtained, and whether or not employees perceive that the safety system is good for them.

In the end, he says, it is “how people feel about their organization that dictates

how they behave on the job every day.” If companies consistently place a high value on safety and make decisions daily that support safety, employees will respond and operate in a safe manner.

3) ACCIDENT STATISTICS TELL US SOMETHING. For most organizations, particularly smaller ones, recordable injury rates “have no statistical validity and very little meaning whatsoever,” Petersen says. Moreover, he points out, they neither “direct you very much” nor “diagnose and tell

at the hourly employee level what they think about the effectiveness of the organization. “You ask the questions of people at different levels of the organization and then compare the responses. You find a tremendous difference of opinion among what management thinks, what supervisors think, and what employees think. We believe what the employees say is reality. It tells you not only exactly where you are but what you need to fix to get better tomorrow. That's because you can identify

“We believe what the employees say is reality. It tells you not only exactly where you are but what you need to fix to get better tomorrow.”

you what's wrong.” He added: “You go from an occupational injury rate of 6 to 4 in one year, does that mean that you are x percent better? If so, what is it that you did to get better? Organizations usually say: ‘I have no idea. Just lucky, I guess.’”

Moreover, injury statistics are downstream measures. “What you need are upstream measures that tell you whether or not your system is getting any better as you go.”

Instead, he offers three suggestions:

- An activities-measuring approach where you identify for people in each level of the organization the kinds of things that they are supposed to do that you think will get results and measure whether or not they have done them.
- Use behavior sampling, in which you systematically look at the behavior of people on a regular basis, identify safe versus unsafe behaviors, and compile behavior statistics. Over time in a large company, those behaviors will predict what your accident rate is going to be.

• Use a validated perception survey, in which you ask people in the organization

those various areas within the safety system that they feel are working and those areas that are a waste of time.”

4) AUDITS PREDICT RESULTS IN SAFETY. Petersen once backed the use of audits, but he said correlational studies between audit results and injury records in large companies show very little predictive value. That is because audits “tend to measure regulatory compliance as much as they do the effectiveness of the safety program.”

For example, said Petersen, most audits start with paperwork. “Paperwork doesn't necessarily dictate what the actions have been. There's a little slippage there,” he noted. “Also, the more paperwork you require people to do, the less they're out there talking with their people and working on improving their behavior.” Nor do the parts of audits that focus on physical conditions prove very helpful, he added, except to ensure regulatory compliance.

Can audits be a good measure of safety effectiveness? Yes, says Petersen, if the audit interviews employees about their perceptions of the safety program. This leads back, he said, to asking employees not only “what is wrong, but how to fix it.

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That gets back to involvement.”

5) REGULATORY COMPLIANCE ENSURES SAFETY RESULTS. Being in compliance with OSHA and ensuring you have a safe workplace, Petersen stresses, are “totally different things.” Compliance with OSHA, he said, “demonstrates to the hourly workers that their safety is important to management, but it certainly doesn't ensure” that a company will have a safe workplace.

Petersen said injury statistics bear him out. Over the last 25 years since OSHA was founded, he said, the physical layouts

of factories and other workplaces are “safer than we've ever had before.” Fatalities have been reduced. But there is no “significant change” in either minor or lost-time injuries and lost days are “50 percent worse than they were 25 years ago.”

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“We need to be able to say to a CEO, ‘It is crucial that you not just support but lead this [safety] function.’”

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Management and Leadership

If concentrating on physical conditions produces only limited benefits and there are no “essential elements” of a safety program, what does work? Petersen says the answer ties with industry “working toward the concept that achieving results in safety is a management function.”

For their part, managers must learn that “they have to do things within their line management structure on a regular basis that develop the culture” that produces safe behaviors,

Petersen professes not to know what those “things” are. Instead, he makes the case that organizations must “unleash” their management skills on safety problems. “We've got brilliant people out there that can do anything in terms of productivity, quality, design of products and other things,” he notes, but when it comes to safety, they throw their hands up and say they don't know how to do it.

“That's baloney,” he continued. “All they have to do is think about it and they could do it. But, we've successfully taken it away from them and said this is a safety guy's job, this is a government function, this is not yours. The more we do that, then all they have to say is ‘Tell me what to do and I'll do it.’”

Most safety experts believe top management support of safety is crucial, but Petersen points out that its role in safety is rarely defined. For many CEOs who come up the ranks from legal, financial or other nonoperations routes, says Petersen, their role has been to “sign a policy and that will take care of it.” That won't do, he adds, unless the policy is “backed up by action, by decisions that show that safety is important.” Systems are needed to measure

The Measure of Employees

Employee attitudes, Petersen says, provide a true barometer of an organization's values, its culture. Asked to define culture, he recalled talking several years ago to some hourly employees in a company. “They defined culture as being ‘that's the way it's done around here,’” he said. “Everyone knows what's important and what's not important. Everyone knows the core values of the company because they live it everyday. They live it in what comes down from management, the way they're pressured on the job or pushed for production, and on the way they're measured. Those are the dictates and inputs to culture.”

To change a culture, says Petersen, you have to start by carefully assessing what things are like at the time. That means asking employees how management actions and decisions define the work environment. Then, management needs to decide where it wants to go and the steps that will take it there. Management needs to set up “accountability systems for activities and actions at each level of management,” he said. When managers have demonstrated to employees that they are serious about safety, they can then go the employees and ask “Will you help us?” He notes: “It's not them versus us any more. It's a team. We're doing this together.”

OH

READER FEEDBACK	
What was your level of interest in this article? Please circle the appropriate number on the reader service card.	
High Interest	324
Medium Interest	326
Low Interest	328

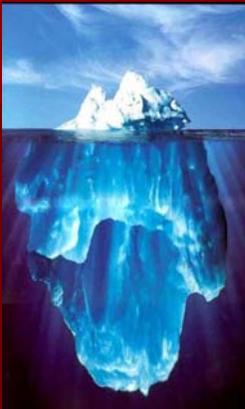
Developing A Safety Culture With in Your Facility

START

Supervisor Training in Accident Reduction Techniques

Introduction

- Regis Parker – Chairman
- Jeffrey Miller – Accountant
- David Laidlaw – President
Andersen Industries EM 1.95
- Hamilton Bergstrom III – President
Retail Department Stores EM 1.63
- Stewart Carlson – President
Commercial Construction EM .39



Direct Cost

Medical Payments
Compensation

Indirect or Hidden Costs

Down Time
Loss of Production
Loss of Good Will With Customers & Employees
Damaged Equipment
Supervisors Time to Investigate
Overtime
Failure to Meet Deadlines

\$ A F E T Y P A Y S !

Profit margin. Using 3%.

The injury or illness selected: **Foreign Body Eye**

Average Direct Cost: \$ 317.00

Average Indirect Cost: \$1,426.00

Estimated Total Cost: \$ 1,743.00

The ASSUMED net profit margin on sales is: 3%

The ADDITIONAL sales necessary-

to cover **Indirect Costs** are: **\$47,058.00**

to cover **Total Costs** are: **\$57,519.00**

\$ A F E T Y P A Y S !

Profit Margin. Using 3%.

The injury or illness selected: **Carpal Tunnel Syndrome**

Average Direct Cost: \$8,305.00

Average Indirect Cost: \$9,966.00

Estimated Total Cost: \$18,217.00

The ASSUMED net profit margin on sales is: 3%.

The ADDITIONAL sales necessary

to cover **Indirect Costs** are: **\$ 328,878.00**

to cover **Total Costs** are: **\$ 602,943.00**



What %
Of Accidents Are ?

_____ % *Of accidents are a result of hazards (i.e. :) machine guarding, electrical, safety violations and unsafe conditions.*

_____ % *Of accidents are a result of unsafe act and or poor decisions on the part of the employee.*

According to the DuPont Company

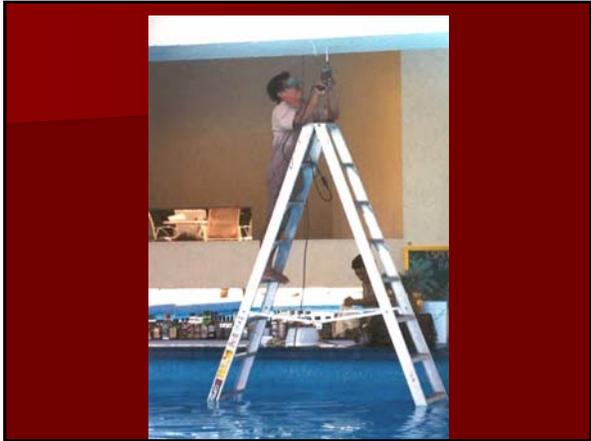
6 % *Of accidents are a result of hazards (i.e. :) machine guarding, electrical, safety violations and unsafe conditions.*

94 % *Of accidents are a result of unsafe act and or poor decisions on the part of the employee.*

Other Resources / Video's

Dan Peterson's
Safety Management Series
5 Videos average 15 minutes each

Dan Peterson's
The Challenge of Change
5 Videos average 15 minutes each



Direct and Indirect Costs of Accidents

Every accident results in costs. Invariably, costs are either:

- 1. Direct:** Medical expenses incurred from injuries sustained in the accident and indemnity payments to injured workers while away from work. These costs are most often reimbursed by insurance.
- 2. Indirect:** Other "non-billable" costs that result from internal systems adapting to the accident and its aftermath. These costs are most often uninsured and therefore unrecoverable; they account for 70 to 90 percent of the true cost of an accident. Indirect expenses may include:

Wage cost of the injured worker:

- The day of the injury
- Subsequent days (other than those covered by workers' compensation)
- Additional time off required for continued medical attention after injured returns to work
- Costs connected with decreased productivity of the injured after returning to work

Wage costs of others:

- Time lost through work stoppage:
Includes not only a shut down that may occur, but also the time workers spend helping, talking, watching at the end of an accident site or afterwards
- Supervisor's lost time related to:
Responding to the emergency
Investigating the accident
Writing the report
Performing corrective/follow-up activities
Safety discussions/meetings related to the accident
Meeting(s) with manager(s) and other communications
- Replacements:
Costs of training personnel to perform the injured employee's work
Cost of different productivity levels between the injured employee and replacement(s)
Overtime required to catch-up on output

Property Damage:

- Cost of materials damaged, destroyed, or otherwise made unusable
- Cost of replacing, repairing, cleaning up damaged equipment, machinery, and tools
- Product(s) made defective by the accident
- Damages to the building, fixtures, and signs
- Cost of materials, tools, equipment, or machinery used to repair, replace, and clean up the above items
- Cost of personnel to clean up, replace, and repair

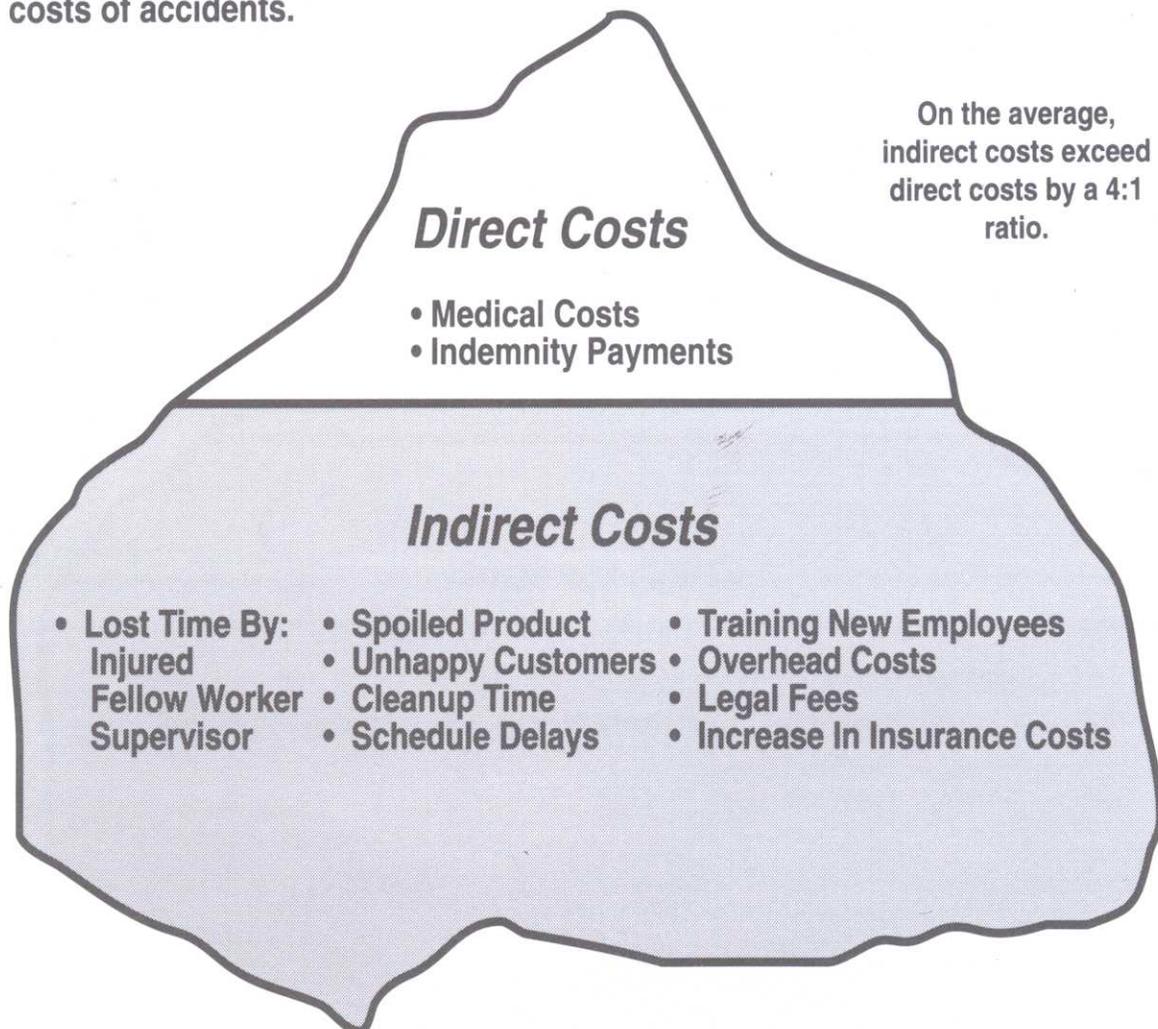
Direct and Indirect Costs of Accidents (Continued)

Administrative Costs:

- Management time
 - reviewing, investigating, and reporting the accident
 - researching, reviewing, implementing the corrective measures
 - reviewing, revising, communicating safety policies and procedures
 - if a court suit occurs, additional time related to satisfying judgements
- Administrative personnel time processing safety/accident investigation forms and related information, such as hiring, processing, training new employee(s)
- Extra utilities and cleanup associated with extra or overtime hours
- Rentals required
- Equipment, uniforms, supplies, tools, materials required for new employee(s)
- Costs of shipping/receiving delays
- Increases in workers' compensation costs
- Legal costs and/or increases in liability insurance premiums

The Net Costs of Accidents—A Summary

This "iceberg" demonstrates the relationship between direct and indirect costs of accidents.



The Investigation Process

The investigation process includes **three production factors** involved in all operations. All three should be thoroughly explored in the course of investigating accidents or near-misses.

1. EQUIPMENT

Sometimes incidents result from the improper use—and improper selection—of equipment. Also, equipment that has been improperly maintained can fail and cause an accident.

2. MATERIALS

Incidents that result from contact with materials or from improper material handling techniques fall into this category. An example would be exposure to toxic fumes or a back injury caused by improper handling procedures.

3. PEOPLE/BEHAVIOR

Only in safety cultures is behavior recognized as a root cause of an accident. The selection of workers and how they are later trained and motivated (leadership) are often root causes of accidents and near-misses.

Areas of Investigation

Accidents or near misses are always made up of several root causes. Root causes can be found in one or more of the following areas. People or behavior are involved in most accidents. When an accident or near miss does occur, one can look to the three production factors to find out the reasons why or ways to prevent accidents.

EQUIPMENT

**Selection
Use
Maintenance**

MATERIAL

**Selection
Handling
Processing**

PEOPLE/BEHAVIOR

**Selection
Training
Leadership**

Symptoms versus Causes

In order to recognize accident causes, we must be able to tell the difference between **symptoms** and underlying **causes**.

Symptoms — The unsafe acts and conditions **which we can see** that often result in accidents but are not necessarily the root cause. If only symptoms are corrected, accidents can continue to occur. Some examples of symptoms are:

- careless operation of a forklift truck
- oil on the floor
- climbing a storage rack
- improper lifting techniques
- not wearing eye protection
- standing on the top rung of a ladder

Causes — The underlying reasons for accidents **which we can't see** can only be identified by a thorough investigation. Only when root causes are corrected can accidents be prevented. Some common examples of causes are:

- inadequate employee training
- ineffective employee motivation
- lack of accountability
- inadequate policies and procedures
- improper selection of equipment or material
- poor maintenance of facilities or equipment

Unsafe Acts and Unsafe Conditions

Now we are ready to focus our attention on the symptoms of an accident. We can differentiate between unsafe acts and unsafe conditions.

Unsafe Acts

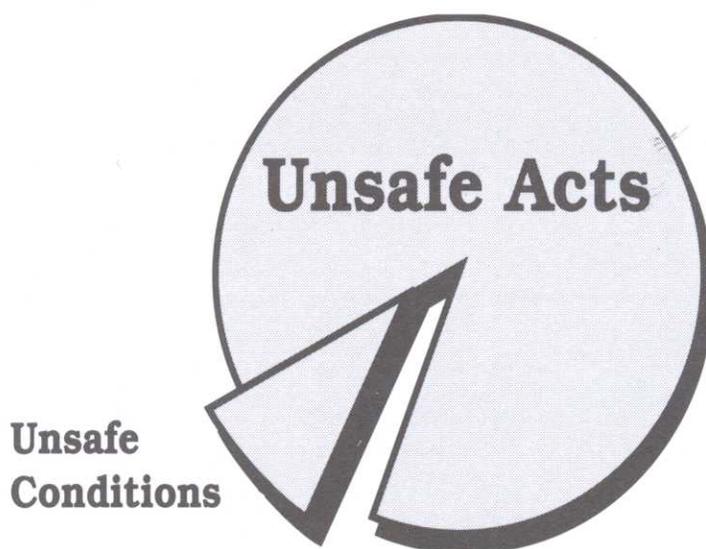
Over 90% of accidents result from unsafe acts. An unsafe act is any hazard created as a result of a human action or behavior. An unsafe act can be attributed to:

- lack of adequate training
- improper lifting technique
- poor attitude
- shortcut to save time
- lack of proper equipment and tools
- poor leadership

Unsafe Conditions

An unsafe condition is any physical hazard related to equipment, materials, structures or other physical elements of a worker's environment. Unsafe conditions may include:

- poor housekeeping
- lack of guarding
- poor maintenance
- defective equipment or tools
- improper material storage
- slip and fall hazards



Introduction

In any true safety culture, underlying causes (root causes) of accidents are identified through **recognition** and **investigation** of unsafe behavior. For example, you may **recognize** a broken ladder as a hazard; however, accidents will continue to occur unless you **investigate** and correct the root causes—inadequate training, inspection, or maintenance.

As supervisors in a safety culture, you must **recognize** and **investigate** all unsafe acts, unsafe conditions, and correct root causes. No **investigation** is complete without the identification of root causes. When these steps are taken, a true safety culture can be achieved.

Observation and Recognition Techniques

- 1. Understand the objective of the work activity you are observing.**
 - Identify inefficient action/steps.
 - Increase efficiency.
- 2. Be familiar with the standard/accepted methodology for completing the task under observation.**
 - Recognize deviations.
- 3. Look for attitudes, regardless of behavior.**
 - Attitudes precede behavior, just as behavior precedes accidents.
- 4. Trust your initial impression.**
 - Behavior may change once a worker knows he/she is being observed.
- 5. Know the accident history of the facility.**
 - Know specifically what hazards to look for, and therefore what behaviors can lead to accidents.
- 6. Document your findings.**
 - Create a paper trail for implementing changes in training, inspections, and investigations.
- 7. Have an immediate reaction.**
 - Correct unsafe acts as soon as possible.
 - Speak to employee about unsafe behavior.
 - Investigate the source of poor attitude.

The Accident Pyramid

The accident pyramid is a model that shows the result of unsafe behavior. In theory, if we decrease the frequency of unsafe behavior, we should reduce the potential for a serious injury or fatality.

Learn to recognize and investigate unsafe behavior before it results in an injury.

- The **result** of any unsafe behavior is a near miss, injury, or fatality.
- Unsafe **behavior** is always a cause of injury.



Look Behind the Pyramid!

In front of each of the following statements, put **R** if it is a result and **B** if it is a behavior.

- B Worker standing on top rung of a ladder.
- R Worker was killed when he fell.
- B Worker removed a guard from a machine and didn't replace it.
- R Worker slipped on oil from a forklift.
- R Worker's hand was amputated in an unguarded machine.
- B Worker not wearing proper eye protection.
- R Small piece of flying metal hit worker's forehead.
- B Worker repairs a machine without locking it out.

Introduction to Workers' Compensation

BWC is the second largest underwriter of workers' compensation in the country.
 (Source: BWC) Liberty Mutual is the first.



At \$21 billion, Ohio's workers' compensation system has the largest exclusive state fund in the nation.

Annual Average
230,000 Claims filed
 Paid \$1 Billion Compensation benefits
 Paid \$876 Million Medical benefits

Ohio Rate Trend
 Rates for private employers are,
 on average, 25% less than in 1995.



Employer Services Specialists (ESS)

- Risk Management
- Consultation Services
- Cost-Control Programs
- Problem Solving



Risk Management Services

An ESS can assist you in designing a cost-efficient workers' compensation program that meets your needs.



Consultation Services & Cost Control

- Conduct on-site meetings and presentations with upper management, company management teams and employee groups
- Provide detailed information on how your rates are determined
- Provide education on methods of controlling costs, improving claims management and safety processes

Group Rating

- Allows an employer with low claims experience to earn an attractive discount.
- Groups combine payroll and experience of the members to earn a significant discount.

Discounts up to 93%!



Group Rating

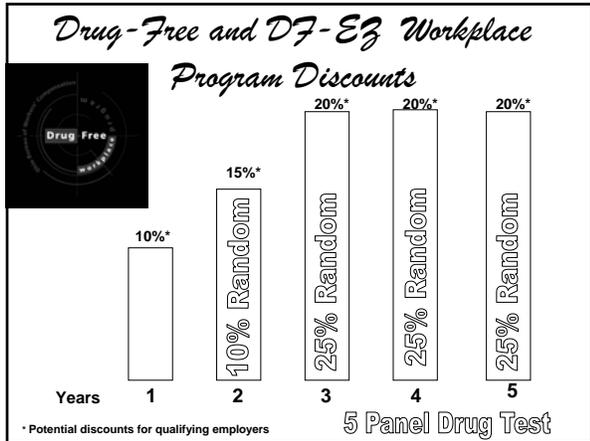
- Discount is enjoyed without risk for the rating year.
- Average discount for group rating last year =

70%

Drug-Free Workplace Program

Can stack discount with Group Rating up to maximum cap





Additional Incentives for Drug-free EZ Small Employers

15% claim severity reduction	- 10% premium rebate
15% claim frequency reduction	- 5% premium rebate
Bonus for both requirements	- <u>5% premium rebate</u>
Total	20% premium rebate

Drug-Free Workplace Program

Can stack discount with PDP

Premium Discount Program Plus

- 10% premium discount in years 1 and 2
- 5% premium discount in year 3



Additional Incentives

15% Claim severity reduction	-10% premium rebate
15% Claim frequency Reduction	- 5% premium rebate
Bonus for meeting both requirements	- 5% premium rebate
Total	20% premium rebate

Retrospective Rating

- Semi-self-insured program
- Employer selects:
 - an individual claim limit
 - a maximum premium (ceiling of claim costs)
- Employer receives up-front discount.
- Employer is responsible for 10 years of claim costs up to a claim limit.

Must pay at least \$25,000 premium/year to qualify

Self-Insurance

- Large employers (500+ employees)
- Pay assessments to BWC
- Pay all of claim costs
- BWC grants employers this privilege based on:
 - Profit margin
 - Debt structure
 - Self-insured readiness



Premium Discount Program
3,500 - 4,000

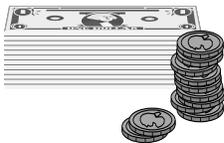
Group Rated
90,000 + private
2,546 public

275,000 Employers In Ohio
(60,000 Experience-Rated)
12,000 Penalty Rated

Retrospective	Drug-Free	Self-insured
157 private	Workplace	1,164 private
47 public	9000+	(2,035 with subsidiaries)

Direct VS Indirect Costs

- Medical costs
- Compensation costs
- BWC cooffers
- Hiring replacements
- Training replacements
- Overtime (lost work)
- Legal expenses
- Product / tool damage
- Production delays
- Loss of business (customer goodwill)
- VSSR Claim



Profitability and Your Bottom Line

- Direct Costs totaled \$5,000
- Direct Costs + Indirect costs totaled \$25,000
- Your company's Profit Margin is 5% from sales

Your company's sales department must generate \$500,000 to compensate for this loss.

1% Company Profit Margin = \$2,500,000
 2% Company Profit Margin = \$1,250,000
 5% Company Profit Margin = \$ 500,000

Today's Accident Costs

- Today's average claim costs = \$30,000
- Today's average profit margin = 5%
- Sales required to cover Direct Costs =
 $\$30,000 / 0.05 = \$600,000$
- Sales required to cover Indirect Costs =
\$2.4 Million Dollars



Money

Your claims activity
will drive your rate.

What do you want to pay?

Claims Cost Management

Who are the players?
What do they do?

- Employer
- MCO
- BWC
- TPA or legal representative

The Employer's Role

- Employer and/or MCO reports claim early
- Investigates accident promptly
- Decides to certify or reject claim
- Follows up with injured worker
- Coordinates remain/early return-to-work strategies with MCO, medical providers, and BWC



MCO Role

- Approve medical treatment
- Manage medical
- Drive return-to-work programs

BWC Role

- Investigate and determine claim allowance
- Manage lost time benefits
- Adjudicate additional conditions
- Determine Rehab eligibility
- Assist to bring the claim to resolution

Third Party Administrator

- Manage claims for employer
- Settle claims and/or pursue Handicap Reimbursement
- Represent employer at I.C. hearings

Ohio Revised Code



4123.95 Liberal Construction

 Sections 4123.01 to 4123.94, inclusive, of the Revised Code shall be liberally construed in favor of employees and the dependents of deceased employees

*Other Control Strategies
For Claims Management*

- Claim Settlement
- Handicap Reimbursement
- Transitional Work
- Subrogation
- Recreational Waiver
- Fraud Control

*Common Red Flag Indicators
Of Injured Worker Fraud*

- Injured worker can't be reached
- Tips from co-workers
- No witnesses to accident
- Cross-outs, white-outs and erasures on forms
- Date, time and place of accident unknown
- Specific details of injury not recalled



Introduction to OSHA

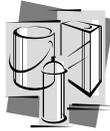
Introduction to OSHA Standards

	Purpose of OSHA
	<ul style="list-style-type: none">■ The OSHA Act of 1970 was passed <i>“to assure every working person in the Nation safe and healthful working condition”</i><ul style="list-style-type: none">- <i>To encourage employers to reduce hazards</i>- <i>Create accountability</i>- <i>Recordkeeping</i>- <i>Training</i>- <i>Develop Standards</i>

	Origin of OSHA Standards
	<ul style="list-style-type: none">■ Developed by industry-wide standard organizations<ul style="list-style-type: none">-- Compressed Gas Association,- American National Standards Institute (ANSI)- National Fire Protection Association (NFPA)- American Conference of Governmental Industrial Hygienists (ACGIH)

Horizontal and Vertical Standards

- Some standards are horizontal meaning “general”, or “across the board”
- Horizontal standards apply to **any employer in any industry**



Horizontal and Vertical Standards

- **Examples of Horizontal Standards**

- Hazard Communication Standard
- Crane
- Lockout Tagout
- Electrical

Horizontal and Vertical Standards

- **Examples of Vertical Standard**

- Paper and Paperboard Mills
- Textiles
- Bakery Equipment
- Sawmills

Reading Standards

- **29 CFR 1910.147(d)(4)(iii)(A)**
 - Lower Case Alphabetical
- Following the Section number are Major Topic Paragraphs, they are denoted with parentheses and a Lower Case alphabetical
- **(b)** Major Topic Paragraph; "Basic Rules"

Reading Standards

- **29 CFR 1910.147(d)(4)(iii)(A)**
 - Arabic Number
- (4)** Paragraph Subsection; "Where tag devices are used"

Pg. 231

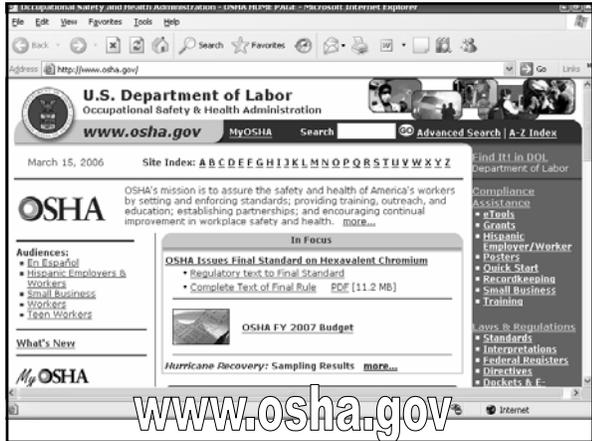
Please note :147 (c)(3)(i)

Pg. 230

29 CFR Parts

- 1904 – Recordkeeping & reporting injuries
- 1903 – Inspections, Citations and proposed penalties
- 1910 – General Industry Standards
- 1926 – Construction Standards

	<h2>General Duty Clause Sec 5</h2>
(a)	<p>Each employer --</p> <p>(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;</p> <p>(2) shall comply with occupational safety and health standards promulgated under this Act.</p>

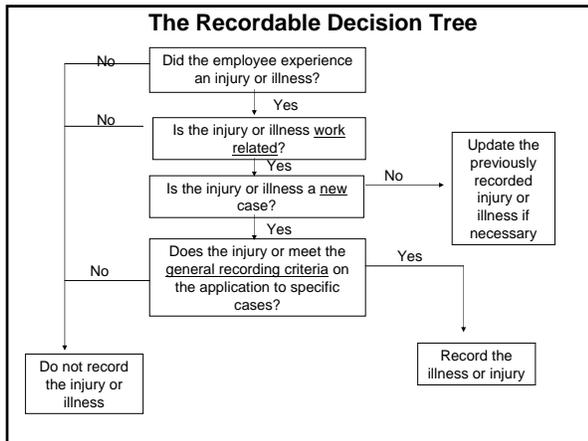


	<h2>Why would OSHA visit Me?</h2>
	<ul style="list-style-type: none"> ■ Complaint ■ Emphasis Program ■ Fatality / Injury ■ Hit List ■ Visible from the road

	<p>What to do in case of Inspection?</p>
	<ul style="list-style-type: none"> ■ Have a set plan before it happens <ul style="list-style-type: none"> - Who, contact, back up, back up ■ Allow access ■ Beginning and Ending Conference ■ Stay with them ■ Do what they do (pictures/ Notes)

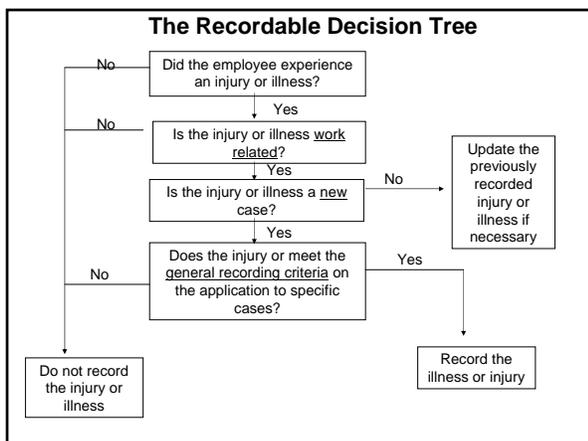
	<p>Required Written / Training Programs by Law</p>
	<ul style="list-style-type: none"> ■ Refer to tab 5 page#122

<h1>OSHA 300 Log</h1>	
<p>Brief Overview</p> <p>For more information contact a consultant or attend the OCOSH 1 day OSHA recordkeeping class</p>	



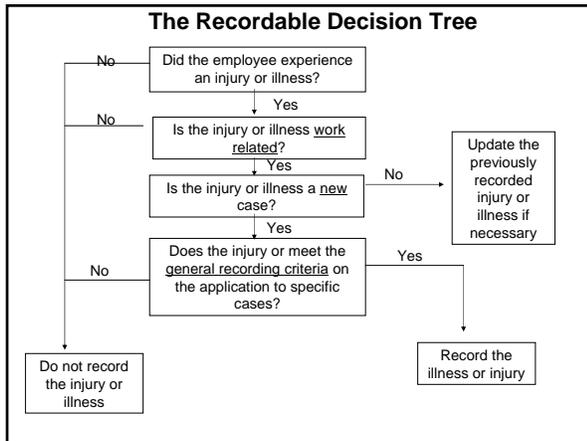
1904.5 – Work-Relatedness

- Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment
- A case is presumed work-related if, and only if, an event or exposure in the work environment is a cause (not necessarily the sole cause) of the injury or illness or of a significant aggravation to a pre-existing condition.
- The work environment is the establishment & locations where employees are working or present as a condition of employment, not only physical locations, but also the equipment or materials used by employees during the course of their work*



1904.6 – New Case

- A case is new if the employee:
 - has not previously experienced a recordable injury or illness of the same type that affects the same part of the body; or
 - previously experienced a recordable injury or illness of the same type that affects the same part of the body, but had recovered completely and an event or exposure in the work environment caused the signs and symptoms to reappear.



1904.7 – General Recording Criteria

- An injury or illness is recordable if it results in one or more of the following:
 - Death
 - Days away from work
 - Restricted work activity
 - Transfer to another job
 - Medical treatment beyond first aid
 - Loss of consciousness
 - Significant injury or illness diagnosed by a PLHCP

	1904.7(b)(5) – First Aid
	Define First aid...everything else is Medical treatment

Define First aid...everything else is Medical treatment

**OSHA
Background
References**



[Technical Links](#) > [Small Business Training](#)

Overview or Regulatory Agencies and Requirements

Occupational Safety and Health Administration (OSHA) [More Info.](#)

- Purpose
- OSH Act
- Standards
- State Programs
- Consultation Assistance

National Institute for Occupational Safety and Health (NIOSH) [More Info.](#)

- Organization and Function

U.S. Environmental Protection Agency (EPA) [More Info.](#)

- Organization and Function
- Clean Air Act
- Clean Water Act
- CERCLA (Superfund)
- EPCRA
- RCRA
- SARA
- TSCA

U.S. Department of Transportation (DOT) [More Info.](#)

- Organization and Function
- Inspection and Enforcement
- Publications and Training
- Information Analysis and Planning
- Technical Support
- HMIX
- Emergency Response Guidebook

Workers' Compensation [More Info.](#)

- Key Elements
- Costs
- Economic Incentives

[Discussion/Overheads](#) - 2.54 MB 

[Student Handouts](#) - 346 KB 

U.S. DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

OSHA'S PURPOSE

The Occupational Safety and Health Act of 1970 (the Act) was passed by Congress ". . . to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources."

Under the Act, the Occupational Safety and Health Administration (OSHA) was created within the Department of Labor to:

- Encourage employers and employees to reduce workplace hazards and to implement new or improve existing safety and health programs;
- Provide for research in occupational safety and health to develop innovative ways of dealing with occupational safety and health problems;
- Establish "separate but dependent responsibilities and rights" for employers and employees for the achievement of better safety and health conditions;
- Maintain a reporting and recordkeeping system to monitor job-related injuries and illnesses;
- Establish training programs to increase the number and competence of occupational safety and health personnel;
- Develop mandatory job safety and health standards and enforce them effectively; and
- Provide for the development, analysis, evaluation and approval of state occupational safety and health programs.

While OSHA continually reviews and redefines specific standards and

practices, its basic purposes remain constant. OSHA strives to implement its mandate fully and firmly with fairness to all concerned. In all its procedures, from standards development through implementation and enforcement, OSHA guarantees employers and employees the right to be fully informed, to participate actively and to appeal actions.

THE ACT'S COVERAGE

In general, coverage of the Act extends to all employers and their employees in the 50 states, the District of Columbia, Puerto Rico, and all other territories under Federal Government jurisdiction. Coverage is provided either directly by federal OSHA or through an OSHA-approved state program (see section on OSHA-Approved State Programs).

As defined by the Act, an employer is any "person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State." Therefore, the Act applies to employers and employees in such varied fields as manufacturing, construction, longshoring, agriculture, law and medicine, charity and disaster relief, organized labor and private education. Such coverage includes religious groups to the extent that they employ workers for secular purposes.

The following are not covered under the Act:

- Self-employed persons;
- Farms at which only immediate members of the farm employer's family are employed; and
- Working conditions regulated by other federal agencies under other federal statutes.

But even when another federal agency is authorized to regulate safety and health working conditions in a particular industry, if it does not do so in specific areas, then OSHA standards apply.

STANDARDS

In carrying out its duties, OSHA is responsible for promulgating legally enforceable standards. OSHA standards may require conditions, or the adoption or use of one or more practices, means, methods or processes reasonably necessary and appropriate to protect workers on the job. It is the responsibility of employers to become familiar with standards applicable to their establishments and to ensure that employees have

and use personal protective equipment when required for safety.

OSHA standards cover areas including general industry, construction, shipyard employment, marine terminals, longshoring, and agriculture.

Where OSHA has not promulgated specific standards, employers are responsible for following the Act's general duty clause. The general duty clause of the Act states that each employer "shall furnish . . . a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees."

States with OSHA-approved occupational safety and health programs must set standards that are at least as effective as the federal standards. Many state plan states adopt standards identical to the federal.

OSHA-APPROVED STATE PROGRAMS

The Act encourages states to develop and operate, under OSHA guidance, state job safety and health plans.

Once a state plan is approved under Section 18(b) of the Act, OSHA funds up to 50 percent of the program's operating costs. State plans are required to provide standards and enforcement programs, as well as voluntary compliance activities, which are at least as effective as the federal program. State plans developed for the private sector also must, to the extent permitted by state law, provide coverage for state and local government employees. OSHA rules also permit states to develop plans limited in coverage to public sector (state and local government) employees only; in such cases, private sector employment remains under federal jurisdiction.

CONSULTATION ASSISTANCE

Free on-site consultative assistance is available to employers who want help in establishing and maintaining a safe and healthful workplace.

Largely funded by OSHA, the service is provided at no cost to the employer. No penalties are proposed or citations issued for hazards identified by the consultant.

The service is provided to employers upon request with the assurance that their names and firms and any information about their workplaces will not be routinely reported to OSHA enforcement staff.

Besides helping employers identify and correct specific hazards, consultation can include assistance in developing and implementing effective workplace safety and health programs with emphasis on the prevention of worker injuries and illnesses. Such comprehensive consultation assistance includes an appraisal of all mechanical systems, physical work practices, and environmental hazards of the workplace, and all aspects of the employer's present job safety and health program. Employers may also receive training and education services, as well as limited assistance away from the worksite.

Primarily targeted for smaller employers with more hazardous operations, the consultation service is delivered by state government agencies employing professional safety consultants and health consultants. All consultation services are provided at the request of an employer.

Possible violations of OSHA standards will not be reported to OSHA enforcement staff unless the employer fails or refuses to eliminate or control worker exposure to any identified serious hazard or imminent danger situation. In such unusual circumstances, OSHA may investigate and begin enforcement action.

Additional information concerning consultation assistance, including a directory of OSHA-funded consultation projects, can be obtained by requesting OSHA publication No. 3047, *Consultation Services for the Employer*.

KEEPING UP TO DATE ON OSHA

Clearly, OSHA cannot succeed in its mission without fully informed employers and employees. If you have questions about OSHA, contact your nearest OSHA office.

You are encouraged to learn all you can about OSHA, its aims, policies, programs and practices, because you are the reason for them. The more you know about OSHA, the better you can contribute to its pursuit of safe and healthful working conditions for all Americans.

THE NEW OSHA - WORK IN PROGRESS

FRAMEWORK

A safe workplace is central to our ability to enjoy health, security, and the opportunity to achieve the American dream. Since OSHA's inception

in 1970, the agency's mission has been clear and unwavering: ". . . to assure as far as possible every working man and woman in the nation safe and healthful working conditions." That mission - to save lives, prevent injuries and illnesses, and to protect the health of America's workers - remains vital today.

OSHA's pride in its accomplishments is tempered by two realities. First, despite OSHA's efforts, every year more than 6,000 Americans die from workplace injuries, an estimated 50,000 people die from illnesses caused by workplace chemical exposures, and 6 million people suffer non-fatal workplace injuries. Injuries alone cost the economy more than \$110 billion a year.

Secondly, OSHA has been historically driven by numbers and rules, not by results. Business complains about its overzealous enforcement and burdensome regulations. Many people view OSHA as an agency so enmeshed in its own red tape that it has lost sight of its own mission. And too often, a "one-size-fits-all" regulatory approach has treated conscientious employers no differently from those who put workers needlessly at risk.

To this end, OSHA announced three sets of regulatory reform initiatives to enhance safety, trim paperwork, and transform OSHA:

Building Partnerships: OSHA will change its fundamental operating paradigm from one of command and control to one that provides employers a real choice between partnership and a traditional enforcement relationship.

Common Sense Regulation: OSHA will change its approach to regulations by identifying clear and sensible priorities, focusing on key building block rules, eliminating or fixing out-of-date and confusing standards, and emphasizing interaction with business and labor in the development of rules.

Results, Not Red Tape: OSHA will change the way it works on a day-to-day basis by focusing on the most serious hazards and the most dangerous workplaces and by insisting on results instead of red tape.

BUILDING PARTNERSHIPS

The heart of OSHA's reform efforts is to offer businesses the choice of working with their employees to develop and enhance health and safety

programs or to be subject to traditional OSHA enforcement. OSHA is seeking to modify its operations from reactively responding to complaints to proactively identifying and fixing the biggest workplace threats to health and safety. One of the first efforts began with 200 companies with the highest number of workers' compensation claims in the state of Maine and is being replicated in OSHA area offices nationwide. OSHA evaluation shows that employers in the program have identified over 180,000 instances of hazards and have already eliminated 128,000 of them. Participating employers self-identified 14 times more hazards than OSHA could have found using its traditional strategy of physical workplace inspection - in part because OSHA's small staff could never have visited all the work sites involved. Six out of ten of the Maine employers have experienced a decrease in their lost-time injury rate.

COMMON SENSE REGULATION

OSHA is developing common sense regulation by negotiating, not dictating, health and safety standards. A recent example is the consensus reached by the agency's Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC). This committee, comprised of representatives from industry, trade unions, and government, recently reached consensus on a draft proposal that will provide improved protection for all workers engaged in steel erection activities.

The hearings on OSHA's proposal for a new respiratory protection standard featured a novel interactive panel discussion requested by respirator manufacturers. The panel provided OSHA valuable information toward achieving an improved final product.

Confusing, obsolete, inconsistent and duplicative rules are being improved, updated or eliminated. Standards will be revised in partnership with industry and rewritten in plain language. As an example, the OSHA current regulation on means of egress is several paragraphs long; the proposed rewrite changes the words to "escape route" and is explained in just a few words and in plain language. In all, more than 1,000 pages will be eliminated from the Code of Federal Regulations.

RESULTS, NOT RED TAPE

OSHA is significantly changing the way it does business. In the past, the agency looked at activities - such as how many inspections, how many violations, how many penalty dollars. Now instead of using the traditional strategy of protecting workers by reacting to workplace injuries and

illnesses in an incidental and piecemeal manner, the redesigned OSHA area offices attempt to solve the problems. The field offices analyze the root causes of injuries and illnesses in their jurisdiction and develop appropriate responses.

Today's OSHA is focusing on results, not red tape. Redesigned field offices have already sharply reduced the time from receipt of a nonformal complaint to abatement of the hazard by using procedures as simple as phone calls and faxed copies of complaint forms.

INITIATIVES

In the construction industry, which is largely comprised of small firms, OSHA is taking a new approach called "focused inspections." Construction employers who have a good safety and health program can expect an OSHA inspection to concentrate only on the four leading killers of construction workers - falls, electrocutions, trenches, or being struck by or caught in between objects. If there isn't a problem in one of these areas, the inspector moves on.

OSHA is also strengthening its partnership with the 23 states and territories operating their own OSHA-approved occupational safety and health programs. The agency is encouraging them to experiment with innovative ways to prevent injuries and illnesses.

The agency has increased its use of technology such as video cameras and laptop computers to document inspection findings and reduce paperwork. Speaking of paperwork, OSHA poster violations, a thorn in the side of many businesses, have become a thing of the past. Rather than issuing citations for not having an OSHA poster, agency inspectors now issue posters instead. This enables OSHA staff to spend more time focusing on the leading causes of injury and death in the workplace.

OSHA'S PRINCIPLES FOR PROTECTING AMERICA'S WORKERS

1. OSHA's purpose is to save lives, prevent workplace injuries and illnesses, and protect the health of all America's workers. This includes efforts to protect groups of workers who are small and unorganized but who are particularly vulnerable or who face special hazards.
 2. Whenever possible, OSHA will seek and expect implementation of hazard control strategies based upon primary prevention (i.e., strategies which focus on fixing the underlying causes of problems and reducing hazardous exposures at their source).
-

3. OSHA will initiate strategic, public-private partnerships to identify and encourage the spread of industry best practices to solve national problems.
4. Employer commitment and meaningful employee participation and involvement in safety and health are key elements in effective health and safety programs.
5. All safety and health services, resources, rules, and information must be readily accessible and understandable to employees, employers, and OSHA's staff.
6. OSHA intends to be a performance-oriented, data-driven organization that places the highest premium on real results rather than activities and processes. OSHA's programs must be judged based on their success at eliminating hazards and reducing injuries and illnesses.

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH
(NIOSH)**

Part of the Centers for Disease Control and Prevention in the U.S. Department of Health and Human Services. NIOSH provides research and evaluation studies of occupational injuries and hazardous substances in the workplace. These criteria are used by OSHA for setting workplace safety standards. Operates an occupational safety and health informational bibliographic data base. NIOSH also certifies respiratory protection devices.

For further information, call 1-800-35-NIOSH or visit the NIOSH Home page on the World Wide Web at :
<http://www.cdc.gov/NIOSH/homepage.html>.

U.S. ENVIRONMENTAL PROTECTION AGENCY

The U.S. Environmental Protection Agency (EPA) was established as an independent agency in the Executive Branch in December 1970 and is responsible for executing the Federal laws protecting the environment.

The EPA was created to permit coordinated and effective governmental action on the behalf of the environment. The EPA endeavors to systematically reduce and control pollution through the appropriate integration of a variety of research, monitoring, standard setting, and enforcement activities. The EPA also coordinates and supports research and antipollution activities by State and local governments, private and public groups, individuals, and educational institutions. In total, the EPA

is designed to serve as the public's advocate for a livable environment. For information, call (202) 260-7751.

The Agency administers many comprehensive environmental protection laws. Some of these laws are discussed below.

Clean Air Act

42 U.S.C. 7401 *et seq.* (1970)

The Clean Air Act is the comprehensive federal law which regulates air emissions from area, stationary, and mobile sources. This law authorizes the EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and the environment. The goal of the Act was to set and achieve NAAQS in every state by 1975. This setting of maximum pollutant standards was coupled with directing the states to develop state implementation plans (SIPs) applicable to appropriate industrial sources in the state.

The Act was amended in 1977 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines. The 1990 amendments to the Clean Air Act in large part were intended to meet unaddressed or insufficiently addressed problems such as acid rain, ground level ozone, stratospheric ozone depletion, and air toxics.

Clean Water Act (CWA)

33 U.S.C. 121 *et seq.* (1977)

The Clean Water Act is a 1977 amendment to the Federal Water Pollution Control Act of 1972, which set the basic structure for regulating discharges of pollutants to waters of the United States. This law gave EPA the authority to set effluent standards on an industry-by-industry basis (technology-based) and continued the requirements to set water quality standards for all contaminants in surface waters. The CWA makes it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit is obtained under the Act. A point source is a stationary location or a fixed facility such as an industry or municipality that discharges pollutants into surface water through pipes, ditches, lagoons, or wells; a single identifiable source such as a ship or a mine. The 1977 amendments focused on toxic pollutants. In 1987, the CWA was reauthorized and again focused on toxic substances, authorized citizen suit provisions, and funded sewage treatment plants under the Construction Grants Program.

The CWA provides for the delegation by EPA of many permitting, administrative, and enforcement aspects of the law to state governments. In states with the authority to implement CWA programs, EPA still retains oversight responsibilities.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund)

42 U.S.C. 9601 *et seq.* (1980)

CERCLA (pronounced SERK-la) provides a federal "Superfund" to clean up uncontrolled or abandoned hazardous waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through the Act, EPA was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. EPA cleans up orphan sites when potentially responsible parties cannot be identified or located, or when they fail to act. Through various enforcement tools, EPA obtains private party cleanup through orders, consent decrees, and other small party settlements. EPA also recovers costs from financially viable individuals and companies once a response action has been completed.

EPA is authorized to implement the Act in all 50 states and U.S. territories. Superfund site identification, monitoring, and response activities in states are coordinated through the state environmental protection or waste management agencies.

Emergency Planning & Community Right-to-Know Act (EPCRA)

42 U.S.C. 11011 *et seq.* (1986)

Also known as Title III of SARA, EPCRA was enacted by Congress as the national legislation on community safety. This law was designed to help local communities protect public health, safety, and the environment from chemical hazards.

To implement EPCRA, Congress required each state to appoint a State Emergency Response Commission (SERC). The SERCs were required to divide their states into Emergency Planning Districts and to name a Local Emergency Planning Committee for each district. Broad representation by fire fighters, health officials, government and media representatives, community groups, industrial facilities, and emergency managers ensures that all necessary elements of the planning process are represented.

Resource Conservation and Recovery Act (RCRA)

42 U.S.C. 321 *et seq.* (1976)

RCRA (pronounced "rick-rah") gave EPA the authority to control hazardous waste from "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes.

The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground storage tanks storing petroleum and other hazardous substances. RCRA focuses only on active and future facilities and does not address abandoned or historical sites (see CERCLA).

Superfund Amendments and Reauthorization Act (SARA)

42 U.S.C. 9601 *et seq.* (1986)

The Superfund Amendments and Reauthorization Act of 1986 reauthorized CERCLA to continue cleanup activities around the country. Several site-specific amendments, definitions, clarifications, and technical requirements were added to the legislation, including additional enforcement authorities.

Title III of SARA also authorized the Emergency Planning and Community Right-to-Know Act (EPCRA).

Toxic Substances Control Act (TSCA)

15 U.S.C. 2601 *et seq.* (1976)

The Toxic Substances Control Act of 1976 was enacted by Congress to test, regulate, and screen all chemicals produced or imported into the U.S. Many thousands of chemicals and their compounds are developed each year with unknown toxic or dangerous characteristics. To prevent tragic consequences, TSCA requires that any chemical that reaches the consumer market place be tested for possible toxic effects prior to commercial manufacture.

Any existing chemical that poses health and environmental hazards is tracked and reported under TSCA. Procedures also are authorized for corrective action under TSCA in cases of cleanup of toxic materials contamination. TSCA supplements other federal statutes, including the Clean Air Act and the Toxic Release Inventory under EPCRA.

U.S. DEPARTMENT OF TRANSPORTATION

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

Within the U.S. Department of Transportation (DOT), the Research and Special Programs Administration (RSPA) is responsible for coordinating a national safety program for transportation of hazardous materials by air, rail, highway, and water. Included in this program is responsibility for developing and issuing the Hazardous Materials Regulations which are contained in Title 49, *Code of Federal Regulations*. The Hazardous Materials Regulations cover hazardous materials definitions and classifications, shipper and carrier operations, and packaging and container specifications.

INSPECTION AND ENFORCEMENT

The Office of Hazardous Materials Enforcement (OHME) coordinates the Department's policies on hazardous materials enforcement. The primary focus of the OHME inspection and enforcement program is hazardous materials packaging in all its forms and related retesting and reconditioning activities. Shipments of hazardous materials are inspected for compliance with classification, description, marking, labeling and packaging requirements. The OHME provides assistance to, and conducts joint inspections with state enforcement personnel and other Federal agencies. To further this coordination effort, the OHME has four regional offices and a headquarters unit in Washington, DC.

PUBLICATIONS AND TRAINING

To promote compliance with hazardous materials regulations, the Office of Hazardous Materials Initiatives and Training distributes training and information guides to private sector and government personnel. Brochures, charts, publications, training materials, videotapes and other safety-related information are available to the public.

Hazardous materials training is provided to Federal, state and local enforcement agencies, industry, and emergency response personnel. The major focus is on hazardous materials compliance, enforcement, and emergency response. Classroom training is provided by the staff of the Transportation Safety Institute, Oklahoma City, Oklahoma, and at selected sites throughout the country. New emphasis is being placed on PC-based self-study programs through a CD-ROM modular training series.

INFORMATION ANALYSIS AND PLANNING

The Office of Hazardous Materials Planning and Analysis operates the Hazardous Materials Information System (HMIS), a computerized national database, containing comprehensive information on hazardous materials incident reports and other hazardous materials safety-related information. Access to major areas of the system is provided FREE to government agencies and the public through user-friendly, menu-driven programs. For HMIS information, call (202) 366-4484.

TECHNICAL SUPPORT

The Office of Hazardous Materials Technology (OHMT) provides science and engineering support for development, modification, and interpretation of hazardous materials regulations both domestic and international. The OHMT also provides technical support for exemptions, approvals, training, emergency response, and enforcement activities.

HAZARDOUS MATERIALS INFORMATION EXCHANGE (HMIX)

The HMIX, managed as a joint project with the Federal Emergency Management Agency (FEMA), is a FREE interactive electronic bulletin board which is available 24 hours a day. This electronic bulletin board offers topics on training courses, coming events, public and private sector hazmat information, regulations, interpretations and other safety-related information. The public is encouraged to take advantage of this FREE service and to contribute useful information to this two-way communication system.

Access HMIX on Internet: (This bulletin board no longer exists. It was phased out in 9/98.)

Toll-free assistance is 1-800-PLANFOR, and in Illinois, 1-800-367-9592.

EMERGENCY RESPONSE GUIDEBOOK (ERG)

The DOT Emergency Response Guidebook addresses all hazardous materials regulated by DOT along with suggested initial response actions to be taken in the event of an incident (spill, explosion, fire, etc.) involving hazardous materials. Updated every three years, the ERG is available to first responders - police, fire and other emergency response personnel.

WORKERS' COMPENSATION

INTRODUCTION

Workers' compensation insurance in the United States originated as a turn of the century reform of the insurance system designed to maximize benefits to workers while minimizing administrative and litigation costs. The essence of the workers' compensation system is that the employer must compensate the worker for all work related injuries and illnesses regardless of fault. The compensation the worker can receive is limited by statute, and the worker cannot sue in court for further damages.

BASIC PRINCIPLES

One of the things that makes it difficult to generalize about workers' compensation is that it is a state-based system. For almost any possible statement one can make, one can find a state that does things differently. As a result, most generalizations about workers' compensation have exceptions.

However, the key elements that are common to almost all states are:

- All work-related injuries and illnesses must be compensated, regardless of fault.
 - Compensation is limited to
 - Medical Costs
 - Indemnity Payments, which can take the form of: temporary disability payments (a substantial portion of lost wages for time away from work prior to the worker's recovery or a diagnosis that the worker will not fully recover) or permanent partial (or total) disability payments (payments for long term loss of income earning potential due to permanent disability)
 - Defined Death Benefits
 - Some of the major limitations of workers' compensation are that the system does not allow payments for pain and suffering nor may workers receive punitive damages from their employers
 - Workers' compensation is not required in three states (New Jersey, Texas, and South Carolina). Even in those three states, it is provided by most employers.
-

- Since it is a state-based system, rules will vary from state to state.

COSTS OF WORKERS' COMPENSATION

In 1992, workers' compensation as a whole cost the nation over 60 billion dollars. The costs of workers' compensation have risen steadily through the years. Both the number of claims and the average costs per claim have increased. The costs of both the medical and disability components of workers' compensation have increased at rates far greater than inflation. This rapid rate of increase has caused many states to focus on ways of reforming the system, including ways to provide greater incentives for employers to reduce accidents and injuries.

ECONOMIC INCENTIVES

All firms suffer from the high cost of workers' compensation and are better off if the injury and illness rates, as a whole, fall. There are also indirect and hidden costs associated with injuries and illnesses.

Some insurers may quote premiums below the prescribed rates for small firms. Such bargain policies will tend to go to firms with good experience records.

There are also other potential advantages to small firms having a good safety and health record. In states with assigned risk pools, rates are normally higher in the assigned risk pool than for firms that can obtain insurance in the voluntary market. This provides smaller firms that are not in an assigned risk pool an incentive to minimize illnesses and injuries so they will not be dropped by their insurer and dumped into the assigned risk pool. However, in some states many small firms, and virtually all new firms, are placed in the assigned risk pool in any case.

SUMMARY

Workers' compensation represents a significant business expense for employers, in some cases, 20%-30% of payroll. The system, however, is critical to the economic well-being of the injured worker. There is a clear trend of increased benefits to the injured and increased cost to the employer, which are passed on to consumers, in terms of higher priced products. Only one thing is certain: workers' compensation will cost more, not less, in the future.

To a large extent, employers can influence their net costs for this coverage, positively or negatively, through their own efforts. There are

sufficient cost incentives in the system to motivate management positively in that direction. The enormity of the cost and the means of controlling these costs must be understood, accepted, and applied. When health and safety is a high priority with management, they, their employees, and the public realize the direct benefits.

[Discussion/Overheads](#) - 2.54 MB 

[Student Handouts](#) - 346 KB 

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[\[Text Only\]](#)

OSH Act of 1970

[1 OSH Act of 1970 - Table of Contents](#)

5. Duties

(a) Each employer --

29 USC 654.

(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

(2) shall comply with occupational safety and health standards promulgated under this Act.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

[1 OSH Act of 1970 - Table of Contents](#)

Found July 1, 2002 at http://www.osha-slc.gov/OshAct_data/OSHACT.html#5



[Technical Links](#) > [Small Business Training](#)

OSHA PROCEDURES

Need for Legislation

OSHA's Mission and Purpose

The Act's Coverage

Standards

- Standards development and adoption
- Emergency temporary standards
- Variances

Workplace Inspections

- Authority to inspect
 - Inspection priorities
 - Imminent Danger
 - Catastrophes and fatal accidents
 - Employee complaints
 - Programmed inspections
 - Followup inspections
 - Inspection process
 - Inspector's credentials
 - Opening conference
 - Inspection tour or walkaround
 - Closing conference
 - Inspection results
 - Citations/Penalties
 - Classification of violations
 - Appeals process
 - Appeals by employees
 - Appeals by employers
-

OSHA-Approved State Programs

References:

[All About OSHA](#) - OSHA 2056

Sources of Assistance

- [Consultation assistance](#)
- [Voluntary Protection Programs](#)
- [Training and Education](#)
- [OSHA informational materials](#)
- [Most Frequently Violated Standards](#)
- [OSHA Handbook for Small Business](#) - OSHA 2209

[Discussion/Overheads](#) - 1.13 MB 

[Student Handouts](#) - 275 KB 

[Self-Inspection Checklist](#)

This information was found July 1, 2002 at
<http://www.osha-slc.gov/SLTC/smallbusiness/sec1.html>

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[Construction](#) > [Construction Outreach TOC](#) > General Safety and Health Provisions

**Construction Safety and Health
Outreach Program**

U.S. Department of Labor
OSHA Office of Training and Education
May 1996

General Safety and Health Provisions

GENERAL SAFETY AND HEALTH PROVISIONS - §1926.20

Contractor Requirements

No contractor or subcontractor for any part of contract work for construction, alteration, and/or repair, including painting and decorating, shall require any employee to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his/her health or safety.

Accident Prevention Responsibilities

It shall be the responsibility of the employer to provide for frequent and regular inspections of the job site, materials, and equipment by competent persons designated by the employer.

A **competent person** is defined in §1926.32(f) as "one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them."

The use of any machinery, tool, material, or equipment which is not in compliance with OSHA standards is prohibited and they shall be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from their place of operation.

The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

SAFETY TRAINING AND EDUCATION - §1926.21

General Requirements

The Department of Labor shall establish and supervise programs for the education and training of employers and employees in the recognition, avoidance and prevention of

unsafe conditions in regulated employments.

Employer Responsibility

The employer should avail himself of the safety and health training programs the Department of Labor provides.

The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

Employees required to handle or use poisons, caustics, and other harmful substances shall be instructed regarding the safe handling and use, and be made aware of the potential hazards, personal hygiene, and personal protective measures required.

In job site areas where harmful plants or animals are present, employees who may be exposed shall be instructed regarding the potential hazards, and how to avoid injury, and the first aid procedures to be used in the event of injury.

All employees required to enter into confined or enclosed spaces shall be instructed as to the nature of the hazards involved, the necessary precautions to be taken, and in the use of protective and emergency equipment required. The employer shall comply with any specific regulations that apply to work in dangerous or potentially dangerous areas.

"Confined or enclosed space" means any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.

FIRST AID AND MEDICAL ATTENTION - §1926.23

First aid services and provisions for medical care shall be made available by the employer for every employee covered by these regulations. Regulations prescribing specific requirements for first aid, medical attention, and emergency facilities are contained in Subpart D, *Occupational Health and Environmental Controls*.

FIRE PROTECTION AND PREVENTION - §1926.24

The employer shall be responsible for the development and maintenance of an effective fire protection and prevention program at the job site throughout all phases of the construction, repair, alteration, or demolition work. The employer shall ensure the availability of the fire protection and suppression equipment required by Subpart F, *Fire Protection and Prevention*.

HOUSEKEEPING - §1926.25

During the course of construction, alteration, or repairs, form and scrap lumber with protruding nails, and all other debris, shall be kept cleared from work areas,

passageways, and stairs, in and around buildings or other structures.

Combustible scrap and debris shall be removed at regular intervals during the course of construction. Safe means shall be provided to facilitate such removal.

Containers shall be provided for the collection and separation of waste, trash, oily and used rags, and other refuse. Containers used for garbage and other oily, flammable, or hazardous wastes, such as caustics, acids, harmful dusts, etc. shall be equipped with covers. Garbage and other waste shall be disposed of at frequent and regular intervals.

ILLUMINATION - §1926.26

Construction areas, aisles, stairs, ramps, runways, corridors, offices, shops, and storage areas where work is in progress shall be lighted with either natural or artificial illumination. The minimum illumination requirements for work areas are contained in Subpart D, *Occupational Health and Environmental Controls*.

SANITATION - §1926.27

Health and sanitation requirements for drinking water are contained in Subpart D, *Occupational Health and Environmental Controls*.

PERSONAL PROTECTIVE EQUIPMENT - §1926.28

The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where these regulations indicate the need for using such equipment to reduce the hazards to the employees.

Regulations governing the use, selection, and maintenance of personal protective and life saving equipment are described in Subpart E, *Personal Protective and Life Saving Equipment*.

ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS - §1926.33

Access

"Access," for the purpose of the standard, means the right and opportunity to examine and copy. Access to employee medical and exposure records must be provided in a reasonable manner and place. If access cannot be provided within 15 days after the employee's request, the employer must state the reason for the delay and the earliest date when the records will be made available. Responses to initial requests, and new information that has been added to an initial request, are to be provided without cost to the employee or representative. The employer may give employees copies of the requested records, give the employees the records and the use of mechanical copying facilities so the employee may copy the records, or lend employees their records for copying off the premises. In addition, medical and exposure records are to be made available, on request, to OSHA representatives to examine and copy.

Exposure Records

Upon request, the employer must provide the employee, or employee's designated representative access to employee exposure records. If no records exist, the employer must provide records of other employees with job duties similar to those of the employee. Access to these records does not require the written consent of the other employees. In addition, these records must reasonably indicate the identity, amount, and nature of the toxic substances or harmful physical agents to which the employee has been exposed. Union representatives must indicate an occupational health need for requested records when seeking access to exposure records without the written authorization of the employee(s) involved.

Medical Records

The employer also must provide employees and their designated representatives access to medical records relevant to the employee. Access to the medical records of another employee may be provided only with the specific written consent of that employee. The standard provides a suitable sample authorization letter for this purpose. Prior to employee access to medical records, physicians, on behalf of employers, are encouraged to discuss with employees the contents of their medical records; physicians also may recommend ways of disclosing medical records other than by direct employee access. Where appropriate, a physician representing the employer can elect to disclose information on specific diagnoses of terminal illness or psychiatric conditions only to an employee's designated representative, and not directly to the employee. In addition, a physician, nurse, or other responsible health care person who maintains medical records may delete from requested medical records the names of persons who provided confidential information concerning an employee's health status.

Analyses Using Exposure or Medical Records

The standard assures that an employee (or designated representative), as well as OSHA, can have access to analyses that were developed using information from exposure or medical records about the employee's working conditions or workplaces. Personal identities, such as names, addresses, social security and payroll numbers, age, race, and sex, must be removed from the data analyses prior to access.

Trade Secrets

In providing access to records, an employer may withhold trade secret information but must provide information needed to protect employee health. Where it is necessary to protect employee health, the employer may be required to release trade secret information but may condition access on a written agreement not to abuse the trade secret or to disclose the chemical's identity.

An employer also may delete from records any trade secret that discloses manufacturing processes or the percentage of a chemical substance in a mixture. The employer must, however, state when such deletions are made. When the deletion impairs the evaluation of where or when exposure occurs, the employer must provide alternative information that is sufficient to permit the requester to make such evaluations.

The employer also may withhold a specific chemical identity when the employer can demonstrate it is a trade secret, the employer states this to the requester, and all other

information on the properties and effects of the toxic substance is disclosed. The specific chemical identity, however, must be disclosed to a treating physician or nurse when that physician or nurse states that a medical emergency exists and the identity is necessary for treatment. When the emergency is over, the employer may require the physician or nurse to sign a confidentiality agreement.

The employer also must provide access to a specific chemical identity in non-emergency situations to an employee, an employee's designated representative or a health care professional if it will be used for one or more of the following activities:

- Assess the hazards of the chemicals to which employees will be exposed.
- Conduct or assess sampling of the workplace atmosphere to determine employee exposure levels.
- Conduct pre-assignment or periodic medical surveillance of exposed employees.
- Provide medical treatment to exposed employees.
- Select or assess appropriate personal protective equipment for exposed employees.
- Design or assess engineering controls or other protective measures for exposed employees.
- Conduct studies to determine the health effects of exposure.

In these instances, however, the employer may require the requester to submit a written statement of need, the reasons why alternative information will not suffice, and to sign a confidentiality agreement not to use the information for any purpose other than the health need stated and not to release it under any circumstances, except to OSHA.

The standard further prescribes the steps employers must follow if they decide not to disclose the specific chemical identity requested by the health professional, employee, or designated representative. Briefly, these steps are as follows:

- Provide a written denial.
- Provide the denial within 30 days of the request.
- Provide evidence that the chemical identity is a trade secret.
- Explain why alternative information is adequate.
- Give specific reasons for the denial.

An employee, designated representative, or health professional may refer such a denial to OSHA for review and comment.

Employee Information

At the time of initial employment and at least annually thereafter, employees must be told of the existence, location, and availability of their medical and exposure records. The employer also must inform each employee of his or her rights under the access standard and make copies of the standard available. Employees also must be told who is responsible for maintaining and providing access to records.

Transfer of Records

When an employer ceases to do business, he or she is required to provide the successor employer with all employee medical and exposure records. When there is no successor to receive the records for the prescribed period, the employer must inform the current affected employees of their access rights at least 3 months prior to the cessation of business and must notify the Director of the National Institute for Occupational Safety and Health (NIOSH) in writing at least 3 months prior to the disposal of records.

Retention of Records

Each employer must preserve and maintain accurate medical and exposure records for each employee. The access standard imposes no obligation to create records but does apply to any medical or exposure records created by the employer in compliance with other OSHA rules or at his or her own volition.

Exposure records and data analyses based on them are to be kept for 30 years. Medical records are to be kept for at least the duration of employment plus 30 years. Background data for exposure records such as laboratory reports and work sheets need be kept only for 1 year. Records of employees who have worked for less than 1 year need not be retained after employment, but the employer must provide these records to the employee upon termination of employment. First-aid records of one-time treatment need not be retained for any specified period.

OSHA does not mandate the form, manner, or process by which an employer preserves a record, except that chest X-ray films must be preserved in their original state.

Three months before disposing of records, employers must notify the Director of NIOSH.

MEANS OF EGRESS - §1926.34

General

In every building or structure exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building shall be installed except in mental, penal, or corrective institutions where supervisory personnel is continually on duty and effective provisions are made to remove occupants in case of fire or other emergency.

Exit Marking

Exits shall be marked by a readily visible sign. Access to exits shall be marked by readily visible signs in all cases where the exit or way to reach it is not immediately visible to the occupants.

Maintenance and Workmanship

Means of egress shall be continually maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

EMPLOYEE EMERGENCY ACTION PLANS - §1926.35

Scope and Application

This section applies to all emergency action plans required by a particular OSHA standard. The emergency action plan shall be in writing (except for employers with 10 or fewer employees) and shall cover those designated actions employers and employees must take to ensure employee safety from fire and other emergencies.

Elements

The following elements, at a minimum, shall be included in the plan:

- (1) Emergency escape procedures and emergency escape route assignments;
- (2) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;
- (3) Procedures to account for all employees after emergency evacuation has been completed;
- (4) Rescue and medical duties for those employees who are to perform them;
- (5) The preferred means of reporting fires and other emergencies; and
- (6) Names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.

Alarm System

The employer shall establish an employee alarm system which complies with §1926.159.

If the employee alarm system is used for alerting fire brigade members, or for other purposes, a distinctive signal for each purpose shall be used.

Evacuation

The employer shall establish in the emergency action plan the types of evacuation to be

used in emergency circumstances.

Training

Before implementing the emergency action plan, the employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees.

The employer shall review the plan with each employee covered by the plan at the following times:

- Initially when the plan is developed,
- Whenever the employee's responsibilities or designated actions under the plan change, and
- Whenever the plan is changed.

The employer shall review with each employee upon initial assignment those parts of the plan which the employee must know to protect the employee in the event of an emergency. The written plan shall be kept at the workplace and made available for employee review. For those employers with 10 or fewer employees, the plan may be communicated orally to employees and the employer need not maintain a written plan.

This information was found July 1, 2002, at
<http://www.osha-slc.gov/doc/outreachtraining/htmlfiles/subpartc.html>

USDOL

Contact Information

Disclaimer

OSHA Offices

Contact Information:

U.S. Department of Labor
Occupational Safety and Health Administration (OSHA)
200 Constitution Avenue, N.W.
Washington, D.C. 20210
<http://www.osha.gov>

U.S. Department of Labor Regional Offices for the Occupational Safety and Health Administration

REGION 5

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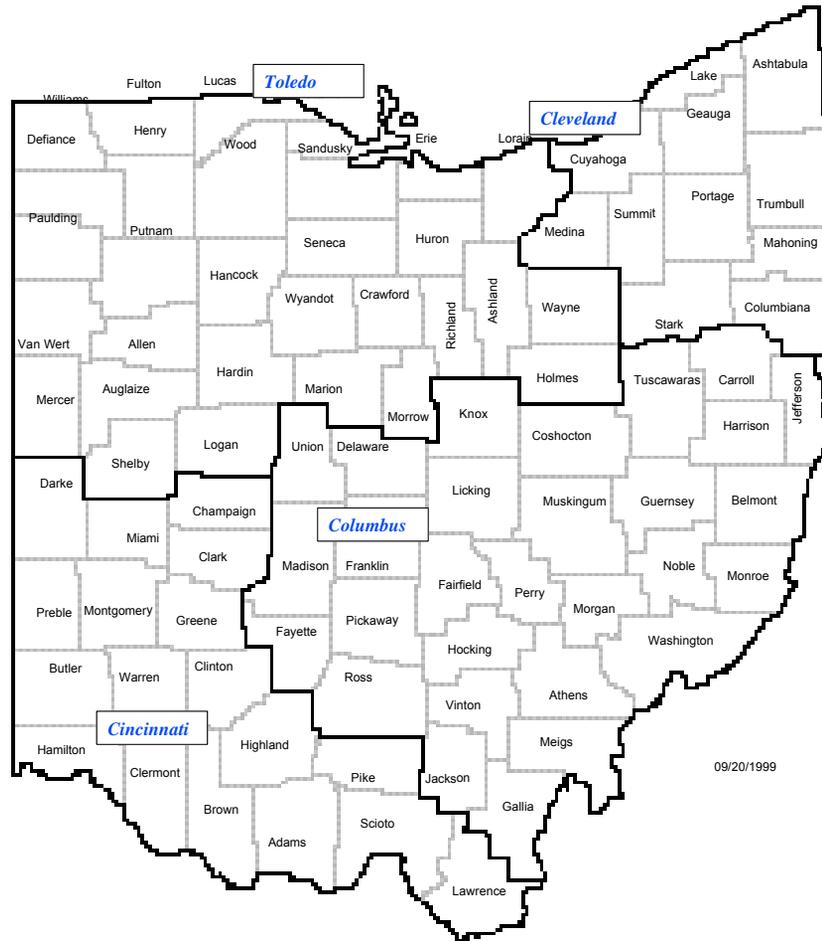
(Information found June 12, 2000 at <http://www.osha-slc.gov/html/oshdir.html> and
<http://www.osha.gov/oshdir/r05.html>)

OSHA Publications (partial list)

OSHA 2056 All About OSHA
OSHA 2019 Publication and Audio Visual Programs
OSHA 3000 Employer Rights & Responsibilities Following an OSHA Inspection
OSHA 3074 Hearing Conservation
OSHA 3021 OSHA: Employee Workplace Rights

A single free copy of the above materials can be obtained from OSHA field offices or OSHA Publications Office, Room N3101, Washington, DC 20210, (202) 523-9667. Please send a self-addressed label with your request.

OSHA Area Offices in Ohio



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 420 Madison Avenue, Suite 600
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 (419) 259-7542
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 1240 East 9th Street, Room 899
 Cleveland, Ohio 44199
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 (216) 771-6148 FAX

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 36 Triangle Park Drive
 Cincinnati, Ohio 45246
 (513) 841-4132
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 Federal Office Building
 200 North High Street, Room 620
 Columbus, Ohio 43215
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 (614) 469-6791 FAX



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Directives
CPL 02-00-124 - Multi-Employer Citation Policy.

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- **Record Type:** Instruction
- **Directive Number:** CPL 02-00-124
- **Title:** Multi-Employer Citation Policy.
- **Information Date:** 12/10/1999



OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration

DIRECTIVE NUMBER:CPL 02-00-124 **EFFECTIVE DATE:** December 10, 1999

SUBJECT: Multi-Employer Citation Policy

ABSTRACT

Purpose: To Clarify the Agency's multi-employer citation policy

Scope: OSHA-wide

References: OSHA Instruction CPL 2.103 (the FIRM)

Suspensions: Chapter III, Paragraph C. 6. of the FIRM is suspended and

replaced by this directive

State Impact: This Instruction describes a Federal Program Change. Notification of State intent is required, but adoption is not.

Action Offices: National, Regional, and Area Offices

Originating Office: Directorate of Compliance Programs

Contact: Carl Sall (202) 693-2345
Directorate of Construction
N3468 FPB
200 Constitution Ave., NW
Washington, DC 20210

By and Under the Authority of
R. Davis Layne
Deputy Assistant Secretary, OSHA

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- I. Purpose. This Directive clarifies the Agency's multi-employer citation policy and suspends Chapter III. C. 6. of OSHA's Field Inspection Reference Manual (FIRM).
- II. Scope. OSHA-Wide
- III. Suspension. Chapter III. Paragraph C. 6. of the FIRM (CPL 2.103) is suspended and replaced by this Directive.
- IV. References. OSHA Instructions:
 - o CPL 02-00.103; OSHA Field Inspection Reference Manual (FIRM), September 26, 1994.
 - o ADM 08-0.1C, OSHA Electronic Directive System, December 19,1997.
- V. Action Information
 - A. Responsible Office. Directorate of Construction.
 - B. Action Offices. National, Regional and Area Offices
 - C. Information Offices. State Plan Offices, Consultation Project Offices
- VI. Federal Program Change. This Directive describes a Federal Program Change for which State adoption is not required. However, the States shall respond via the two-way memorandum to the Regional Office as soon as the State's intent regarding the multi-employer citation policy is known, but no later than 60 calendar days after the date of transmittal from the Directorate of Federal-State Operations.
- VII. Force and Effect of Revised Policy. The revised policy provided in this Directive is in full force and effect from the date of its issuance. It is an official Agency policy to be implemented OSHA-wide.
- VIII. Changes in Web Version of FIRM. A note will be included at appropriate places in the FIRM as it appears on the Web indicating the suspension of Chapter III paragraph 6. C. and its replacement by this Directive, and a hypertext link will be provided connecting viewers with this Directive.
- IX. Background. OSHA's Field Inspection Reference Manual (FIRM) of September 26, 1994 (CPL 2.103), states at Chapter III, paragraph 6. C., the Agency's citation policy for multi-employer worksites. The Agency has determined that this policy needs clarification. This directive describes the revised policy.
 - . Continuation of Basic Policy. This revision continues OSHA's existing policy for issuing citations on multi-employer worksites. However, it gives clearer and more detailed guidance than did the earlier description of the policy in the FIRM, including new examples explaining when citations should and should not be issued to exposing, creating, correcting, and controlling employers. These examples, which address common situations and provide general policy guidance, are not intended to be exclusive. In all cases, the decision on whether to issue citations should be based on all of the relevant facts revealed by the inspection or investigation.
 - A. No Changes in Employer Duties. This revision neither imposes new duties on employers nor detracts from their existing duties under the OSH Act. Those duties continue to arise from the employers' statutory duty to comply with OSHA standards and their duty to exercise reasonable diligence to determine whether violations of those standards exist.
- X. Multi-employer Worksite Policy. The following is the multi-employer citation policy:
 - . Multi-employer Worksites. On multi-employer worksites (in all industry

sectors), more than one employer may be citable for a hazardous condition that violates an OSHA standard. A two-step process must be followed in determining whether more than one employer is to be cited.

1. **Step One.** The first step is to determine whether the employer is a creating, exposing, correcting, or controlling employer. The definitions in paragraphs (B) - (E) below explain and give examples of each. Remember that an employer may have multiple roles (see paragraph H). Once you determine the role of the employer, go to Step Two to determine if a citation is appropriate (NOTE: only exposing employers can be cited for General Duty Clause violations).
2. **Step Two.** If the employer falls into one of these categories, it has obligations with respect to OSHA requirements. Step Two is to determine if the employer's actions were sufficient to meet those obligations. The extent of the actions required of employers varies based on which category applies. Note that the extent of the measures that a controlling employer must take to satisfy its duty to exercise reasonable care to prevent and detect violations is less than what is required of an employer with respect to protecting its own employees.

A. **The Creating Employer**

1. **Step 1: Definition:** The employer that caused a hazardous condition that violates an OSHA standard.
2. **Step 2: Actions Taken:** Employers must not create violative conditions. An employer that does so is citable even if the only employees exposed are those of other employers at the site.
 - a. **Example 1:** Employer Host operates a factory. It contracts with Company S to service machinery. Host fails to cover drums of a chemical despite S's repeated requests that it do so. This results in airborne levels of the chemical that exceed the Permissible Exposure Limit.

Analysis: Step 1: Host is a creating employer because it caused employees of S to be exposed to the air contaminant above the PEL. **Step 2:** Host failed to implement measures to prevent the accumulation of the air contaminant. It could have met its OSHA obligation by implementing the simple engineering control of covering the drums. Having failed to implement a feasible engineering control to meet the PEL, Host is citable for the hazard.

- b. **Example 2:** Employer M hoists materials onto Floor 8, damaging perimeter guardrails. Neither its own employees nor employees of other employers are exposed to the hazard. It takes effective steps to keep all employees, including those of other employers, away from the unprotected edge and informs the controlling employer of the problem. Employer M lacks authority to fix the guardrails itself.

Analysis: Step 1: Employer M is a creating employer because it caused a hazardous condition by damaging the guardrails.

Step 2: While it lacked the authority to fix the guardrails, it took immediate and effective steps to keep all employees away from the hazard and notified the controlling employer of the hazard. Employer M is not citable since it took effective measures to prevent employee exposure to the fall hazard.

B. The Exposing Employer

1. Step 1: Definition: An employer whose own employees are exposed to the hazard. See Chapter III, section (C)(1)(b) for a discussion of what constitutes exposure.
2. Step 2: Actions taken: If the exposing employer created the violation, it is citable for the violation as a creating employer. If the violation was created by another employer, the exposing employer is citable if it (1) knew of the hazardous condition or failed to exercise reasonable diligence to discover the condition, and (2) failed to take steps consistent with its authority to protect its employees. If the exposing employer has authority to correct the hazard, it must do so. If the exposing employer lacks the authority to correct the hazard, it is citable if it fails to do each of the following: (1) ask the creating and/or controlling employer to correct the hazard; (2) inform its employees of the hazard; and (3) take reasonable alternative protective measures. In extreme circumstances (e.g., imminent danger situations), the exposing employer is citable for failing to remove its employees from the job to avoid the hazard.
 - a. **Example 3:** Employer Sub S is responsible for inspecting and cleaning a work area in Plant P around a large, permanent hole at the end of each day. An OSHA standard requires guardrails. There are no guardrails around the hole and Sub S employees do not use personal fall protection, although it would be feasible to do so. Sub S has no authority to install guardrails. However, it did ask Employer P, which operates the plant, to install them. P refused to install guardrails.

Analysis: Step 1: Sub S is an exposing employer because its employees are exposed to the fall hazard. **Step 2:** While Sub S has no authority to install guardrails, it is required to comply with OSHA requirements to the extent feasible. It must take steps to protect its employees and ask the employer that controls the hazard - Employer P - to correct it. Although Sub S asked for guardrails, since the hazard was not corrected, Sub S was responsible for taking reasonable alternative protective steps, such as providing personal fall protection. Because that was not done, Sub S is citable for the violation.

- b. **Example 4:** Unprotected rebar on either side of an access ramp presents an impalement hazard. Sub E, an electrical subcontractor, does not have the authority to cover the rebar. However, several times Sub E asked the general contractor, Employer GC, to cover the rebar. In the meantime, Sub E instructed its employees to use a different access route that avoided most of the uncovered rebar and required them to keep as far from the rebar as possible.

Analysis: Step 1: Since Sub E employees were still exposed to some unprotected rebar, Sub E is an exposing employer. **Step 2:** Sub E made a good faith effort to get the general contractor to correct the hazard and took feasible measures within its control to protect its employees. Sub E is not citable for the rebar hazard.

C. The Correcting Employer

1. Step 1: Definition: An employer who is engaged in a common undertaking, on the same worksite, as the exposing employer and is responsible for correcting a hazard. This usually occurs where an employer is given the responsibility of installing and/or maintaining particular safety/health equipment or devices.
2. Step 2: Actions taken: The correcting employer must exercise reasonable care in preventing and discovering violations and meet its obligations of correcting the hazard.
 - a. **Example 5:** Employer C, a carpentry contractor, is hired to erect and maintain guardrails throughout a large, 15-story project. Work is proceeding on all floors. C inspects all floors in the morning and again in the afternoon each day. It also inspects areas where material is delivered to the perimeter once the material vendor is finished delivering material to that area. Other subcontractors are required to report damaged/missing guardrails to the general contractor, who forwards those reports to C. C repairs damaged guardrails immediately after finding them and immediately after they are reported. On this project few instances of damaged guardrails have occurred other than where material has been delivered. Shortly after the afternoon inspection of Floor 6, workers moving equipment accidentally damage a guardrail in one area. No one tells C of the damage and C has not seen it. An OSHA inspection occurs at the beginning of the next day, prior to the morning inspection of Floor 6. None of C's own employees are exposed to the hazard, but other employees are exposed.

Analysis: Step 1: C is a correcting employer since it is responsible for erecting and maintaining fall protection

equipment. **Step 2:** The steps C implemented to discover and correct damaged guardrails were reasonable in light of the amount of activity and size of the project. It exercised reasonable care in preventing and discovering violations; it is not citable for the damaged guardrail since it could not reasonably have known of the violation.

D. The Controlling Employer

1. Step 1: Definition: An employer who has general supervisory authority over the worksite, including the power to correct safety and health violations itself or require others to correct them. Control can be established by contract or, in the absence of explicit contractual provisions, by the exercise of control in practice. Descriptions and examples of different kinds of controlling employers are given below.
2. Step 2: Actions Taken: A controlling employer must exercise reasonable care to prevent and detect violations on the site. The extent of the measures that a controlling employer must implement to satisfy this duty of reasonable care is less than what is required of an employer with respect to protecting its own employees. This means that the controlling employer is not normally required to inspect for hazards as frequently or to have the same level of knowledge of the applicable standards or of trade expertise as the employer it has hired.
3. Factors Relating to Reasonable Care Standard. Factors that affect how frequently and closely a controlling employer must inspect to meet its standard of reasonable care include:
 - a. The scale of the project;
 - b. The nature and pace of the work, including the frequency with which the number or types of hazards change as the work progresses;
 - c. How much the controlling employer knows both about the safety history and safety practices of the employer it controls and about that employer's level of expertise.
 - d. More frequent inspections are normally needed if the controlling employer knows that the other employer has a history of non-compliance. Greater inspection frequency may also be needed, especially at the beginning of the project, if the controlling employer had never before worked with this other employer and does not know its compliance history.
 - e. Less frequent inspections may be appropriate where the controlling employer sees strong indications that the other employer has implemented effective safety and health efforts. The most important indicator of an effective safety and health effort by the other employer is a consistently high level of compliance. Other indicators include the use of an effective, graduated system of enforcement for non-compliance with safety and health requirements coupled with regular jobsite

- safety meetings and safety training.
4. Evaluating Reasonable Care. In evaluating whether a controlling employer has exercised reasonable care in preventing and discovering violations, consider questions such as whether the controlling employer:
 - a. Conducted periodic inspections of appropriate frequency (frequency should be based on the factors listed in G.3.);
 - b. Implemented an effective system for promptly correcting hazards;
 - c. Enforces the other employer's compliance with safety and health requirements with an effective, graduated system of enforcement and follow-up inspections.
 5. Types of Controlling Employers
 - a. Control Established by Contract. In this case, **the Employer Has a Specific Contract Right to Control Safety**: To be a controlling employer, the employer must itself be able to prevent or correct a violation or to require another employer to prevent or correct the violation. One source of this ability is explicit contract authority. This can take the form of a specific contract right to require another employer to adhere to safety and health requirements and to correct violations the controlling employer discovers.

(1) **Example 6**: Employer GH contracts with Employer S to do sandblasting at GH's plant. Some of the work is regularly scheduled maintenance and so is general industry work; other parts of the project involve new work and are considered construction. Respiratory protection is required. Further, the contract explicitly requires S to comply with safety and health requirements. Under the contract GH has the right to take various actions against S for failing to meet contract requirements, including the right to have non-compliance corrected by using other workers and back-charging for that work. S is one of two employers under contract with GH at the work site, where a total of five employees work. All work is done within an existing building. The number and types of hazards involved in S's work do not significantly change as the work progresses. Further, GH has worked with S over the course of several years. S provides periodic and other safety and health training and uses a graduated system of enforcement of safety and health rules. S has consistently had a high level of compliance at its previous jobs and at this site. GH monitors S by a combination of weekly inspections, telephone discussions and a weekly review of S's own inspection reports. GH has a system of graduated enforcement that it has applied to S for the few safety and health violations that had been committed by S

in the past few years. Further, due to respirator equipment problems S violates respiratory protection requirements two days before GH's next scheduled inspection of S. The next day there is an OSHA inspection. There is no notation of the equipment problems in S's inspection reports to GH and S made no mention of it in its telephone discussions.

Analysis: Step 1: GH is a controlling employer because it has general supervisory authority over the worksite, including contractual authority to correct safety and health violations.

Step 2: GH has taken reasonable steps to try to make sure that S meets safety and health requirements. Its inspection frequency is appropriate in light of the low number of workers at the site, lack of significant changes in the nature of the work and types of hazards involved, GH's knowledge of S's history of compliance and its effective safety and health efforts on this job. GH has exercised reasonable care and is not citable for this condition.

(2) **Example 7:** Employer GC contracts with Employer P to do painting work. GC has the same contract authority over P as Employer GH had in Example 6. GC has never before worked with P. GC conducts inspections that are sufficiently frequent in light of the factors listed above in (G)(3). Further, during a number of its inspections, GC finds that P has violated fall protection requirements. It points the violations out to P during each inspection but takes no further actions.

Analysis: Step 1: GC is a controlling employer since it has general supervisory authority over the site, including a contractual right of control over P. **Step 2:** GC took adequate steps to meet its obligation to discover violations. However, it failed to take reasonable steps to require P to correct hazards since it lacked a graduated system of enforcement. A citation to GC for the fall protection violations is appropriate.

(3) **Example 8:** Employer GC contracts with Sub E, an electrical subcontractor. GC has full contract authority over Sub E, as in Example 6. Sub E installs an electric panel box exposed to the weather and implements an assured equipment grounding conductor program, as required under the contract. It fails to connect a grounding wire inside the box to one of the outlets. This incomplete ground is not apparent from a visual inspection. Further, GC inspects the site with a frequency appropriate for the site in light of the factors discussed above in (G)(3). It saw the panel box but did not test the outlets to

determine if they were all grounded because Sub E represents that it is doing all of the required tests on all receptacles. GC knows that Sub E has implemented an effective safety and health program. From previous experience it also knows Sub E is familiar with the applicable safety requirements and is technically competent. GC had asked Sub E if the electrical equipment is OK for use and was assured that it is.

Analysis: Step 1: GC is a controlling employer since it has general supervisory authority over the site, including a contractual right of control over Sub E. **Step 2:** GC exercised reasonable care. It had determined that Sub E had technical expertise, safety knowledge and had implemented safe work practices. It conducted inspections with appropriate frequency. It also made some basic inquiries into the safety of the electrical equipment. Under these circumstances GC was not obligated to test the outlets itself to determine if they were all grounded. It is not citable for the grounding violation.

- b. Control Established by a Combination of Other Contract Rights: Where there is no explicit contract provision granting the right to control safety, or where the contract says the employer does not have such a right, an employer may still be a controlling employer. The ability of an employer to control safety in this circumstance can result from a combination of contractual rights that, together, give it broad responsibility at the site involving almost all aspects of the job. Its responsibility is broad enough so that its contractual authority necessarily involves safety. The authority to resolve disputes between subcontractors, set schedules and determine construction sequencing are particularly significant because they are likely to affect safety. (NOTE: citations should only be issued in this type of case after consulting with the Regional Solicitor's office).

(1) **Example 9:** Construction manager M is contractually obligated to: set schedules and construction sequencing, require subcontractors to meet contract specifications, negotiate with trades, resolve disputes between subcontractors, direct work and make purchasing decisions, which affect safety. However, the contract states that M does not have a right to require compliance with safety and health requirements. Further, Subcontractor S asks M to alter the schedule so that S would not have to start work until Subcontractor G has completed installing guardrails. M is contractually responsible for deciding whether to approve S's request.

Analysis: Step 1: Even though its contract states that M does not have authority over safety, the combination of rights actually given in the contract provides broad responsibility over the site and results in the ability of M to direct actions that necessarily affect safety. For example, M's contractual obligation to determine whether to approve S's request to alter the schedule has direct safety implications. M's decision relates directly to whether S's employees will be protected from a fall hazard. M is a controlling employer. **Step 2:** In this example, if M refused to alter the schedule, it would be citable for the fall hazard violation.

(2) **Example 10:** Employer ML's contractual authority is limited to reporting on subcontractors' contract compliance to owner/developer O and making contract payments. Although it reports on the extent to which the subcontractors are complying with safety and health infractions to O, ML does not exercise any control over safety at the site.

Analysis: Step 1: ML is not a controlling employer because these contractual rights are insufficient to confer control over the subcontractors and ML did not exercise control over safety. Reporting safety and health infractions to another entity does not, by itself (or in combination with these very limited contract rights), constitute an exercise of control over safety. **Step 2:** Since it is not a controlling employer it had no duty under the OSH Act to exercise reasonable care with respect to enforcing the subcontractors' compliance with safety; there is therefore no need to go to Step 2.

- c. Architects and Engineers: Architects, engineers, and other entities are controlling employers only if the breadth of their involvement in a construction project is sufficient to bring them within the parameters discussed above.

(1) **Example 11:** Architect A contracts with owner O to prepare contract drawings and specifications, inspect the work, report to O on contract compliance, and to certify completion of work. A has no authority or means to enforce compliance, no authority to approve/reject work and does not exercise any other authority at the site, although it does call the general contractor's attention to observed hazards noted during its inspections.

Analysis: Step 1: A's responsibilities are very limited in light of the numerous other administrative responsibilities necessary

to complete the project. It is little more than a supplier of architectural services and conduit of information to O. Its responsibilities are insufficient to confer control over the subcontractors and it did not exercise control over safety. The responsibilities it does have are insufficient to make it a controlling employer. Merely pointing out safety violations did not make it a controlling employer. NOTE: In a circumstance such as this it is likely that broad control over the project rests with another entity. **Step 2:** Since A is not a controlling employer it had no duty under the OSH Act to exercise reasonable care with respect to enforcing the subcontractors' compliance with safety; there is therefore no need to go to Step 2.

(2) **Example 12:** Engineering firm E has the same contract authority and functions as in Example 9.

Analysis: Step 1: Under the facts in Example 9, E would be considered a controlling employer. **Step 2:** The same type of analysis described in Example 9 for Step 2 would apply here to determine if E should be cited.

- d. Control Without Explicit Contractual Authority. Even where an employer has no explicit contract rights with respect to safety, an employer can still be a controlling employer if, in actual practice, it exercises broad control over subcontractors at the site (see Example 9). NOTE: Citations should only be issued in this type of case after consulting with the Regional Solicitor's office.

(1) **Example 13:** Construction manager MM does not have explicit contractual authority to require subcontractors to comply with safety requirements, nor does it explicitly have broad contractual authority at the site. However, it exercises control over most aspects of the subcontractors' work anyway, including aspects that relate to safety.

Analysis: Step 1: MM would be considered a controlling employer since it exercises control over most aspects of the subcontractor's work, including safety aspects. **Step 2:** The same type of analysis on reasonable care described in the examples in (G)(5)(a) would apply to determine if a citation should be issued to this type of controlling employer.

E. Multiple Roles

1. A creating, correcting or controlling employer will often also be an
-

- exposing employer. Consider whether the employer is an exposing employer before evaluating its status with respect to these other roles.
2. Exposing, creating and controlling employers can also be correcting employers if they are authorized to correct the hazard.

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Information found July 1, 2002 at
http://www.osha-slc.gov/OshDoc/Directive_data/CPL_2-0_124.html



[Technical Links](#) > [Small Business Training](#)

SAFETY AND HEALTH PROGRAM MANAGEMENT GUIDELINES

Scope and Application

Major Elements

- Management Commitment and Employee Involvement
- Worksite Analysis
- Hazard Prevention and Control
- Safety and Health Training

Recommended Actions

References:

OSHA's [Voluntary Safety and Health Program Management Guidelines](#), published in the *Federal Register* on Thursday, January 26, 1989 (54 FR 3904).

Additional Source of Information:

OSHA's [Framework for a Comprehensive Health and Safety Program in Nursing Homes](#), 1996.

[Discussion/Overheads](#) - 647 K

[Student Handouts](#) - 122 KB

[Self-Inspection Checklist](#)

SAFETY AND HEALTH PROGRAM MANAGEMENT GUIDELINES

The Occupational Safety and Health Administration (OSHA) has concluded that effective management of worker safety and health protection is a decisive factor in reducing the extent and the severity of work-related injuries and illnesses. Effective management addresses all work-related hazards, including those potential hazards which could

result from a change in worksite conditions or practices. It addresses hazards whether or not they are regulated by government standards.

OSHA has reached this conclusion in the course of its evaluation of worksites in its enforcement program, its State-operated consultation program, and its Voluntary Protection Programs (VPPs). These evaluations have revealed a basic relationship between effective management of worker safety and health protection and a low incidence and severity of employee injuries. Such management also correlated with the elimination or adequate control of employee exposure to toxic substances and other unhealthful conditions.

OSHA's experience in the VPPs has also indicated that effective management of safety and health protection improves employee morale and productivity, as well as significantly reducing workers' compensation costs and other less obvious costs of work-related injuries and illnesses.

OSHA issued voluntary safety and health program management guidelines for use by employers to prevent occupational injuries and illnesses which were published in the *Federal Register* on Thursday, January 26, 1989 (54 FR 3904).

The language in these guidelines is general so that it may be broadly applied in general industry, shipyards, marine terminals, and longshoring activities regardless of the size, nature, or complexity of operations. Construction activities are not addressed by these guidelines because they are already covered by Subpart C of the Construction standards, 29 CFR Part 1926.

The guidelines consist of program elements which represent a distillation of applied safety and health management practices that are used by employers who are successful in protecting the safety and health of their employees. These program elements are advocated by many safety and health professionals and consultants. They were strongly endorsed by individuals, corporations, professional associations, and labor representatives who responded to the OSHA request for comments and information regarding these guidelines.

The overhead masters that follow outline these guidelines. For a more detailed discussion and application of these guidelines, please refer to OSHA's *Framework for a Comprehensive Health and Safety Program in Nursing Homes*.

[Discussion/Overheads](#) - 647 K 

[Student Handouts](#) - 122 KB 

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Federal Registers
Safety and Health Program Management Guidelines; Issuance of Voluntary Guidelines -
54:3904-3916

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- **Publication Date:** 01/26/1989
 - **Publication Type:** Notice
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 - **Title:** Safety and Health Program Management Guidelines;
Issuance of Voluntary Guidelines
-

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. C-02]

Safety and Health Program Management Guidelines; Issuance of Voluntary Guidelines

AGENCY: Occupational Safety and Health Administration (OSHA). Department of Labor

ACTION: Issuance of voluntary guidelines.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is issuing safety and health program management guidelines for use by employers to prevent occupational injuries and illnesses.

The language in these guidelines is general so that it may be broadly applied in general industry, shipyards, marine terminals, and longshoring activities regardless of the size, nature, or complexity of operations. Construction activities are not addressed here because they are already covered by Subpart C of the Construction standards, 29 CFR Part 1926.

The guidelines consist of program elements which represent a distillation of applied safety and health management practices that are used by employers who are successful in protecting the safety and health of their employees. These program elements are advocated by many

safety and health professionals and consultants. They were strongly endorsed by individuals, corporations, professional associations, and labor representatives who responded to the OSHA request for comments and information. 53 FR 26790, published on July 15, 1988.

EFFECTIVE DATE: January 26, 1989

FOR FURTHER INFORMATION: James F. Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue N.W., Room N3637, Washington DC 20210, Telephone: (202) 523-8151.

SUPPLEMENTARY INFORMATION

I. Background

Over their years of experience with enforcing the provisions of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et.seq.). OSHA representatives have noted a strong correlation between the application of sound management practices in the operation of safety and health programs and a low incidence of occupational injuries and illnesses. Where effective safety and health management is practiced, injury and illness rates are significantly less than rates at comparable worksites where safety and health management is weak or non-existent. (See, for example, "DOL Safety Programs Cut Workers Comp Costs." Good News, Oklahoma Department of Labor. October 5, 1988, p.1.; and Michael E. Nave, "Impact of Voluntary Compliance and Compliance Inspection Programs on Experience Rates among Small Employers in California." Doctoral Thesis, Oregon Sate University, 1987.) As a result of this awareness, OSHA increase emphasis on management practices in several of the Agency's programs. Standards, including notably the Hazard Communication Standard (29 CFR 1910.1200), began specifically to require management programs. An early OSHA standard requiring safety and health management programs in the construction industry was recently clarified and reaffirmed by the issuance of OSHA Instruction STD 3-1.1. OSHA also instituted programs to encourage voluntary improvement of safety and health management. These included informations pamphlets and consultation services to assist in the development of management programs for small businesses.

In addition, in 1982 OSHA began to approve worksites with exemplary safety and health management programs for participation in the Voluntary Protection Programs (VPP). Safety and health practices, procedures, and recordkeeping at participating worksites have been carefully evaluated and monitored by OSHA. These VPP worksites generally have lost-workday case rates that range form on-fifth to one-third the rates experienced by average worksites (Unpublished statistics, U.S. Department of Labor, OSHA 1988).

Further, most participating sites report improved employee morale and productivity as a by-product of their safety and health management activities.

Based upon the success of VPP and positive experience with other safety and health program initiatives and in order to broaden the information available to OSHA from other sources.

OSHA published a request for comments and information on July 15, 1988, that included possible language for Safety and Health Program Guidelines which would be applicable to general industry, shipyard, and longshoring activities (53 FR 26790). That request inadvertently omitted reference to marine terminals, to which the guidelines are also intended to apply.

In response to several requests, on September 1, 1988. OSHA extended the original six-week comment period for another month, to September 28, 1988 (53 FR 33823). In addition, on September 8, 1988. OSHA announced a public information-gathering meeting to be held on October 6, 1988, at the OSHA Training Institute in Des Plaines, Illinois (53 FR 34780).

OSHA received 54 comments from individuals, labor representatives, trade association, professional safety and health associations and societies, safety and health consultants, and Federal and State agencies. Thirteen commentators presented information and comments at the public meeting.

II. Summary of Public Response

In the July 15, 1988, request for information and comment under the heading, "Issues for Discussion", (53 FR 26796). OSHA asked questions concerning five major areas: the nature of the risk from inadequate management; the value of safety and health management guidance; appropriate methods for educating employers; and incentives for effective management.

There was no new information received concerning either the nature of the risk or the value of safety and health programs, but many commentators expressed the belief that safety and health program management makes a major impact on loss prevention. During the public meeting, OSHA was informed that the VPP Participants' Association might be able to obtain information concerning costs and benefits of effective safety and health management through its membership (Tr.pp. 73-76).

As a means of educating employers, one commentator suggested videotaping model safety and health programs to help small businesses (Exh. 3-37). Another commentator advised a major outreach effort using all types of media to reach employer (Exh. 3-16).

Suggested incentives for effective management included tax breaks (Exh. 3-33) and incentives similar to those offered by the VPP (Exh.3-37). One commentator suggesting the tax breaks acknowledged that they might be difficult to administer fairly (Exh. 3-36). Another commentator proposed the use of the guidelines by compliance officers to determine whether or not to do a partial or comprehensive inspection (Exh. 3-27).

Most respondents offered comments and/or suggestions on the subject of suitable guidance language. Several however, also expressed a preference that the guidance from OSHA take the form of a mandatory standard rather than of voluntary guidelines (Exhs. 3-14, 3-17, 3-22, 3-26, 3-28).

Almost all the commentors endorsed the concept that effective safety and health management is the decisive factor in ensuring worker safety and health (e.g., 3-4, 3-23, 3-36, 3-37, 3-45, 3-46). Three-fourths of the respondents specifically endorsed the issuance of guidelines. A few respondents objected to the proposal because of expected cost, anticipated impact on diversity and innovation, or the possibility of confusion resulting from the issuance of voluntary guidelines by a regulatory agency (e.g., Exhs. 3-41, 3-44, 3-50).

Most respondents indicated that the guidelines are generally applicable regardless of industry type, size, or nature of activity (e.g., Exhs. 3-28, 3-36). Several commentors recommended greater detail and specificity regarding duties, responsibilities, and program guidance (e.g., Exh. 3-29); others stated that greater specificity would inhibit necessary flexibility (e.g., Exh. 3-12). Although some proposed reorganization of the guidelines (e.g., Exhs. 3-7, 3-16, 3-22, 3-31, 3-32), there seemed to be agreement that the guidelines as suggested are generally applicable and complete.

Many respondents strongly maintained that the guidelines should specify that safety and health management goals and operational activities should be set forth in writing, regardless of how small the business may be (Exhs. 3-30, 3-35, 3-37, 3-49, 3-51).

Several commentors, including both organized labor respondents, maintained that compliance with the guidelines ought to be mandatory (Exhs. 3-14, 3-17, 3-22, 3-26). The majority maintained that they should not.

Several commentors provided safety and health program manuals and materials and suggested that the guidelines include appendices for industry groups or examples of adequate programs or "question and answer" examples similar to those in the "Recordkeeping Guidelines for Occupational Injuries and Illnesses" developed by the bureau of Labor Statistics (Exhs. 3-13, 3-20, 3-21, 3-30, 3-35, 3-43, 3-45, 3-46).

III. Issues and Rationale for Their Resolution

A. General Issues

Although commentors almost unanimously supported the concept of safety and health program management they raised several general issues and proposed various changes to the language. The general issues were: (1) Whether OSHA publication of guidelines would be useful; (2) whether a different organization of the management program elements would promote their use; (3) whether the guidelines should be mandated in the form of a rule; (4) whether a task group should be formed to determine the content of the guidelines; and (5) whether various aspects of a safety and health management program should be in writing.

1. Usefulness of the Guidelines

A few respondents stated that safety and health program guidelines would be of no value or even counter-productive. These respondents stated, "We see no reason for issuance of guidance * * *" (Exh. 3-12): " * * * guidelines, when issued by a regulatory agency can

create confusion with respect to compliance issues * * * (Exh. 3-41); and " * * * guidelines are unnecessary and put companies with comprehensive, long-standing performance-based programs at risk in being forced to comply with the very specific, prescriptive language as proposed" (Exh. 3-19).

Most of the respondents expressed the belief that the guidelines describe policies, procedures, and practices which are essential to effective safety and health protection and that they are sufficiently performance-oriented that they can be met by a variety of methods. OSHA believes that the criteria described are not unreasonably prescriptive and that they are unlikely to conflict with effective programs already in place. They are not being promulgated as enforceable rules but are being issued as guidelines to assist employers in their efforts to maintain safe and healthful work and working conditions.

In addition, OSHA has observed and most commentors agree, that a significant number of worksites, particularly medium and small businesses, often lack the professional resources to develop adequate safety and health management practices and programs on their own. In many larger worksites, some program elements are heavily emphasized while other important aspects are neglected. After careful consideration of the record and in light of the above, OSHA concludes that safety and health management guidelines will not be unnecessarily burdensome and will assist employers in their efforts to provide safe and healthful employment.

2. Organization of the Guidelines

Some commentors suggested different methods of organizing the elements of the guidelines or presented safety and health manuals in use at their operations which were organized differently. One respondent stated that since some of the most useful material in the notice requesting comment (53 FR 26790) was in the discussion of the guidelines, the suggested language should be expanded to include that material in the final guidelines. A suggested revision of the guidelines was attached to the comment (Exh. 3-22). This point of view was supported by another comment, " * * * the information currently contained in the background section of the July 15 preamble should be condensed into an introduction to the guidelines * * * OSHA should use [the analysis explaining the reasons for including each provision of the guidelines] in the body of the guidelines to ensure that the goals and objectives of the guidelines will be communicated to employers" (Exh. 3-46).

OSHA recognizes that effective programs can be organized and presented in a variety of ways and that significantly different terminologies and approaches are used by safety and health professionals and loss control managers. While these differences often appear to be great initially, upon examination by the Agency they are frequently found to address substantially the same components and objectives.

Since the responses to the request indicated that the program elements were generally understood, the basic organization of the elements as presented in the request for comments has been retained in the final version. OSHA has, however, incorporated some of the background and explanatory materials into the guidelines to assist the employer's

comprehension of the objective of each action recommended by the guidelines. In addition, OSHA has added a Commentary following the guidelines themselves. The commentary incorporates and expands on much of the explanatory material from the notice requesting comment.

Another commentor questioned whether management commitment is appropriately described as a program element (Exh. 3-44B). OSHA agrees with the observation that management commitment is not a program element in the same sense that worksite analysis, hazard prevention and control, and training are. However, the eight actions described under the title "Management Commitment" are specific program activities which directly indicate management commitment. At the same time, comments received on the nature and importance of employee involvement in an effective safety and health program (Exhs. 3-17, 3-21, 3-37, 3-13) suggest that such involvement merits clearer emphasis. OSHA has therefore decided to modify the element title to read, "Management Commitment and Employee Involvement."

3. Mandating the Guidelines

Several commentors stated that the guidelines should be mandated and enforced as a rule. For example, "In our view, OSHA has the authority under the Occupational Safety and Health Act of 1970 to issue regulations mandating worksite safety and health committees and broader workplace programs * * * we strongly urge the Agency to make this initiative a priority for regulatory action * * *" [Exh. 3-17]; "* * * instead of a guideline, OSHA [should develop] a negotiated performance standard * * *" [Exh. 3-14]; "* * * a [safety and health management] program is [the] * * * basic responsibility [of employers] and they should be required to do so through regulation * * *" [Exh. 3-22]; " * * * workplace health and safety programs are so vital that they should be mandatory, not voluntary as currently proposed * * *" [Exh. 3-26]; "* * * they should be proposed as a standard * * * the action could boost the issue of occupational safety and health out of needless conflicts and confusion to a higher order of national coherence" [Exh. 3-28]. On the other hand, other respondents " * * * support the guideline versus the standard approach * * *" [Exh. 3-16]; "* * * management commitment can not be mandated * * *" [Exh. 3-3]; "* * * we recommend that no attempt be made to enforce the guidelines as if they were a rule * * *" [Exh. 3-5]; "* * * encourage the Agency to issue these guidelines as advisories only" [Exh. 3-11].

After considering written comments and oral presentations made at the information-gathering meeting, OSHA has decided to issue voluntary safety and health program guidelines rather than a mandatory standard. A period of experience with published program guidelines will undoubtedly produce refinements in methods and practices, as well as provide evidence to indicate whether further action by the Agency is required. Publication of guidelines does not prevent the Agency from undertaking regulatory action, if found to be needed at some future date.

4. Task Group Consideration of the Guidelines

Several commentators favored the formation of a task group representing the affected

constituencies and subject matter specialists to refine and further elaborate the guidelines [Exhs. 3-23, 3-35]. It was also suggested that a bibliography of literature on safety and health management be developed and attached to the guidelines [Exhs. 3-36, 3-15, 3-16, 3-52].

OSHA welcomes all information and voluntary efforts designed to supplement these guidelines for use in special industry groups, special risk operations, small businesses, and many other applications. The Agency recognized the value of these supplementary actions but will not delay publication of the guidelines while awaiting their completion. After publication, OSHA will consider how best to utilize the offers of assistance in compiling supplementary materials.

5. Written Safety and Health Guidance

A number of respondents strongly urged that safety and health programs be supported by written guidance in all cases. "Communication of authority, responsibility, and accountability to various parties must be written to prevent confusion and uncertainty" [Exh. 3-35]. "The program will be understood better and managers can be held accountable more readily, if the specific elements of the employer's program are set forth clearly in writing" [Exh. 3-49]. "[A] truly effective safety program can [not] be maintained unless it is reduced to writing. Understandings and practices are too easily confused [considering] cultural differences, personnel retirements, transfers, etc." [Exh. 3-51]. This point is reinforced by OSHA's experience that almost all of the worksites observed to have excellent safety and health programs have written guidance covering such issues as policies, practices, procedures, emergency plans, posted signs, and performance objectives.

OSHA has noticed, however, that some businesses, usually small ones with less complex operations and/or potential hazards, effectively communicate policies and procedures orally and through example. It is not obvious at what level of complexity, or at what size of operation, written guidance becomes necessary, nor which particular processes within various operations require it.

For these reasons, OSHA has retained in the final guidelines the language providing to flexibility in the use of written guidance but has added information on the benefits of written guidance.

B. Specific Issues

Issues dealing with the substance of the guidelines were: (1) whether employees should be involved in the structure and operation of the program and in decisions which affect their safety and health, (b)(1)(ii); (2) whether the system to encourage employees to report conditions that appear hazardous should include the concept of protection from reprisal, (b)(1)(ii); (3) whether the term "competent persons" should be used, (b)(1)(i); (4) whether "a clearly communicated disciplinary system" should be specified, (b)(3)(i); (5) whether employers can be expected to ensure understanding of rules, responsibilities, and procedures by members of their organizations, (b)(4); (6) coordination with other OSHA instructions concerning safety and health management; (7) providing guidance on recordkeeping; and (8)

miscellaneous clarifications.

1. Employee Involvement

Some respondents felt that OSHA's language on employee involvement, (b)(1)(ii), was too weak. "[T]he central element of worksite programs should be safety and health committees with worker participation * * * mandated by law" [Exh. 3-17]. "OSHA should require that workers be allowed to participated in all phases of the program" {Exh. 3-26}. Others felt that the language implied a transfer of decision-making authority to employees from employer "Employers should determine * * * whether decision-making in this area will be shared * * * or whether it would unduly interfere with the responsibility to ensure a safe workplace" [Exh. 3-49]. "Caution is urged as * * * to the 'decision-making' aspects of employee involvement * * * [T]he employer is responsible" [Exh. 3-51]. Another group felt that OSHA should not specify employee involvement (Exh. 3-37, 3-42). Other commentators agreed with the OSHA concept of employee involvement in decision-making and suggested added specifications such as advising employee involvement in all of the suggested possible areas of employee participation (Exh. 3-14, 3-26). Most testimony at the public meeting which addressed this point also supported OSHA's choice of language [Exh. 3-4, Tr. pp. 17, 24, and 36].

OSHA has decided to retain the proposed language with slight revision and with the addition of a clause that explains its intent. [See (c)(1)(4)]. OSHA agrees that responsibility for decision-making lies with the employer. It has found, however, that employee involvement in decisions affecting their safety and health results in better management decisions and more effective protection. OSHA has therefore added explanatory language in its Commentary on the guidelines to make clear its intention to advise that employee not make decisions but that they be included in the process on decision-making on matters which affect their health and safety.

2. Employee Reports of Hazards

Some commentators felt that OSHA provisions for employee reports of hazards (b)(2)(ii), were inadequate. One commentator stated that " * * * [a worksite] where employees know that management wants to be made aware of safety issues and will take action to correct them, and even solicits such suggestions, is a better place to work" (Exh. 3-29). OSHA;s own experience, reflected in the VPP requirements, indicates a clear need for a system under which employee reports of safety and health concerns are encouraged, protected from reprisal, and given an appropriate response in a reliable and timely fashion. OSHA agrees that a similar provision should be a part of these guidelines as well. Accordingly, a separate provision to that effect has been included in the section dealing with worksite analysis.

3. Use of the Term "Competent Person" Several respondents questioned the use of the term "competent persons," (b)(2)(i), to describe the need for expertise and experience in the conduct of periodic worksite analysis (Exh. 3-46). No one disputed whether persons conducting the analysis should be competent but questioned whether the term "competent" might be misunderstood in view of the many different risk situations and conditions possible in various workplaces and given that the term has specific meaning in maritime and

construction standards.

Since the performance objective of a worksite analysis is defined in the phrase "so that all hazards and potential hazards are identified," OSHA agrees that it is not necessary to state the need for competence by persons who perform the work. That need is implicit. The emphasis on competence was included initially because many processes, equipment, and substances in use at worksites may pose hazards beyond the recognition of the employer and employees at the site. This point is made clear in paragraph (c)(2)(ii) and the term "competent" has been removed. A discussion of the relative competence needed for the various approaches to worksite analysis is, however, included in the Commentary.

4. Discipline

The proposed guidelines called for "a clearly communicated disciplinary system" as one of the sub-elements for hazard prevention and control, (b)(3)(i). One respondent suggested that such a system is more logically a part of training. Others questioned whether it should be contained in the guidelines at all. For example, " * * * it is not within OSHA's jurisdiction to dictate employer-employee relations. Secondly, it has been our experience that all too often the 'careless worker' is blamed. In almost every instance we have been able to identify external causes that contributed to worker's 'unsafe' behavior, such as hazardous conditions * * * production quotas/time pressure, inadequate training, etc." (Exh. 3-26). On the other hand, some commentators felt that OSHA had not emphasized discipline enough. For example, " * * * the guidelines (should) be more direct and also detail a compulsory disciplinary system or structure * * * to avoid vagueness, to establish consistency and fairness * * * and to take the onerous load off those who would otherwise be loath to be so strict" (Exh. 3-10). "(The guidelines) should include * * * the concept that all employees have certain responsibilities regarding health and safety which if not exercised adequately will result in some type of disciplinary action" (Exh. 3-20).

In the revised final version of the guidelines, OSHA refers to enforcement of safe work procedures through a clearly communicated disciplinary system where necessary to the control or prevention of hazards. (See paragraph (c)(3)(i).) OSHA views this reference to enforcement through a disciplinary procedure as an indispensable piece of a whole approach to safety and health protection. Based on OSHA's experience and in light of the record, the Agency concludes that there is little possibility of effective safety and health protection without carefully designed rules for safe and healthful practices that cover all personnel, from the site manager to the hourly employees. Since those most involved with activity which could expose them to hazards are often the hourly employees, it makes good sense to involve them in the establishment of safe work practices and safe work rules as was discussed at the public meeting (Tr. pp. 117-118). Once these work practices are established and those who are expected to follow them understand why it is important to follow them, it is OSHA's experience that there is little need to utilize a corrective disciplinary system to ensure that they are followed.

When safe work practices, clearly understood and fairly enforced disciplinary procedures, and management accountability go hand-in-hand, there is little opportunity to push workers

into taking short cuts. OSHA not in any way suggesting harsh or punitive measures in lieu of the elimination or control of physical hazards. OSHA concludes that an organizational discipline exists for all levels of personnel at a worksite and believes that the application of that system to safety and health program activities is an important and appropriate concern for OSHA in the provision of safety and health management guidelines. Therefore, the language concerning discipline and enforcement is retained in paragraphs (c)(3)(i) and (c)(4)(ii). An elaboration of its rationale is included in the Commentary.

5. Ensuring Understanding

Several commentors objected that employers can never perfectly ensure that all employees understand all rules, responsibilities, and procedures. They recommended that the words "ensure understanding" be deleted from guidelines and suggested using language similar to that provided in one comment that " * * * all employees should be provided with training" (Exh. 3-54).

It is OSHA's experience that the quality, content, and success of training vary widely. The act of training itself is not the result that OSHA recommends for effective worker protection. OSHA recognizes the natural limits of communication and comprehension, and agrees that some reasonable interpretation of the phrase "ensure understanding" must be applied. The term used in the guidelines is intended to convey a need for the individuals to verify by some reasonable means that hazard information and the necessary elements of a safety and health program are understood by the people who must deal with them. This can be done by formal testing, oral questioning, observations, or other means. In fact, observation and interviewing of employees are key methods used by OSHA in VPP reviews to determine, among other things, the quality of employee safety, health, and emergency training. The term is intended to convey the same diligence that would be applied to ensuring an understanding of other operational requirements, such as time and attendance, production schedules, and job skills. The Agency is retaining the words "ensure understanding" in paragraphs (c)(4)(i), (ii) and (iii).

6. Coordination with other OSHA Instructions

Some respondents from Federal Agencies expressed concern that the proposed guidelines might conflict with requirements for safety and health management already established by OSHA for Federal Government agencies (Exhs 3-10, 3-44). Before preparing the final version, OSHA compared the proposed guidelines to existing Federal Agency requirements, its instructions to compliance officers for determining whether to do full or partial inspections based on safety and health program management, the requirements of the VPP, and the 7(c)(1) consultation safety and health program elements. The expanded sub-element on employee reports of hazards and the explanation added to the sub-element on employee involvement concerned protection from discrimination resulted in part from those comparisons. With these additions, OSHA concluded that, while these guidelines may lead to adjustments in the other policies reviewed, they pose no fundamental conflict with those policies.

7. Recordkeeping

Two of the commentors stated that OSHA should address the keeping of injury records (Exhs. 3-49, 3-51). To avoid confusing duplication, OSHA has decided not to include areas which are fully covered by regulation. No language concerning recordkeeping was added to the guidelines. The guidelines do, however, deal with the effective use of occupational injury and illness data, (See (c)(2)(v).)

8. Miscellaneous

Some commentors stated concerns with the use in the proposed guidelines of "OSHA advises." pointing out that this language appears in regulation and makes the guidelines sound less voluntary. The use of the word "encourage" was suggested as an alternative (Exhs. 3-14, 3-54). OSHA does not agree that the use of "advise" constitutes a requirement: rather it indicates advice which may or may not be accepted. OSHA has, however, added the words "and encourages" to "advises" in paragraph (a)(1), to ensure that employers understand the voluntary nature of the guidelines.

One commentor suggested that "facility" be added to the guideline language on preventive maintenance of equipment (Exh. 3-28). OSHA agrees and has expanded preventive maintenance to include the facility as well as equipment in paragraph (c)(3)(ii). Paragraph (c)(2)(i)(B), concerning analysis prior to use, was also changed to include "facility." Another commentor suggested that OSHA use the term "change analysis" in describing the necessity to review all new equipment, procedures, materials, and facilities to ensure that potential hazards are identified and prevented or controlled (Exh. 3-21). Finding merit in this suggestion, OSHA has added the term to the Commentary on this issue.

A commentor suggested that OSHA make clear the necessity of safety and health training prior to the assumption of duties (Exh. 3-21). OSHA rulemaking records are replete with evidence supporting the need for such training. Consequently, such language has been included in the Commentary on employee training.

Based on its own further review, OSHA has made several additional changes. (1) In the "General" section of the guidelines, the word "systematic" has been added to emphasize the need for a systematic approach to all aspects of safety and health management. (2) In the section on "Management Commitment and Employee Involvement," an initial sub-element has been added which recommends a policy statement on safety and health protection, to ensure that all personnel concerned with the worksite understand the priority of safety and health protection in relation to other organizational values. (3) In the first sub-element under "Worksite Analysis," a distinction has been made between "baseline" comprehensive worksite surveys and "update" surveys, to emphasize the importance of a comprehensive baseline record for subsequent worksite analysis. In this same sub-element, the reference to "phrase hazard analysis" has been dropped, because it is primarily relevant to construction.

OSHA's request for comments and information was published in the Proposed Rules Section of the **Federal Register** (53 FR 28790, July 15, 1988) based on the possibility that any

guidelines issuing from it might be published in the Code of Federal Regulations (CFR). OSHA has decided not to publish the guidelines in the CFR at this time. The guidelines are therefore published as a notice.

Authority and Signature

This document was prepared under the direction of John A Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U. S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Accordingly, pursuant to the authority of the Assistant Secretary, the following guideline is published. Signed at Washington, DC this nineteenth day of January, 1989.

John A. Pendergrass,

Assistant secretary of Labor for Occupational Safety and Health.

Safety and Health Management Guidelines

Scope and Application. (1) This guideline applies to all places of employment which are covered by OSHA standards in 29 CFR Parts 1910, 1915, 1917 and 1918.

(2) This guideline does not apply to places of employment which are covered by OSHA standards found in 29 CFR Part 1926.

Introduction. The Occupational Safety and Health Administration (OSHA) has concluded that effective management of worker safety and health protection is a decisive factor in reducing the extent and the severity of work-related injuries and illnesses. Effective management addresses all work-related hazards, including those potential hazards which could result from a change in worksite conditions or practices. It addresses hazards whether or not they are regulated by government standards.

OSHA has reached this conclusion in the course of its evaluation of worksites in its enforcement program, its State-operated consultation program, and its Voluntary Protection Programs. These evaluations have revealed a basic relationship between effective management of worker safety and health protection and a low incidence and severity of employee injuries. Such management also correlates with the elimination or adequate control of employee exposure to toxic substances and other unhealthful conditions.

OSHA's experience in the Voluntary Protection Programs has also indicated that effective management of safety and health protection improves employee moral and productivity, as well as significantly reducing workers' compensation costs and other less obvious costs of work-related injuries and illnesses.

Through an analysis of public comment received in response to its request and through an earlier review of literature. OSHA has found that the conclusions it has reached from its own

experience are supported by a substantial body of expert and practitioner opinion.

Based on this cumulative evidence that systematic management policies, procedures and practices are fundamental to the reduction of work-related injuries and illnesses and their attendant economic costs. OSHA offers the following guidelines for effective management of worker safety and health protection. OSHA urges all employers to establish and to maintain programs which meet these guidelines in a manner which addresses the specific operations and conditions of their worksites.

The Guidelines

(a) General. (1) Employers are advised and encouraged to institute and maintain in their establishments a program which provides systematic policies, procedures, and practices that are adequate to recognize and protect their employees from occupational safety and health hazards.

(2) An effective program includes provisions for the systematic identification, evaluation, and prevention or control of general workplace hazards, specific job hazards, and potential hazards which may arise from foreseeable conditions.

(3) Although compliance with the law, including specific OSHA standards, is an important objective, an effective program looks beyond specific requirements of law to address all hazards. It will seek to prevent injuries and illnesses, whether or not compliance is at issue.

(4) The extent to which the program is described in writing is less important than how effective it is in practice. As the size of a worksite or the complexity of a hazardous operation increases, however, the need for written guidance increases to ensure clear communications of policies and priorities and consistent and fair application of rules.

(b) Major Elements. An effective occupational safety and health program will include the following four elements. To implement these elements, it will include the actions described in paragraph (c).

(1) Management commitment and employee involvement are complementary. Management commitment provides the motivating force and the resources for organizing and controlling activities within an organization. In an effective program, management regards workers safety and health as a fundamental value of the organization and applies its commitment to safety and health protection with as much vigor as to other organizational purposes. Employee involvement provides the means through which workers develop and/or express their own commitment to safety and health protection, for themselves and for their fellow workers.

(2) Worksite analysis involves a variety of worksite examinations, to identify not only existing hazards but also conditions and operations in which changes might occur to create hazards. Unawareness of a hazard which stems from failure to examine the worksite is a sure sign that safety and health policies and/or practices are ineffective. Effective management

actively analyzes the work and worksite, to anticipate and prevent harmful occurrences.

(3) Hazard prevention and controls are triggered by a determination that a hazard or potential hazard exists. Where feasible, hazards are prevented by effective design of the jobsite or job. Where it is not feasible to eliminate them, they are controlled to prevent unsafe and unhealthful exposure. Elimination or controls is accomplished in a timely manner, once a hazard or potential hazard is recognized.

(4) Safety and health training addresses the safety and health responsibilities of all personnel concerned with the site, whether salaried or hourly. It is often most effective when incorporated into other training about performance requirements and job practices. Its complexity depends on the size and complexity of the worksite, and the nature of the hazards and potential hazards at the site.

(c) Recommended Actions (i) Management Commitment and Employee Involvement. (i) State clearly a worksite policy on safe and healthful work and working conditions, so that all personnel with responsibility at the site and personnel at other locations with responsibility for the site understand the priority of safety and health protection in relation to other organizational values.

(ii) Establish and communicate a clear goal for the safety and health program and objectives for meeting that goal, so that all members of the organization understand the results desired and the measures planned for achieving them.

(iii) Provide visible top management involvement in implementing the program, so that all will understand that management's commitments is serious.

(iv) Provides for the encourage employee involvement in the structure and operation of the program and in decisions that affect their safety and health, so that they will commit their insight and energy to achieving the safety and health program's goal and objectives.

(v) Assign and communicate responsibility for all aspects of the program so that managers, supervisors, and employees in all parts of the organization know what performance is expected of them.

(vi) Provide adequate authority and resources to responsible parties, so that assigned responsibilities can be met.

(vii) Hold managers, supervisors, and employees accountable for meeting their responsibilities, so that essential tasks will be performed.

(viii) Review program operations at least annually to evaluate their success in meeting the goal and objectives, so that deficiencies can be identified and the program and/or the objectives can be revised when they do not meet the goal of effective safety and health protection. (2) Worksite Analysis. (i) So that all hazards are identified:

(A) Conduct comprehensive baseline worksite surveys for safety and health and periodic comprehensive update surveys:

(B) Analyze planned and new facilities, processes, materials, and equipment; and

(C) Perform routine job hazard analyses.

(ii) Provide for regular site safety and health inspection, so that new or previously missed hazards and failures in hazard controls are identified.

(iii) So that employee insight and experience in safety and health protection may be utilized and employee concerns may be addressed, provide a reliable system for employees, without fear of reprisal, to notify management personnel about conditions that appear hazardous and to receive timely and appropriate responses; and encourage employees to use the system. (iv) Provide for investigation of accidents and "near miss" incidents, so that their causes and means for their prevention are identified.

(v) Analyze injury and illness trends over time, so that patterns with common causes can be identified and prevented.

(3) Hazard Prevention and Control. (i) So that all current and potential hazards, however detected, are corrected or controlled in a timely manner, established procedures for that purpose, using the following measures:

(A) Engineering techniques where feasible and appropriate:

(B) Procedures for safe work which are understood and followed by all affected parties, as a result of training, positive reinforcement, correction of unsafe performance, and, if necessary, enforcement through a clearly communicated disciplinary system:

(C) Provision of personal protective equipment; and

(D) Administrative controls, such as reducing the duration of exposure.

(ii) Provide for facility and equipment maintenance, so that hazardous breakdown is prevented.

(iii) Plan and prepare for emergencies, and conduct training and drills as needed, so that the response of all parties to emergencies will be "second nature."

(iv) Establish a medical program which includes availability of first aid on site and of physician and emergency medical care nearby, so that harm will be minimized if any injury or illness does occur.

(4) Safety and Health Training. (i) Ensure that all employees understand the hazards to which they may be exposed and how to prevent harm to themselves and others from exposure to

these hazards, so that employees accept and follow established safety and health protections.

(ii) So that supervisors will carry out their safety and health responsibilities effectively, ensure that they understand those responsibilities and the reasons for them, including:

(A) Analyzing the work under their supervision to identify unrecognized potential hazards:

(B) Maintaining physical protections in their work areas; and

(C) Reinforcing employee training on the nature of potential hazards in their work and on needed protective measures, through continual performance feedback and, if necessary, through enforcement of safe work practices.

(iii) Ensure that managers understand their safety and health responsibilities, as described under (c)(1). "Management Commitment and Employee Involvement," so that the managers will effectively carry out those responsibilities.

The Commentary

(Paragraph by Paragraph)

This Commentary indicates the background and rationale for each part of the guidelines. To facilitate its use, each segment of the guidelines except the introduction is repeated just before it is discussed. The background of the introduction immediately follows this paragraph.

Introduction

Comment on Introduction. Over the years, OSHA and State enforcement and consultation staff have seen many examples of exemplary workplaces where safety and health programs were well managed and where injury rates were exceptionally low. The common characteristics observed at these sites were the use of organized and systematic methods to assign appropriate responsibility to all managers, supervisors, and employees, to inspect regularly for and control existing and potential hazards, and to orient and train all employees in the ways and means to eliminate or avoid those hazards.

The fundamental importance of such methods has been reflected in decisions of the Occupational Safety and Health Review Commission and the U.S. Courts of Appeal, especially in cases involving an employer claim that a violative workplace condition or action resulted from unpreventable employee misconduct. Such misconduct has been recognized as a defense against citation only when an employer had a work rule prohibiting the conduct, had provided training to ensure that the rule was understood, and had supplied adequate supervision (including regular inspections and work rule enforcement) to ensure that the work rule was followed. These criteria have been applied by the courts in cases involving the citation of OSHA standards as well as the general duty clause. The implication of these cases is that an employer has the duty to establish and maintain such management

practices, to the extent that they are necessary to ensure that safe and healthful working conditions are maintained and that safe and healthful work practices are followed.

OSHA has reflected its increasing recognition of the importance of effective safety and health program management by including program management requirements in standards; by recommending safety and health program improvements in conjunction with inspections; by issuing citations under the general duty clause of the Occupational Safety and Health Act of 1970 (Sec. 5(a)(1), 29 U.S.C. 654) which include safety and health management factors; by revising its State-operated consultation program to focus on the promotion of effective safety and health management; and by a range of other promotional efforts.

To further encourage employers and employees to adopt and improve existing safety and health programs, OSHA established on July 2, 1982 (47 FR 29025), the Voluntary Protection Programs (VPP) to recognize worksites with exemplary safety and health management. The participation requirements embodied in the VPP are a distillation of the means, methods, and processes already in use at worksites where safety and health conditions are exceptionally good.

Because VPP participating worksites are officially recognized and are excluded from routine programmed OSHA inspections, the quality of the safety and health programs at these sites must be maintained as models of effectiveness. In 1988, 62 sites were participating in the VPP, and several had been in the program for five or more years. Collectively, during their participation in the VPP, these sites experienced lost-time injuries that were approximately one-fifth to one-third of the average for their industrial classifications. (Unpublished statistics, U.S. Department of Labor, OSHA, 1988).

The fact the VPP participants have injury rates which are so much lower than their industry averages demonstrates that significant reduction is possible. It also strongly indicates that the requirements of the VPP, distilled in the management policies, procedures, and practices described in these recommended guidelines, are major means to achieve the reduction.

In addition, employers at these sites reported improved morale and productivity benefits, as well as significantly reduced workers' compensation and other costs. One plant manager found that the implementation of a single safe work practice at his 44-employee plant during the first three years of participation in the VPP resulted in a greater volume of product and a reduction in rejected project. This change alone saved \$265,000 a year. (Proceedings of Public Information Gathering Meeting on Suggested Guidelines for General Safety and Health Programs. U.S. Department of Labor, OSHA, Docket No. C-02. P.77 (October 6, 1988).)

The reduction in workers' compensation and other costs and the improvements in worksite morale and productivity reported by VPP participants reflect significant economic benefits which complement the substantial safety and health benefits of improvement management of worker protection. A Business Roundtable report (Improving Construction Safety Performance (New York, The Business Roundtable. Report A-3. January, 1982). p. 16) concludes that, for construction, the savings from effective administration of safety and

health protection is 3.2 times the cost. OSHA has no independent confirmation of this ratio nor of its relevance to industries other than construction. Based on its experience with VPP sites and the conclusions of experienced safety and health professionals, however, OSHA believes that the long-term benefits of effective safety and health management consistently exceed its costs.

To understand this conclusion, it is essential to understand the indirect as well as the direct costs of occupational injuries and illnesses. According to commonly accepted safety management concepts as outlined by Frank E. Bird, Jr. in his *Management Guide to Loss Control* (Loganville, GA: Institute Press, 1978), for every \$1 in medical or insurance compensation costs ("direct costs") for a worker injury, \$5-50 more are likely to be spent on "indirect costs" to repair building, tool or equipment damage; to replace damaged products or materials; and to make up for losses from production delays and interruptions. An additional \$1-3 in indirect costs will be spent for hiring and training replacements and for time to investigate the incident. Mr. Bird's figures do not consider the impact of reduced commitment to work when employees operate in a situation in which injuries are common. Because they frequently involve longer absences, the impact of job-related illnesses can be even greater.

Although economic incentives are secondary to human health and safety as motives for safety and health protection, an employer may find it useful to calculate the total (direct and indirect) costs of injuries and illnesses as a means of determining the economic benefits which might be achieved by preventing the injuries and illnesses. By determining the average cost of an injury and of an illness, the employer can estimate the incremental impact of reducing the rate of injuries and illnesses at the site and therefore the potential economic benefit of such reduction.

Some employers may wish to compare their savings or costs in relation to the nation average for their industries. A method which can be used for that comparison with respect to occupational injuries is described by David R. Bell, a former OSHA employee, in his article, "Gauging Safety Outlays and Objectives," in *Occupational Hazards*, June, 1987. If the lost workday case rate (LWCR) for a site is below the national average, a formula provided by Bell can be used to calculate how many fewer injuries occurred than would have occurred if the site rate had equalled the national average. (Lost workdays case rates are published annually by the Bureau of Labor Statistics in "Occupational Injuries and Illnesses in the United States by Industry", available from the U.S. Government Printing Office, Washington, DC 20402. The rate for each industry represents the average number of lost workday cases that occurred per 100 employees in the industry).

The number of cases which would have occurred if the site rate had been average Bell calls "expected cases" and the actual cases he calls "injuries avoided." His formula, in which "employment at the site" means the number of equivalent work-years at the site during the year, is as follows:

Industry LWCR = Employment at the site

100 = Expected LW Cases --
Actual LW Cases =
Number of Injuries
Avoided

If the site lost workday case rate is above, the national average, the number of cases by which the site exceeds the national average can be determined by subtracting "expected cases" from "actual cases," once the former number has been calculated.

By multiplying the number of "injuries avoided" or the number of injuries above the average by the average cost of an injury at the site, the employer can estimate the savings or losses which resulted from the quality of its management of safety protection relative to national performance. (Because national data on the incidence of occupational illnesses is incomplete, the formula is less useful in relation to occupational health protection.)

(a) General

"(a) General. (1) Employers are advised and encouraged to institute and maintain in their establishments a program which provides systematic policies, procedures, and practices that are adequate to recognize and protect their employees from occupational safety and health hazards."

Comment: In essence, this paragraph states that the end (protection of employees from occupational safety and health hazards) determines the means. The criterion for determining what is needed in a safety and health program at a particular site is: whatever feasible action it takes to protect the workers from the safety and health hazards at that specific site. The form of the safety and health program elements and implementing actions will vary at each site according to the nature of site organization and the nature of the hazards and potential hazards at the site.

"(2) An effective program includes provisions for the systematic identification, evaluation, and prevention or control of general workplace hazards, specific job hazards and potential hazards, which may arise from foreseeable conditions."

Comment: Provisions for identifying and preventing hazards are systematic. If not, hazards or potential hazards will be missed and/or preventive controls will break down, and the chance of injury or illness will significantly increase.

General workplace hazards include such conditions as tripping hazards in walking areas and poor illumination. Specific job hazards may relate to the specific conditions in a job, such as exposure to a saw blade, or to the inherent hazardousness of an operation required in the job, such as the removal of jammed material from a point of operation. Potential hazards include such situations as the possibility of exposure to toxic chemicals as a result of a rupture of piping from the impact of a forklift.

"(3) Although compliance with the law, including specific OSHA standards, is an important

objective, an effective program looks beyond specific requirements of law to address all hazards. It will seek to prevent injuries and illnesses, whether or not compliance is at issue."

Comment: OSHA and other government standards provide important guidance on the identification and control of hazards, but they are not always enough. Although compliance with the law is an important objective of and motive for an effective program. OSHA has found that the most successful programs look beyond government standards and legal requirements. They look for other sources of information about hazards, such as the National Electrical Code (NEC), the American Conference of Government Industrial Hygienists (ACGIH), and the American National Standards Institute (ANSI): and they use their own seasoned analytical abilities to look for and address hazards not covered by government or other standards. Their motive is to prevent injuries and illnesses and the attendant human and economic costs, whether or not compliance with the law is at issue.

This approach is essential in view of the difficulty that regulatory agencies have in moving quickly to set standards for every possible hazard in the workplace and to revise them when new information becomes available.

"(4) The extent to which the program is described in writing is less important than how effective it is in practice. As the size of a worksite or the complexity of a hazardous operation increases, however, the need for written guidance increases to ensure clear communication of policies and priorities and consistent and fair application of rules."

Comment: OSHA recognizes that relatively simple, unwritten policies, practices, and procedures are adequate to address the hazards in many smaller or less hazardous establishments. The more complex and hazardous and operation is, the more formal (written) and complex the program will probably need to be. A written program which is revised regularly can clarify policy, create consistency and continuity in its interpretation, serve as a checkpoint whenever there is a question of priority between safety and production, and support fair and equitable enforcement of safe work rules and practices.

(b) Major Elements

"(b) Major Elements. An effective occupational safety and health program will include the following four elements. To implement these elements, it will include the actions described in paragraph (c).

(1) Management commitment and employee involvement are complementary. Management commitment provides the motivation force and the resources for organizing and controlling activities within an organization. In an effective program, management regards worker safety and health as a fundamental value of the organization and applies its commitment to safety and health protection with as much vigor as to other organizational purposes. Employee involvement provides the means through which workers develop and/or express their own commitment to safety and health protection, for themselves and for their fellow workers.

(2) Worksite analysis involves a variety of worksite examinations, to identify not only

existing hazards but also conditions and operations in which changes might occur to create hazards. Unawareness of a hazard which stems from failure to examine the worksite is a sure sign that safety and health policies and/or practices are ineffective. Effective management actively analyzes the work and worksite, to anticipate and prevent harmful occurrences.

(3) Hazard prevention and control are triggered by a determination that a hazard or potential hazard exists. Where feasible, hazards are prevented by effective design of the job site or job. Where it is not feasible to eliminate them, they are controlled to prevent unsafe or unhealthful exposure. Elimination or control is accomplished in a timely manner, once a hazard or potential hazard is recognized.

(4) Safety and health training addresses the safety and health responsibilities of all personnel concerned with the site, whether salaried or hourly. It is often most effective when incorporated into other training about performance requirements and job practices. Its complexity depends on the size and complexity of the worksite, and the nature of the hazards and potential hazards at the site."

Comment: These paragraphs set forth the areas of managerial practice which are essential to effective safety and health protection. These practices, means, and methods are consistent with those used by employers to achieve other organizational objectives, such as cost control, quality, and productivity. Giving safety and health equal organizational priority in relation to these other objectives is fundamental to the protection of individual employees and to the effectiveness of the organization itself.

These elements consist of methods historically used to accomplish organizational objectives. They are generic in that they are generally applicable regardless of unique operations or conditions of particular firms. Only the form which they take varies. Though at points they are expressed in the terms of the "hierarchical" organizations most common in American industry (i.e., by reference to "managers," "supervisors," "employees"), they can easily be adapted to other organizational forms or styles of operation. They relate to essential concerns and activities of any organization. It is on this basis that OSHA considers them applicable in shipyard employment, marine terminals, and longshoring as well as general industry.

(c) Recommended Actions.

(c)(1) Management Commitment and Employee Involvement

Comment: Each action listed in this section represents the application to occupational safety and health of a key means for organizing, motivating and controlling activities within an organization.

"(c)(1)(i) State clearly a worksite policy on safe and healthful work and working conditions, so that all personnel with responsibility at the site and personnel at other locations with responsibility for the site understand the priority of safety and health protection in relation to other organizational values."

Comment: A statement of policy is the foundation of safety and health management. It communicates the value in which safety and health protection is held in the business organization. If it is absorbed by all in the organization, it becomes the basic point of reference for all decisions affecting safety and health. It also becomes the criterion by which the adequacy of protective actions is measured.

"(c)(1)(ii) Establish and communicate a clear goal for the safety and health program and objectives for meeting that goal, so that all members of the organization understand the results desired and the measures planned for achieving them."

Comment: A goal, and implementing objectives, make the safety and health policy more specific. Communicating them ensures that all in the organization understand the direction it is taking.

"(c)(1)(iii) Provide visible top management involvement in implementing the program so that all will understand that management's commitment is serious."

Comment: Actions speak louder than words. If top management gives high priority to safety and health protection in practice, other will see and follow. If not, a written or spoken policy of high priority for safety and health will have little credibility, and others will not follow it. Plant managers who wear required personal protective equipment in work areas, perform periodic "housekeeping" inspections, and personally track performance in safety and health protection demonstrate such involvement.

"(c)(1)(iv) Provide for and encourage employee involvement in the structure and operation of the program and in decisions that affect their safety and health, so that they will commit their insight and energy to achieving the safety and health program's goal and objectives."

Comment: Since an effective program depends on commitment by employees as well as managers, it is important for their concerns to be reflected in it. An effective program includes all personnel in the organization--managers, supervisors, and other--in policy development, planning, and operations.

This does not mean transfer of responsibility to employees. the Occupational Safety and Health Act of 1970 clearly places responsibility for safety and health protection on the employer. However, employees intimate knowledge of the jobs they perform and the special concerns they bring to the job give them a unique perspective which can be used to make the program more effective.

Employee participation may take any or all of a number of forms. For instance, the system for notifying management personnel about conditions that appear hazardous serves as a major means of worksite analysis to identify hazards and is therefore included as paragraph (c)(2)(iii). Such a system is, however, by itself not sufficient to provide for effective employee involvement. Forms of participation which engage employees more fully in systematic prevention include (1) inspecting for hazards and recommending corrections or controls; (2) analyzing jobs to locate potential hazards and develop safe work procedures; (3)

developing or revising general rules for safe work; (4) training newly hired employees in safe work procedures and rules, and/or training their co-workers in newly revised safe work procedures; (5) providing programs and presentations for safety meeting; and (6) assisting in accident investigations.

Such functions can be carried out in a number of organizational contexts. Joint labor-management committees are most common. Other means include labor safety committees, safety circle teams, rotational assignment of employees to such functions, and acceptance of employee volunteers for the functions.

Employee involvement is effective only when the employer welcomes it and provides protection from any discrimination, including unofficial harassment, to the employees involved. However, inclusion of employees in one or more of the suggested activities, or in any way that fits the individual worksite and provides an employee role that has impact on decisions about safety and health protection, will strengthen the employer's overall program of safety and health protection.

"(c)(1)(v) Assign and communicate responsibility for all aspects of the program, so that managers, supervisors, and employees in all parts of the organization know that performance is expected of them."

Comment: Assignment of responsibility for safety and health protection to a single staff member, or even a small group, will leave other members feeling that someone else is taking care of safety and health problems. Everyone in an organization has some responsibility for safety and health.

A clear statement of that responsibility, as it relates both to organizational goals and objectives and to the specific functions of individuals, is essential. If all persons in an organization do not know what is expected of them, they are unlikely to perform as desired.

"(c)(1)(vi) Provide adequate authority and resources to responsible parties, so that assigned responsibilities can be met."

Comment: It is unreasonable to assign responsibility without providing adequate authority and resources to get the job done. For example, a person with responsibility for the safety of a piece of machinery need the authority to shut it down and get it repaired. Needed resources may include adequately trained and equipped personnel and adequate operational and capital expenditure funds.

"(c)(1)(vii) Hold managers, supervisors, and employees accountable for meeting their responsibilities, so that essential tasks will be performed."

Comment: Stating expectations of managers, supervisors, and other employees means little if management is not serious enough to track performance, to reward it when it is competent and to correct it when it is not. Holding everyone accountable for meeting their responsibilities is at the heart of effective workers safety and health protection. If

management states high expectations for such protection but pays greater attention to productivity or other values, safety and health protection will be neglected.

To be effective, a system of accountability must be applied to everyone, from senior management to hourly employees. If some are held firmly to expected performance and other are not, the system will lose its credibility. Those held to expectations will be resentful; those allowed to neglect expectations may increase their neglect. Consequently, the chance of injury and illness will increase.

"(c)(1)(viii) Review program operations at least annually to evaluate their success in meeting the goal and objectives, so that deficiencies can be identified and the program and/or the objectives can be revised when they do not meet the goal of effective safety and health protection."

Comment: A Comprehensive program audit is essential periodically to evaluate the whole set of safety and health management means, methods, and processes, to ensure that they are adequate to protect against the potential hazards at the specific worksite. The audit determines whether policies and procedures are implemented as planned and whether in practice they have met the objectives set for the program. It also determines whether the objectives provide sufficient challenge to lead the organization to meet the program goal of effective safety and health protection. When either performance or the objectives themselves are found inadequate, revisions are made. Without such a comprehensive review, program flaws and their interrelationship may not be caught and corrected.

(c)(2) Worksite Analysis

Comment: The identification of hazards and potential hazards at a worksite requires an active, on-going examination and analysis of work processes and working conditions. Because many hazards are by nature difficult to recognize, effective examination and analysis will approach the work and working conditions from several perspectives. Each of the activities recommended in this paragraph represents a different perspective.

The recognition of hazards which could result from changes in work practices or conditions requires especially thorough observation and thought, both from those who perform the work and those who are specially trained for that purpose. Since such divergence from the routine and familiar is often the occasion for injuries and health hazard exposures to occur, the anticipation of such changes is critical.

Identification at a worksite of those safety and health hazards which are recognized in its industry is a critical foundation for safety and health protection. It is the general duty of the employer under the Occupational Safety and Health Act of 1970. Successful employers will actively seek the benefit of the experience of others in their industry, through trade associations, equipment manufacturers, and other sources.

An effective program does not stop at this point, however. It continually reviews working conditions and operations to identify hazards which have not previously been recognized in

the industry.

Implicit in the provision for the survey, reviews, and analyses recommended in this section is the need for employers to seek competent advice and assistance when they lack needed expertise and to use appropriate means and methods to examine and assess all existing and foreseeable hazards. Personnel who perform comprehensive baseline and update surveys, analysis of new facilities, processes, procedures, and equipment, and job hazard analyses may require greater expertise than those who conduct routine inspections, since the former are conducting a broader and/or deeper review.

Personnel performing regular inspections should, however, possess a degree of experience and competence adequate to recognize hazards in the areas they review and to identify reasonable means for their correction or control. Such competence should normally be expected of ordinary employees who are capable of safely supervising or performing the operations of the specific workplace. Smaller businesses which need assistance in the development of such competence can receive free assistance from a number of sources, including OSHA and a nationwide network of OSHA-funded, State-operated consultation projects.

"(c)(2)(i) So that all hazards and potential hazards are identified:

(A) conduct comprehensive baseline worksite survey for safety and health and periodic comprehensive update surveys;

(B) analyze planned and new facilities, processes, materials, and equipment; and

(C) perform routine job hazard analyses."

Comment: A comprehensive baseline survey of the work and working conditions at a site permits a systematic recording of those hazards and potential hazards which can be recognized without intensive analysis. This baseline record provides a checklist for the more frequent routine inspections, recommended in paragraph (c)(2)(ii). With those hazards under control, attention can be given to the intensive analysis required to recognize less obvious hazards.

Subsequent comprehensive surveys provide an opportunity to step back from the routine check on control of previously recognized hazards and look for others. With the baseline established, these subsequent reviews are one occasion for focusing more intensive analysis in areas with the highest potential for new or less obvious hazards. The frequency with which comprehensive examinations are needed depends on the complexity, hazardousness, and changeability of the worksite. Many successful worksites conduct such reviews on an annual or biannual basis.

Analysis of new facilities, processes, materials, and equipment in the course of their design and early use (sometimes called "change analysis") provides a check against the introduction of new hazards with them. Effective management ensures the conduct of such analyses

during the planning phase, just before their first use, and during the early phases of their use. Numerous specific OSHA standards require inspection of particular equipment, conditions, and activities as a safety precaution prior to operation or use. This guideline makes clear that, in effective safety and health programs, this generally recognized inspection practice is applied more broadly to all conditions and activities.

Job hazard analysis is an important tool for more intensive analysis to identify hazards and potential hazards not previously recognized, and to determine protective measures. Through more careful attention to the work processes in a particular job, analysis can recognize new points at which exposure to hazards may occur or at which foreseeable changes in practice or conditions could result in new hazards.

"(c)(2)(ii) Provide for regular site safety and health inspections, so that new or previously missed hazards and failures in hazard controls are identified."

Comment: Once a comprehensive examination of the workplace has been conducted and hazard controls have been established, routine site safety and health inspections are necessary to ensure that changes in conditions and activities do not create new hazards and that hazard controls remain in place and are effective. Routine industrial hygiene monitoring and sampling are essential components of such inspections in many workplaces.

Personnel conducting these inspections also look out for new or previously unrecognized hazards, but not as thoroughly as those conducting comprehensive surveys.

The frequency and scope of these "routine" inspection depends on the nature and severity of the hazards which could be present and the relative stability and complexity of worksite operations.

"(c)(2)(iii) So that employee insight and experience in safety and health protection may be utilized and employee concerns may be addressed, provide a reliable system for employees, without fear of reprisal, to notify management personnel about conditions that appear hazardous and to receive timely and appropriate responses; and encourage employees to use the system."

Comment: A reliable system for employees to notify management of conditions or practices that appear hazardous and to receive a timely and appropriate response serves a dual purpose. It gives management the benefit of many more points of observations and more experienced insight in recognizing hazards or other symptoms of breakdown in safety and health protection systems. It also gives employees assurance that their investment in safety and health is worthwhile.

A system is reliable only if it ensures employees a credible and timely response. The response will include both timely action to address any problems identified and a timely explanation of why particular actions were or were not taken.

Since the employer benefits from employee notices, effective management will not only

guard against reprisals to avoid discouraging them but will take positive steps to encourage their submission.

"(c)(2)(iv) Provide for investigation of accidents and 'near miss' incidents, so that their causes and means for preventing repetitions are identified."

Comments: Accidents, and incidents in which employees narrowly escape injury, clearly expose hazards. Analysis to identify their causes permits development of measures to prevent future injury or illness. Although a first look may suggest that "employee error" is a major factor, it is rarely sufficient to stop there. Even when an employee has disobeyed a required work practice, it is critical to ask, "Why?" A thorough analysis will generally reveal a number of deeper factors, which permitted or even encouraged an employee's action. Such factors may include a supervisor's allowing or pressuring the employee to take short cuts in the interest of production, inadequate equipment, or a work practice which is difficult for the employee to carry out safely. An effective analysis will identify actions to address each of the causal factors in an accident or "near miss" incident.

"(c)(2)(v) Analyze injury and illness trends over time, so that patterns with common causes can be identified and prevented."

Comment: A review of injury experience over a period of time may reveal patterns of injury with common causes which can be addressed. Correlation of changes in injury experience with changes in safety and health program operations, personnel, and production processes may help to identify causes.

(c)(3) Hazard Prevention and Control

Comment: Effective management prevents or controls identified hazards and prepares to minimize the harm from job-related injuries and illnesses when they do occur.

"(c)(3)(i) So that all current and potential hazards, however detected, are corrected or controlled in a timely manner, establish procedures for that purpose, using the following measures:

(A) engineering techniques where feasible and appropriate;

(B) procedures for safe work which are understood and followed by all affected parties, as a result of training, positive reinforcement, and, if necessary, endorsement through a clearly communicated disciplinary system;

(C) provision of personal protective equipment; and

(D) administrative controls, such as reducing the duration of exposure."

Comment: Hazards, once recognized, are promptly prevented or controlled. Management action in this respect determines the credibility of its safety and health management policy

and the usefulness of its entire program.

An effective program relies on the means for prevention or control which provides the best feasible protection of employee safety and health.

It regards legal requirements as a minimum. When there are alternative ways to address a hazard, effective managers have found that involving employees in discussions of methods can identify useful prevention and control measures, serve as a means for communicating the rationale for decisions made, and encourage employee acceptance of the decisions.

When safe work procedures are the means of protection, ensuring that they are followed becomes critical. Ensuring safe work practices involves discipline in both a positive sense and a corrective sense. Every component of effective safety and health management is designed to create a disciplined environment in which all personnel act on the basis that worker safety and health protection is a fundamental value of the organization. Such an environment depends on the credibility of management's involvement in safety and health matters, inclusion of employees in decisions which affect their safety and health, rigorous worksite analysis to identify hazards and potential hazards, stringent prevention and control measures, and thorough training. In such an environment, all personnel will understand the hazards to which they are exposed, why the hazards pose a threat, and how to protect themselves and others from the hazards. Training for the purpose is reinforced by encouragement of attempt to work safely and by positive recognition of safe behavior.

If, in such a context, an employee, supervisor, or manager fails to follow a safe procedure, it is advisable not only to stop the unsafe action but also to determine whether some condition of the work has made it difficult to follow the procedure or whether some management system has failed to communicate the danger of the action and the means for avoiding it. If the unsafe action was not based on an external condition or a lack of understanding, or if, after such external condition or lack of understanding has been corrected, the person repeats the action, it is essential that corrective discipline be applied. To allow an unsafe action to continue not only continues to endanger the actor and perhaps others; it also undermines the positive discipline of the entire safety and health program. To be effective, corrective discipline must be applied consistently to all, regardless of role or rank; but it must be applied.

Factors which may affect the time required for correction of hazards include: (1) The complexity of abatement technology; (2) the degree of risk; and (3) the availability of necessary equipment, materials, and staff qualified to complete the correction. Because conditions affecting hazard correction and control vary widely, it is impractical for OSHA to recommend specific time limits for all situations. An effective program corrects hazards in the shortest time permitted by the technology required and the availability of needed personnel and materials. It also provides for interim protection when immediate correction is not possible.

"(c)(3)(ii) Provide for facility and equipment maintenance, so that hazardous breakdown is prevented."

Comment: Maintenance of equipment of facilities in an especially important means of anticipating potential hazards and preventing their development. Planning, scheduling, and tracking preventive maintenance activities provides a systematic way of ensuring that they are not neglected.

"(c)(3)(iii) Plan and prepares for emergencies, and conduct training and drills as needed, so that the response of all parties to emergencies will be "second nature."

Comment: Planning and training for emergencies is essential in minimizing the harmful consequences of an accident or other threat if it does occur. If personnel are not so thoroughly trained to react to emergencies that their responses are immediate and precise, they may expose themselves and others to greater danger rather than reduce their exposure. The nature of potential emergencies depends on the nature of site operations and its geographical location. The extent to which training and drills are needed depends on the severity and complexity of the emergencies which may arise.

"(c)(2)(iv) Establish a medical program which includes availability of first aid on site and of physician and emergency medical care nearby, so that harm will be minimized if an injury or illness does occur."

Comment: The availability of first aid and emergency medical care are essential in minimizing the harmful consequences of injuries and illnesses if they do occur. The nature of services needed will depend on the seriousness of injuries or health hazard exposures which may occur. Minimum requirements are addressed in OSHA standards.

(c)(4) Safety and Health Training

Comment: Education and training are essential means for communicating practical understanding of the requirements of effective safety and health protection to all personnel. Without such understanding, managers, supervisors, and other employees will not perform their responsibilities for safety and health protection effectively.

It is not suggested that elaborate or formal training programs solely related to safety and health are always needed. Integrating consideration of safety and health protection into all organizational activities is the key to its effectiveness. Safety and health information and instruction is, therefore, often most effective when incorporated into other training about performance requirements and job practices, such as management training on performance evaluation, problem solving, or managing change; supervisors' training on the reinforcement of good work practices and the correction of poor ones; and employee training on the operation of a particular machine or the conduct of a specific task.

Each paragraph in this section recommends that the employer ensure understanding of safety and health information by employees, supervisors, and managers. The act of training itself is not sufficient to endure practical comprehension. Some means of verifying comprehension is essential. Formal testing, oral questioning, observation, and other means can be useful. In its Voluntary Protection Programs. OSHA has found that observing and interviewing

employees, supervisors, and managers are the most effective measures for determining their understanding of what is expected of them in practice. Although there is no fully reliable means for ensuring understanding, effective safety and health management will apply the same diligence with respect to safety and health protection as is applied to ensuring an understanding of other operational requirements, such as time and attendance, production schedules, and job skills.

"(c)(4)(i) Ensure that all employees understand the hazards to which they may be exposed and how to prevent harm to themselves and others from exposure to these hazards, so that employees accept and follow established safety and health protections."

Comment: The commitment and cooperation of employees in preventing and controlling exposure to hazards is critical, not only for their own safety and health but for that of others as well. That commitment and cooperation depends on their understanding what hazards they may be exposed to, why the hazards pose a threat, and how they can protect themselves and others from the hazards. The means of protection which they need to understand include not only the immediate protections from hazards in their work processes and locations, but also the management systems which commit the organization to safety and health protection and provide for employee involvement in hazard identification and prevention.

OSHA's Hazard Communication Standard specifies, for chemical hazards, an employer duty to inform employees about workplace hazards and to provide training that will enable them to avoid work-related injuries or illnesses. Other standards set forth training requirements, as summarized in OSHA Publication 2254. "Training Requirements in OSHA Standards and Training Guidelines." The rationale for these standards requirements is, however, applicable in relation to all hazards.

Education and training in safety and health protection is especially critical for employees who are assuming new duties. This fact is reflected by the disproportionately high injury rates among workers newly assigned to work tasks. Although some of these injuries may be attributable to other causes, a substantial number are directly related to inadequate knowledge of job hazards and safe work practices. The Bureau of Labor Statistics reports that in 1979, 48 percent of workers injured had been on the job less than one year. ("The New Worker Factor Associated with Occupational Injuries and Illnesses," U.S. Department of Labor, Bureau of Labor Statistics, 1982.) These figures make clear the importance of training employees on job hazards and safe work practices before they assume new duties.

The extent of hazard information which is needed by employees will vary, but includes at least; (1) The general hazards and safety rules of the worksite; (2) specific hazards, safety rules, and practices related to particular work assignments; and (3) the employee's role in emergency situations. Such information and training is particularly relevant to hazards that may not be readily apparent to, to within the ordinary experience and knowledge of, the employee.

"(c)(4)(ii) So that supervisors will carry out their safety and health responsibilities effectively, ensure that they understand those responsibilities and the reasons for them,

including;

(A) analyzing the work under their supervision to identify unrecognized potential hazards;

(B) maintaining physical protections in their work areas; and

(C) reinforcing employee training on the nature of potential hazards in their work and on needed protective measures, through continual performance feedback and, if necessary, through enforcement of safe work practices."

Comment: First-line supervisors have an especially critical role in safety and health protection because of their immediate responsibility for workers and for the work being performed. Effective training of supervisors will address their safety and health management responsibilities as well as information on hazards, hazard prevention, and response to emergencies. Although they may have other safety and health responsibilities, those listed in these guidelines merit particular attention.

"(c)(4)(iii) Ensure that managers understand their safety and health responsibilities" and described under (c)(1). "Management Commitment and Employee Involvement," so that the managers will effectively carry out those responsibilities."

Comment: Because there is a tendency in some businesses to consider safety and health a staff function and to neglect the training of managers in safety and health responsibilities, the importance of managerial training is noted separately. Managers who understand both the way and the extent to which effective safety and health protection impacts on the overall effectiveness of the business itself are far more likely to ensure that the necessary safety and health management systems operates as needed.

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This information was found July 1, 2002 at
http://www.osha-slc.gov/FedReg_oseha_data/FED19890126.html

**Recordkeeping
and Training
Required**



OSHA FACT Sheet

Recordkeeping

Highlights of OSHA's Recordkeeping Rule

OSHA's rule addressing the recording and reporting of occupational injuries and illnesses affects approximately 1.4 million establishments. A number of specific industries in the retail, service, finance, insurance, and real estate sectors that are classified as low hazard are exempt from most requirements of the rule as are small businesses with 10 or fewer employees.

The revised rule takes effect January 1, 2002, except for provisions covering hearing loss and musculoskeletal disorders, which OSHA is delaying for 1 year — until January 1, 2003 — while the agency reconsiders these issues. The new rule improves employee involvement, calls for greater employee privacy protection, creates simpler forms, provides clearer regulatory requirements, and allows employers more flexibility to use computers to meet OSHA regulatory requirements. Following is a brief **summary of key provisions** of the rule.

- Updates three recordkeeping forms:
 - OSHA Form 300 (*Log of Work-Related Injuries and Illnesses*); simplified and printed on smaller, legal size paper.
 - OSHA Form 301 (*Injury and Illness Incident Report*); includes more data about how the injury or illness occurred.
 - OSHA Form 300A (*Summary of Work-Related Injuries and Illnesses*); a new form created to make it easier to post and calculate incidence rates.
- Provides a single set of recording criteria for both work-related injuries and work-related illnesses. (The former rule required employers to record all illnesses, regardless of severity.)
- Requires records to include a work-related injury or illness resulting in one of the following: death, days away from work, restricted work or transfer to another job, medical treatment **beyond** first aid, loss of consciousness, or diagnosis of a significant injury or illness by a physician or other licensed health care professional.
- Includes new definitions of medical treatment, first aid, and restricted work to simplify recording decisions.
- Requires a **significant** degree of aggravation before a preexisting injury or illness is considered work related.
- Adds further exceptions to the definition of work-relatedness to limit recording of cases involving eating and drinking of food and beverages, common colds and flu, blood donations, exercise programs, mental illnesses, etc.
- Clarifies the recording of "light duty" or restricted work cases. Requires employers to record cases when the injured or ill employee is restricted from "routine job functions," which are defined as work activities the employee regularly performs at least once weekly.
- Requires employers to record all needlestick and sharps injuries involving contamination by another person's blood or other potentially infectious materials.

Recordkeeping

- Includes separate provisions describing the recording criteria for cases involving the work-related transmission of tuberculosis.
- Eliminates the term “lost workdays” and requires recording of days away from work or days restricted or days transferred to another job. Calls for employers to count calendar days rather than workdays.
- Requires employers to establish a procedure for employees to report injuries and illnesses and tell their employees how to report. (Employers are **prohibited** from discriminating against employees who do report by Section 11(c) of the *Occupational Safety and Health Act of 1970*.)
- For the first time, employees and former employees will be guaranteed access to their individual OSHA 301 forms. Employee representatives will be provided access to the “information about the case” section of the OSHA 301 form in establishments where they represent employees.
- Protects employee privacy by (1) prohibiting employers from entering an individual’s name on Form 300 for certain types of injuries or illnesses (e.g., sexual assaults, HIV infections, mental illnesses); (2) allowing employers not to describe the nature of sensitive injuries where the employee’s identity would be known; (3) giving employee representatives access only to the portion of Form 301 that contains no personal information; and (4) requiring employers to remove employees’ names before providing the data to persons not provided access rights under the rule.
- Requires the annual summary to be posted for 3 months instead of 1. Requires certification of the summary by a company executive.
- Excludes some public transportation and motor vehicle accidents from the reporting of fatalities and catastrophes.
- States that operate their own job safety and health programs will be adopting comparable recordkeeping rules that will also be effective January 1, 2002. States must have the same requirements for which injuries and illnesses are recordable and how they are recorded. However, other provisions, such as industry exemptions, may be different as long as they are as stringent as the federal requirements.



U.S. Department of Labor
Occupational Safety
and Health Administration
2001

Safety and Health Recordkeeping

Records of sales, costs, profits and losses are essential to all successful businesses. They enable the owner or manager to learn from experience and to make corrections for future operations. Records of accidents, related injuries, illnesses and property losses can serve the same purpose, if they are used the same way. The sole purpose of OSHA recordkeeping is to store factual information about certain accidents that have happened. When the facts have been determined, causes can often be identified, and control procedures can be instituted to prevent a similar occurrence from happening

Injury/Illness Records

There are injury/illness recordkeeping requirements under OSHA that require a minimum of paperwork. These records will provide you with one measure for evaluating the success of your safety and health activities. Success would generally mean a lack of, or a reduced number of, employee injuries or illnesses during a calendar year.

Five important steps required by the OSHA recordkeeping system

1. Obtain a report on every injury requiring medical treatment (other than first aid).
2. Record each injury on the *OSHA Form No. 300* according to the instructions provided.
3. Prepare a supplementary record of occupational injuries and illnesses for recordable cases either on *OSHA Form No. 301* or on workers' compensation reports giving the same information.
4. Every year, prepare the annual summary (*OSHA Form No. 300a*); post it no later than February 1, and keep it posted until April 30. (Next to the OSHA workplace poster is a good place to post it.)
5. Retain these records for at least five years.

WHERE CAN I GET ANSWERS TO OSHA RECORDKEEPING QUESTIONS?

- Contact the local office of the Division of Safety & Hygiene
- Contact the local OSHA office
 1. Toledo 419-259-7542
 2. Cleveland 216-522-3818
 3. Columbus 614-469-5582
 4. Cincinnati 513-841-4132
Or Toll Free 800-582-1708
- Contact the Bureau of Labor Statistics in Washington DC at 202-693-1702
 - Bob Whitmore 202-693-1876 or bob.whitmore@osha.gov
 - Valerie Struve 202-693-1882 or valarie.struve@osha.gov

Where OSHA Requires Records Per The General Industry Standards 29 CFR 1910

These are general guidelines to help you to determine where you must keep training records, maintenance records and written programs. Some standards do not say that records are specifically required, but it may be implied and/or recommended. There may be other standards specifically required by certain industries which are not covered in this list.

STANDARD	SUBJECT	IS A WRITTEN PROGRAM NEEDED	ARE TRAINING RECORDS NEEDED	ARE MAINTENANCE RECORDS NEEDED
1904	Occupational Injuries & Illness	Recommended	Recommended	Yes
1910.28	Scaffolds	No	Recommended	Yes
1910.38	Emergency Action	Yes	Recommended	No
1910.66	Powered Platforms	No	Yes	Yes
1910.68	Manlifts	No	Recommended	Yes
1910.95	Hearing Conservation	Recommended	Recommended	Yes
1910.96	Radiation	Yes	Recommended	Yes
1910.109	Explosives & Blasting Agents	Recommended	Yes	Yes
1910.119	Process Safety	Yes	Yes	Yes
1910.120	Hazwoper	Yes	Yes	Yes
1910.132 1910.133 1910.135 1910.136	Personal Protective Equipment	Yes	Yes	Yes
1910.137 1910.138	Personal Protective Equipment	Yes	Yes	Yes
1910.134	Respirators	Yes	Yes	Yes

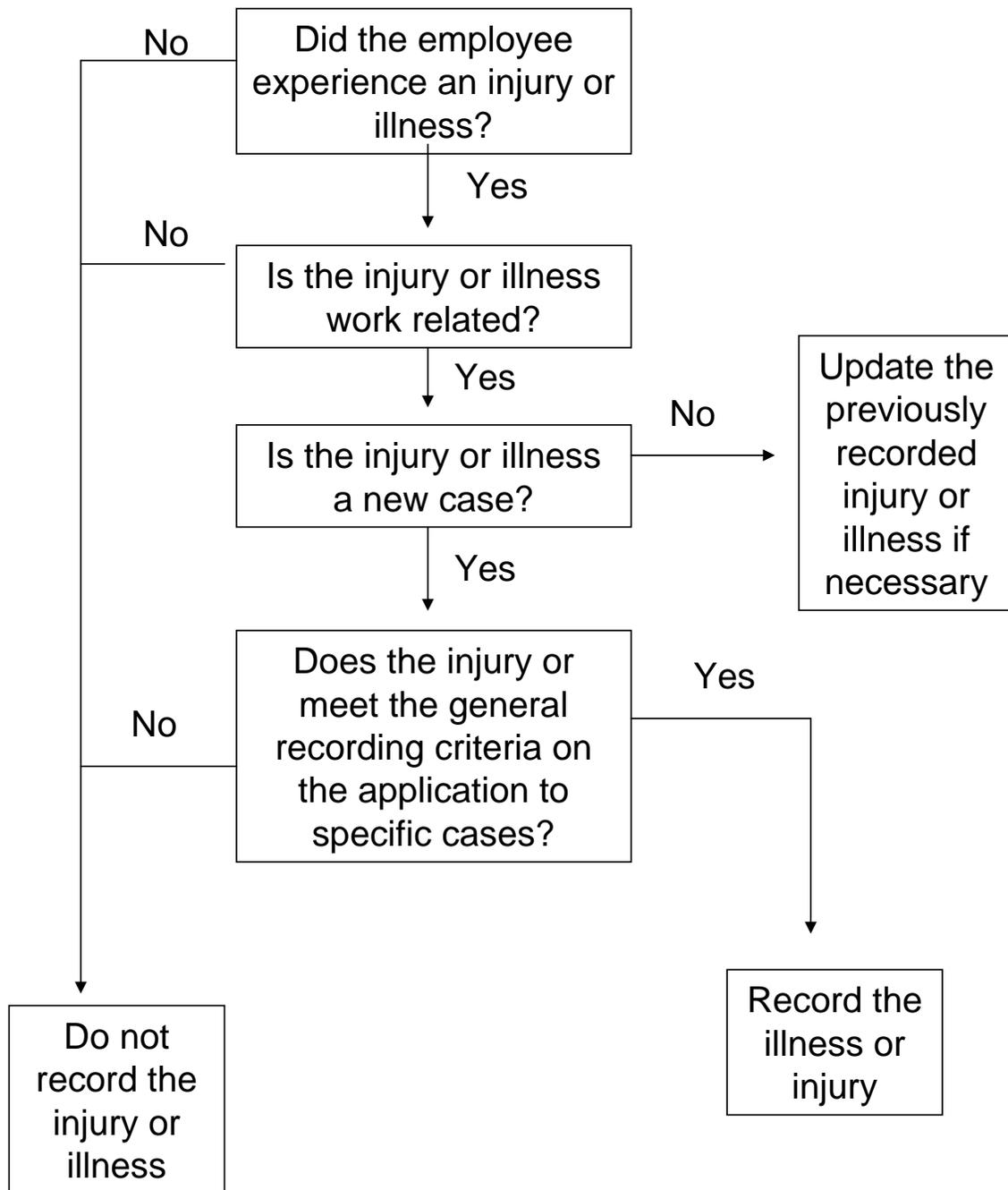
STANDARD	SUBJECT	IS A WRITTEN PROGRAM NEEDED	ARE TRAINING RECORDS NEEDED	ARE MAINTENANCE RECORDS NEEDED
1910.146	Confined Spaces	Yes	Yes	Yes
1910.147	Lockout/Tagout	Yes	Yes	Yes
1910.151	Medical & First Aid	No	Recommended	Yes
1910.156	Fire Brigades	Yes	Yes	No
1910.157	Fire Extinguishers	Recommended	Recommended	Yes
1910.160	Fixed Extinguishing Systems	No	No	Yes
1910.164	Fire Detection Systems	No	Under Emergency Action Plan	Recommended
1910.165	Employee Alarm Systems	Yes	Recommended	Recommended
1910.177	Servicing Wheel Rims	Yes	Recommended	Recommended
1910.178	Powered Industrial Trucks	Yes	Yes	Yes
1910.179	Cranes	No	Recommended	Yes
1910.180	Crawler Locomotive & Truck Cranes	No	Recommended	Yes
1910.181	Derricks	No	Recommended	Yes
1910.184	Slings	No	Recommended	Yes
1910.217	Mechanical Power Presses	Yes	Recommended	Yes
1910.218	Forging Machines	No	Recommended	Yes
1910.219	Mechanical Power-transmission Apparatus	No	No	Recommended
1910.253	Gas Welding	No	Recommended	Recommended
1910.254	Arc Welding	No	Recommended	Recommended
1910.255	Resistance Welding	No	Recommended	Yes

STANDARD	SUBJECT	IS A WRITTEN PROGRAM NEEDED	ARE TRAINING RECORDS NEEDED	ARE MAINTENANCE RECORDS NEEDED
1910.264	Laundry Operations	No	Recommended	No
1910.266	Pulpwood Logging	Recommended	Yes	No
1910.268	Telecommunications	No	Yes	Yes
1910.269	Electric Power Generation	Yes	Yes	Yes
1910.272	Grain Handling Facilities	Yes	Recommended	Yes
1910.331-.335	Electrical Safe Work Practices	Yes	Recommended	Recommended
1910.402-.440	Diving Operations	Yes	Yes	Yes
1910.1001	Asbestos	Yes	Yes	Yes
1910.1003-.1016	Carcinogens	Yes	Yes	Yes
1910.1017	Vinyl Chloride	Yes	Yes	Yes
1910.1018	Inorganic	Yes	Yes	Yes
1910.1020	Medical & Exposure Records	No	Recommended	Yes
1910.1025	Lead	Yes	Yes	Yes
1910.1027	Cadmium	Yes	Yes	Yes
1910.1028	Benzene	Yes	Yes	Yes
1910.1029	Coke Ovens	Yes	Yes	Yes
1910.1030	Bloodborne Pathogens	Yes	Yes	Yes
1910.1043	Cotton Dust	Yes	Yes	Yes
1910.1044	1,2-dibromo-3-chloropropane	Yes	Yes	Yes
1910.1045	Acrylonitrile	Yes	Yes	Yes
1910.1047	Ethylene Oxide	Yes	Yes	Yes
1910.1048	Formaldehyde	Yes	Yes	Yes
1910.1050	Methylene-dianiline	Yes	Yes	Yes
1910.1052	Methylene Chloride	Yes	Yes	Yes

STANDARD	SUBJECT	IS A WRITTEN PROGRAM NEEDED	ARE TRAINING RECORDS NEEDED	ARE MAINTENANCE RECORDS NEEDED
1910.1200	Hazard Communications	Yes	Yes	No
1910.1450	Laboratories	Yes	Yes	Yes

This document was prepared for the OSHA Recordkeeping Class by George Kunz and Mike Marr

The Recordable Decision Tree



What is the definition of medical treatment? 1904.7

"Medical treatment" means the management and care of a patient to combat disease or disorder. For the purposes of Part 1904, medical treatment does not include:

1. Visits to a physician or other licensed health care professional solely for observation or counseling;
2. The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (*e.g.*, eye drops to dilate pupils); or
3. "First aid" as defined in paragraph (b)(5)(ii) of this section.

What is "first aid"? For the purposes of Part 1904, "first aid" means the following:

- Using a non-prescription medication at nonprescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes);
- Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);
- Cleaning, flushing or soaking wounds on the surface of the skin;
- Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment);
- Using hot or cold therapy;
- Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);
- Using temporary immobilization devices while transporting an accident victim (*e.g.*, splints, slings, neck collars, back boards, etc.);
- Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;
- Using eye patches;
- Removing foreign bodies from the eye using only irrigation or a cotton swab;
- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;
- Using finger guards;
- Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or
- Drinking fluids for relief of heat stress.

Are any other procedures included in first aid? No, this is a complete list of all treatments considered first aid for Part 1904 purposes.

RECORDS AND REPORTS REQUIRED BY LAW
TRAINING REQUIRED BY LAW

AN = Attention Needed; **C** = Completed; **DNA** = Does Not Apply

R = Record or Reports; **T** = Training

- * = All records retained for 3-5 yrs. unless otherwise noted
- ** = Records retention dependent on the substance under Subpart Z-1910.1000
- XXX = Review Annually

	<u>Retention Time</u>	<u>AN</u>	<u>C</u>	<u>DNA</u>	Responsibility Date When Completed Or Reviewed
R. OSHA 300 Log 29 CFR 1904	5 years	—	—	—	<u>Revised Form For 2004</u>
<u>Current within 7 calendar days 1904.29 b-3 after receiving information that a recordable Inj./ Ill. has occurred.</u>					
R. OSHA 301 or Equivalent 29 CFR 1904.29	5 years	—	—	—	<u>The BWC FROI report 7/23/2002 Meets OSHA 301 requirements</u>
T. Training Each Employee on How To Report an Injury or Illness 29 CFR 1904.35-a-1		—	—	—	<u>Recommended XXX</u>
R. OSHA 300-A Summary <u>Post in Feb. 1st to April 30th. 2003</u> <u>* Signed & Reviewed By The Company Executive</u> 29 CFR 1904.32-b-3 & b-4	5 years	—	—	—	
R. Fatality & Multiple Hospitalization 3 or more employees 29 CFR 1904.39	Within 8 hrs.	—	—	—	
R. Written Emergency Action Plan 29 CFR 1910.38-a NFPA 1600 Disaster/Emergency (10 or more emp. written)		—	—	—	<u>XXX</u> <u>OSHA Publication # 3088</u>
T. Employees in Emergency Action Plan 29 CFR 1910.38-a-5-i, ii & iii		—	—	—	<u>Recommended XXX</u>

	<u>Retention Time</u>	<u>AN</u>	<u>C</u>	<u>DNA</u>	<u>Responsibility Date When Completed Or Reviewed</u>
R. Written Fire Prevention Plan 29 CFR 1910.38-b (10 or more emp. written)		—	—	—	_____
T. Employees in Fire Prevention Plan 29 CFR 1910.38-b-4-i & ii		—	—	—	_____ XXX _____
R. Portable Fire Extinguishers Inspections 29 CFR 1910.157-e & f	Monthly Yearly 5 yrs.	—	—	—	_____
T. Employees in use of Portable fire extinguishers 29 CFR 1910.157-g	Annually	—	—	—	_____ XXX _____
R. Standpipe & Hose Systems Inspections 29 CFR 1910 .158-e	Monthly And Semi-Annually	—	—	—	_____
R. Fixed Extinguishing System Inspection	Semi- and Annually	—	—	—	_____
R. Fire Alarm Systems Inspection/Test	Mfg. Reg. Semi- and Annually	—	—	—	_____
T. Employees to Respond to Alarm Systems 29 CFR 1910.164-c & .165-b-3&d		—	—	—	_____

	<u>Retention Time</u>	<u>AN</u>	<u>C</u>	<u>DNA</u>	<u>Responsibility Date When Completed Or Reviewed</u>
R. Noise Exposure 29 CFR 1910.95-m-1 OAC 4123:1-5-17-H	2 yrs. or equipment change	—	—	—	_____
R. Audiometric Testing 29 CFR 1910.95-m-2	Life	—	—	—	_____
R. 1910.95 Standard Posted on Emp. Bulletin Board 29 CFR 1910.95-l-1		—	—	—	_____
T. Use/Care of Hearing Protection 29 CFR 1910.95-k & 1		—	—	—	_____ XXX _____
R. Written Respirator Program 29 CFR 1910.134-c OAC 4123:1-5-17-F		—	—	—	_____ XXX _____
R. Voluntary Usage Respirator Program 29 CFR 1910.134-c Appendix D		—	—	—	_____ XXX _____
T. Employee(s) in Use of Respirator 29 CFR 1910.134-k		—	—	—	_____ XXX _____
R. S.C.B.A. Respirator Inspections 29 CFR 1910.134-h-3-i-B	Monthly	—	—	—	_____

	<u>Retention Time</u>	<u>AN</u>	<u>C</u>	<u>DNA</u>	<u>Responsibility Date When Completed Or Reviewed</u>
R. Process Safety Management 29 CFR 1910.119 Refer To Appendix A of this standard for list of chemicals		—	—	—	_____
T. Process Safety Management 29 CFR 1910.119		—	—	—	_____
R. Hazardous Waste Emergency Response 29 CFR 1910.120-q-1	*	—	—	—	_____
T. Hazardous Waste Emergency Response 29 CFR 1910.120-e-1		—	—	—	<u>Conducted by a competent person</u>
R. Hazard Communication Program 29 CFR 1910.1200-e-1	Continuous	—	—	—	_____
T. Hazard Communication Program 29 CFR 1910.1200-e-1		—	—	—	<u>Recommended XXX</u>
R. Subpart Z 1910.1000 Lead, Formaldehyde; Cadmium; Benzene; Vinyl Chloride; Asbestos, etc. OAC 4123:1-5-991	**	—	—	—	_____
R. Radiation Exposure 29 CFR 1910.96	Life	—	—	—	_____

	<u>Retention Time</u>	<u>AN</u>	<u>C</u>	<u>DNA</u>	<u>Responsibility Date When Completed Or Reviewed</u>
T. First Aid/Medical Service Response for All Shifts 29 CFR 1910.151-a & b 29 CFR 1910.269 29 CFR 1910.331 NFPA 70-E-110.6-C Refer to Attachment On Page For OSHA News Release on Defibrillators Response time shall be no more than 4 minuets. First-aid providers/equipment. First-aid equipment shall be available at all times. All injuries shall be reported as soon as possible for medical attention. First aid shall be rendered until medical attention can be provided. Welding and Cutting 29 CFR 1910.252 -c-13 Note: burn areas ¼ inch & larger are OSHA recordable Injuries.		—	—	—	XXX _____ _____
R. Bloodborne Pathogens -exposure control plan -exposure determination -cleaning/decontamination -vaccination hepatitis-B -syringe re-capping policy 29 CFR 1910.1030 (all)	Continuous	—	—	—	_____ <u>Refer to OSHA web page for additional assistance</u> _____
T. Bloodborne Pathogens		—	—	—	XXX _____ <u>Conducted by a competent person</u> <u>They shall be knowledgeable about the subject</u>
R. PPE Standard Conduct Hazard Assessment - Select PPE - Communication Selection - Fit PPE to Employees - Certify Hazard Assessment * 29 CFR 1910.132 to .138 OAC 4123:1-5-17		—	—	—	XXX _____ OSHA Publication # 3151_____
T. PPE Standard Certify Understanding of the training - Re-Training 29 CFR 1910.132-(f)		—	—	—	XXX _____ _____

	<u>Retention Time</u>	<u>AN</u>	<u>C</u>	<u>DNA</u>	<u>Responsibility Date When Completed Or Reviewed</u>
R. Confined Space Entry 29 CFR 1910.146 OAC 4123:1-5-22	*	—	—	—	_____
T. Confined Space 29 CFR 1910.146 (all)		—	—	—	<u>Recommended at Each Entry Change of Assigned Duties</u>
R. Lockout/Tagout Written Policy and Procedures for Energy Control Procedures 29 CFR 1910.147 (all) OAC 4123:1-5-05-D-2 *ANSI /ASSE Z244.1-2003	Annually Review	—	—	—	_____XXX_____
R. Lockout/Tagout Periodic Inspection 29 CFR 1910.147-c-6-i	Annually Review	—	—	—	_____XXX_____
T. Lockout/Tagout Authorized/Affected/ and Other 29 CFR 1910.147-c-7-i, ii & iii		—	—	—	<u>Recommended XXX</u>
T. Immediate Danger Hazard Tags/Signs 29 CFR 1910.145-c-1-ii		—	—	—	_____
T. Possible Danger Hazard Tags/Signs 29 CFR 1910.145-c-2-i & ii & 3		—	—	—	_____

Note: Safety instructions to warn employees about operating machinery while wearing jewelry such as rings or watches, long hair, gloves or loose clothing.

Retention Time	<u>AN</u>	<u>C</u>	<u>DNA</u>	Responsibility Date When Completed Or Reviewed
R. Powered Platforms, Manlifts, JLG Daily Inspections 29 CFR 1910.66-i-1-i & ii-A-E-iii OAC 4123:1-5-03-D-2	—	—	—	_____
T. Powered Platforms, Manlifts JLG 29 CFR 1910.66-i-1-i & ii-A-E-iii	—	—	—	<u>Conducted by a competent person</u> _____
R. Powered Industrial Fork Truck Operators 29 CFR 1910.178-g-7 & i	—	—	—	_____
T. Powered Industrial Fork Truck Operators 29 CFR 1910.178-i	—	—	—	<u>Refresher training every 3 years. OR operator has an Accident, near miss, drives in unsafe manner, etc.</u> _____
R. Crane Inspections 29 CFR 1910.179-j-1 (refer to standard)	—	—	—	_____
T. Crane Operators 29 CFR 1910.179-b-8 (refer to standard)	—	—	—	_____
R. Sling Inspection 29 CFR 1910.184-d	—	—	—	_____
T. Servicing Single/ Multipiece Wheel Rims 29 CFR 1910.177-c-1-2 & 3	—	—	—	_____
T. Abrasive Grinding Operators/ Set-Up Persons ANSI B7.1.9=1988 (29 CFR 1910.215-d-1) (Ring Test) OAC 4123-1-5-12-D-4	—	—	—	_____

	<u>Retention Time</u>	<u>AN</u>	<u>C</u>	<u>DNA</u>	<u>Responsibility Date When Completed Or Reviewed</u>
R. Mechanical Power	*	—	—	—	_____
Presses & Press Brakes					_____
-point of operation inj. report					_____
-written die setting procedures					_____
-pull-back set-up					_____
-point of operation					_____
-required safety distances					_____
-inspections					_____
OAC 4123:1-5-10					_____
ANSI B 11.1 2001 New					_____
ANSI/ ASME B15 .1					_____
ANSI / B 11. TR3 - 2000					_____
29 CFR 1910.217-g-1					_____
“ “ “ “ -d-9-i					_____
“ “ “ “ -c-3-iv-d					_____
“ “ “ “ -c-3-i					_____
“ “ “ “ -e-1-i					_____
T. Mechanical Power Presses & Press Brakes					_____
Operator/Set-Up/Maintenance Personnel					_____
29 CFR 1910.217-e-3 & f-3					_____
R. Hydraulic Power Presses & Press Brakes					_____
Inspections					_____
29 CFR 1910. 212					_____
ANSI B11.2					_____
T. Hydraulic Power Presses					_____
Operator/Set-Up/Maintenance Personnel					_____
29 CFR 1910. 212					_____
ANSI B11.2					_____
R. Power Transmission Equipment					_____
Gears, Belts, Pulleys & Shafts					_____
29 CFR 1910.219-p-1					_____

	<u>Retention Time</u>	<u>AN</u>	<u>C</u>	<u>DNA</u>	<u>Responsibility Date When Completed Or Reviewed</u>
R. Plastics Industry Injection Molding, Extrusion, Blow, Molding, Etc Inspections OSHA 29 CFR 1910.212 OAC 4123:1-5-13-04 ANSI /SPI B151.1=15& 21-1997/2000	---	---	---	---	_____
T. Plastics Industry Injection Extrusion, Blow, Molding, Etc. Operator/Set-Up/Maintenance Personnel ANSI /SPI B151.1=15&21- 1997/2000	---	---	---	---	_____
R. Plastics Industry <u>Robots</u> OSHA 29 CFR 1910.212 ANSI /SPI B151.27-1994	---	---	---	---	_____
T. Plastics Industry <u>Robots</u> ANSI /SPI B151.27-1994	---	---	---	---	_____
R. Laser Equipment Safety Procedures 29 CFR 1910.212 OAC 4123-1-5-27	---	---	---	---	_____
T. Laser Equipment Safety Procedures 29 CFR 1910.212 OAC 4123-1-5-27	---	---	---	---	_____
R. Arc Welding Equipment Resistance Welders Insp. 29 CFR 1910.252-b & c-6	---	---	---	---	_____
T. Arc Welding Equipment Emp. Training 29 CFR 1910.252-b-1-iii OAC 4123-1-5-16-C	---	---	---	---	_____

	<u>Retention Time</u>	<u>AN</u>	<u>C</u>	<u>DNA</u>	<u>Responsibility Date When Completed Or Reviewed</u>
R. Hot Work Permit Welding/Cutting 29 CFR 1910.252-a-2-iv		—	—	—	_____
R. Employee Medical Records Def. Ref. 1910.1020-c-6-i	=Employment + 30 yrs.	—	—	—	_____
T. Access to Employee Medical Records 29 CFR 1910.1020-e-1		—	—	—	XXX _____
R. Employee Exposure = Records 29 CFR 1910.1020-d-1-ii	Employment + 30 yrs.	—	—	—	_____
R. Asbestos & 29 CFR 1910 .1001		—	—	—	_____
T. Asbestos 29 CFR 1910 .1001		—	—	—	_____
R. Silicosis & Emphasis Program		—	—	—	_____
T. Silicosis Emphasis Program		—	—	—	_____
R. Ergonomic Evaluation 29 CFR 1910 Section 5-a-1 OSHA Meat Packers Guide Reference Retail Stores, Health Care www.osha.gov . Ergonomics		—	—	—	_____
T. Ergonomic Training Recognition / Symptoms 29 CFR 1910 Section 5-a-1 (OSHA Meat Packers Guide Reference)		—	—	—	_____
T. Thermal Stress Heat/Cold 29 CFR 1910 Section 5-a-1 ACGIH TLV		—	—	—	_____

	<u>Retention Time</u>	<u>AN</u>	<u>C</u>	<u>DNA</u>	<u>Responsibility Date When Completed Or Reviewed</u>
R. Robot Systems Guarding ANSI/RIA R15.06-1999 OSHA 29 CFR 1910 .212		—	—	—	_____
T. Robot Systems Guarding ANSI/RIA R15.06-1999 OSHA 29 CFR 1910 .212		—	—	—	_____
R. Equipment Risk Assessment & Risk Reduction T. Safety Audits ANSI B 11.TR3 –2000 OSHA 29 CFR 1910 .212-a-1		—	—	—	_____NEW_____
R. Electrical Safety Related Work Practices <u>Written Procedures</u> OAC 4123:1-5-23 NFPA 70-E & NFPA 79 29 CFR 1910.333-b-2-i		—	—	—	_____XXX_____
R. Electrical Safety Related Risk Evaluation NFPA 70-E 110.7		—	—	—	_____XXX_____
T. Electrical Safety Related Work Practices * NFPA 70 – E -2004 29 CFR 1910.333-a		—	—	—	_____
R. Lockout/Tagout Written Policy <u>*Electrical Systems</u>	Annually Review	—	—	—	_____XXX_____
					<u>NFPA 70E –120.1 (6 elements)</u>
T. Lockout/Tagout Written Policy <u>*Electrical Systems</u>	Annually Review	—	—	—	_____XXX_____
					<u>NFPA 70E –120.1 (6 elements)</u>

Retention Time	<u>AN</u>	<u>C</u>	<u>DNA</u>	Responsibility Date When Completed Or Reviewed
R. Arc Flash Hazard Analysis & *Safety Audit Conducted	—	—	—	_____NEW_____
T. NFPA 70 E OSHA 29 CFR 1910 .332 -.339				Ele. Panels Properly Labeled _____
R. Arc Flash Hazard Analysis & *Approach Boundaries Distance	—	—	—	_____NEW_____
T. NFPA 70 E Article 130.2 OSHA 29 CFR 1910 .332 -.339				_____
R. Arc Flash Hazard Analysis & *Multi Employer (Contractors)	—	—	—	_____NEW_____
T. NFPA 70 E – 110.4 OSHA 29 CFR 1910 .332 -.339				_____
R. Arc Flash Hazard Analysis & *Personal Protective Clothing	—	—	—	_____NEW_____
T. NFPA 70 E – 130.7-A-9 OSHA 29 CFR 1910 .332 -.339				_____
R. Arc Flash Hazard Analysis & *Personal Protective Equipment	—	—	—	_____NEW_____
T. (Blankets)Audit/Selection NFPA 70 E –130.7-A OSHA 29 CFR 1910 .332 -.339				_____
R. Electrical Safety & *Working on or Near Live Parts	—	—	—	_____NEW_____
T. * Justification in Writing and Signed NFPA 70 E –130.1-A-2-(11)				_____

**NOTE: This checklist does not include Specific Code Requirements for:
Forging / Laundries / Bakery/Saw Mills / Paper Mills / Grand Handling /
Foundry/Steel Mills. Dip Tank and Spray Booth Requirements**

NOTE: Training Requirements:

OSHA standards are performance standards. Your employees need to be able to demonstrate that they know your companies' safety policies (ie:) Haz. Com., Emergency Action and Fire Prevention, First Aid, Bloodborne Pathogens, Reporting Injuries, Lockout / Tagout etc.

Retraining: Shall be conducted whenever the employer has reason to believe that there are deviations from or inadequacies in the employee's knowledge of the procedures. The employee is observed in an unsafe act, an accident or near miss incident, changes in the workplace or equipment, etc.

Checklist for Standards that Imply the Inspection/Training Records Be Kept

AN = Attention Needed C = Completed DNA = Does Not Apply

	<u>AN</u>	<u>C</u>	<u>DNA</u>	Date When Completed Or Reviewed Responsibility
Power-Transmission Equipment Inspection - shafts, belts, etc. 29 CFR 1910.219-p	---	---	---	
Ladder Inspection Wood/Metal 29 CFR 1910.25 -d-1-x 29 CFR 1910.26-c-1	---	---	---	
Ladder Employees Trained in Safe Use 29 CFR 1910.25 -d-2 29 CFR 1910.26-26-d-3	---	---	---	
Scaffold Systems Refer to specific type 29 CFR 1910.28	---	---	---	
Portable/Powered Dockboard Load Limit 29 CFR 1910.30-a-1	---	---	---	
Emergency Eye Wash and Shower Inspections 29 CFR 1910.151-c	---	---	---	
Crane Inspection Daily Upper Limit Switch; Running Rope; Controls 29 CFR 1910.179-j-2	---	---	---	
Sling Inspection Daily 29 CFR 1910.184-d	---	---	---	
Woodworking Equipment Inspections 29 CFR 1910.213-s	---	---	---	

	<u>AN</u>	<u>C</u>	<u>DNA</u>	Date When Completed Or Reviewed Responsibility
Hand/Powered Tools Inspection/Training 29 CFR 1910.242-a	—	—	—	_____
Powered Electrical Tools and Cords Inspected Daily 29 CFR 1910.334-a-2-i	—	—	—	_____
Powered Electrical Tools and Cords Training 29 CFR 1910.332	—	—	—	_____
Laser Equipment (cutting, etc.)	—	—	—	_____
Ground-Fault Circuit Interrupter (GFCI) Tested Monthly NEC 517.4; MFG REQ 29 CFR 29 1910. 303-b-2	—	—	—	_____
Emergency Generators (Life Safety Codes) 29 CFR 1910. 303 b-2	—	—	—	_____
Air Compressors/Air Receivers Drained Frequently 29 CFR 1910.169-b-2	—	—	—	_____
Air Compressors/Air Receivers Safety Valves Frequently Tested 29 CFR 1910.169-b-3-iv	—	—	—	_____

Safety and Health References

Saving You Time and Research

Requests for copies of OSHA standards, information on starting a safety committee, a video on accident investigation techniques -- these are some of the thousands of inquiries BWC's Division of Safety & Hygiene (DSH) libraries receive each year.

DSH has two libraries to serve you:

- The central library in the William Green Building in downtown Columbus;
- The resource center and video library located at the Ohio Center for Occupational Safety and Health (OCOSH) in Pickerington.

Both libraries are open 8 a.m. to 4:45 p.m., Monday through Friday. Your need for information does not require a visit to the library. You can phone, fax, or e-mail your requests and receive a quick response.

The central library provides free information services on the topics of occupational safety and health, workers' compensation and rehabilitation.

The OCOSH resource center provides similar services for those who visit OCOSH for meetings and training center classes.

The video library offers an extensive collection of videotapes to supplement your organization's safety and health training program. It is a convenient and popular source for Ohio employers to borrow quality occupational safety- and health-related training aids.

Visit our Web site at **www.ohiobwc.com**.

Central Library
30 W. Spring St., Third Floor
Columbus OH 43215-2256
1-800-OHIOBWC
(614) 466-7388
(614) 644-9634 (fax)
library@bwc.state.oh.us

OCOSH Resource Center
13430 Yarmouth Drive
Pickerington OH 43147-8310
1-800-OHIOBWC
Resource center (614) 728-6464
Video library (614) 644-0018

**INTERNET WEB SITES
FOR
OCCUPATIONAL SAFETY & HEALTH INFORMATION
August 2006**

GENERAL

OCCUPATIONAL & INDUSTRIAL SAFETY RESOURCES

<http://www.khake.com/page59.html>

Part of an online vocational information center, this web page provides links to occupational safety, emergency and trauma, construction safety, welding safety, food safety, domestic violence, fire safety and safety directories.

OKLAHOMA STATE UNIVERSITY

<http://www.pp.okstate.edu/ehs>

The Department of Environmental Health & Safety at OSU offers an online safety resource library that is constantly being updated with topics from A-Z, including specific areas of safety such as fire, construction, HAZCOM and training. Go to the "Links Library" option.

STATE SAFETY RESOURCES ON THE INTERNET

<http://www.employerhelp.com/safetyplanplus/sppst.htm>

Cor-Tech, a nationwide service for software for employers, has a directory of many of the state safety web sites (Ohio not included).

FEDERAL GOVERNMENT

CENTERS FOR DISEASE CONTROL & PREVENTION (CDC)

<http://www.cdc.gov/>

The CDC is a good resource for current medical issues throughout the United States. Health topics from A-Z give an in-depth look at most communicable diseases as well as topics such as safe driving, violence, and air pollution, and workplace safety and health topics.

**NATIONAL HIGHWAY TRANSPORTATION SAFETY
ADMINISTRATION (NHTSA)**

<http://www.nhtsa.dot.gov>

The National Highway Transportation Safety Administration offers the latest news and information on statistics, winter driving, and safety facts.

NATIONAL OCCUPATIONAL RESEARCH AGENDA (NORA)

<http://www2a.cdc.gov/nora/>

Nora provides guidance for occupational and safety communities for moving research to practice in the workplace.

OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION (OSHA)

<http://www.osha.gov>

OSHA'S official web site includes media releases, online publications, statistics, standards & directives, "Technical Links," training center courses, "hot topics," and "what's new" as well a very useful A-Z index page.

INTERNATIONAL RESOURCES

DISTANCE LEARNING IN OCCUPATIONAL MEDICINE & ENVIRONMENTAL HEALTH

<http://www.agius.com/hew/links/>

A directory of sites on occupational & environmental health for both European and North American sources.

JOINT SITE OF OSHA AND THE EUROPEAN AGENCY FOR SAFETY & HEALTH AT WORK

<http://www.useuosh.org>

Cooperation between the United States of America and the European Union has successfully developed a European agency for safety and health at work. The site offers good practices, research, statistics, training, safety topics and publications.

OHIO

OHIO EPA (OEPA)

<http://www.epa.state.oh.us>

At the official web site for Ohio's Environmental Protection Agency, use the "Topic Index" to find regulations and information on permits, hazardous waste, pollution prevention, wastewater, wetlands, and much more.

OHIO STATE LIBRARY/OHIOLINK

<http://winslo.state.oh.us>

At **OhioLink**, a statewide library and information network, you can search the State Library of Ohio's collection for the BWC's Division of Safety & Hygiene library books as well as other Ohio college and university library collections. Also available at this web site are searchable versions of Ohio Administrative laws and rules, electronic databases, and other Ohio library directories.

SPECIFIC (BY SUBJECT)

AGRICULTURAL STATISTICS

http://www.nass.usda.gov/Census_of_Agriculture

The National Agricultural Statistics Service provides timely, accurate, and useful statistics to United States agriculture.

BEHAVIORAL SAFETY

<http://www.ishn.com>

ISHN (Industrial Safety & Hygiene News online), is a web site that offers news updates, research, and feature articles on the safety of workers. Behavioral based safety articles are featured as well as market research, buyers guide, and OSHA resources.

COMPUTING/ERGONOMICS

<http://www.healthycomputing.com>

Offering healthy computing tips for office ergonomics, your health, mobile ergonomics, disability adaptations and ergonomics for kids, this web site also has up-to-date article archives, products and accessories, and buyer's guides.

CONSTRUCTION

<http://www.cdc.gov/elcosh>

NIOSH's **eLCOSH** is a comprehensive library of construction-related safety information presented in both English and Spanish with items listed under trade, hazard, job site, and others. Also see: The Construction Industry Safety Council at http://www.buildsafe.org/resource_dx.htm for OSHA publications and hazard alerts.

ENVIRONMENTAL RESOURCES

<http://www.envirolink.org/>

The Envirolink Network is non-profit organization which provides access to an extensive online environmental library featuring resources by topic. Starting with agriculture and air quality, the list goes to water quality and wildlife.

LABORATORY SAFETY

<http://safety.science.tamu.edu/>

Texas A&M University College of Science provides information on safety in the laboratory. From hazard identification to waste disposal, this web site provides thorough coverage of laboratory safe practices.

MATERIAL SAFETY SHEETS

<http://www.ilpi.com/msds>

This web site from Interactive Learning Paradigms provides many solutions for finding MSDSs (100 free sites) including chemical manufacturers and suppliers, government sites, and other miscellaneous locations for chemical data. Also check for toxicological effects at <http://www.atsdr.cdc.gov/toxprofiles/> and health and safety information on household chemical ingredients at <http://householdproducts.nlm.nih.gov>.

NOISE HEARING CONSERVATION

<http://www.osha.gov/SLTC/noisehearingconservation>

OSHA offers a web site relevant to noise and hearing issues in the workplace as well as NIOSH at

<http://www.cdc.gov/niosh/topics/noise/pubs/resources.html>.

PERSONAL PROTECTIVE EQUIPMENT

<http://keats.admin.virginia.edu/os/ppe.html>.

Information on PPE can be found at the University of Virginia's Office of Environmental Health and Safety at

RADIATION SAFETY

<http://www.philrutherford.com/radiationsafety.html>

An extensive set of links to government and industry sources related to radiation safety, radiation protection and health physics.

YOUTH WORKER SAFETY

<http://www.osha.gov/SLTC/teenworkers>

This OSHA web site is geared to young workers. Statistics, rights and responsibilities, jobs with hazards and a Spanish page for teen workers as well.

SAFETY BRIEFINGS, MANUALS, PRODUCTS & PROGRAMS

INDUSTRIAL HYGIENE NEWS

<http://www.rimbach.com/home/ihnpage/IHN.HTM>

For articles on industrial hygiene, visit this web page's [ArticleArchives](#). Also at this site you can find training, trade shows, selection charts, business news and industry links.

SHOPPING FOR SAFETY PRODUCTS

<http://www.safetydir.com>

Grey House Safety and Security Directory is only one of many sites for finding safety products. Another is the National Safety Council at

<http://www.nsc.org/onlinecart>.

Ohio Bureau of Workers' Compensation, Division of Safety & Hygiene Libraries
30 W. Spring St., L-3, Columbus, OH 43215-2256
(800) 644-6292, press option 2 - 2
(614) 466-7388/ (614) 644-9634 (fax)
E-Mail: library@bwc.state.oh.us

How To Order Referenced Standards

OSHA 29 CFR Revised July Every Year

Occupational Safety and Health Act

For Industry:

Code of Federal Regulations Title 29, Parts 1900 to 1910

Code of Federal Regulations Title 29, Parts 1910 to End

For Construction:

Code of Federal Regulations Title 29, Parts 1926

Code of Federal Regulations Title 29, Parts 1900 to 1910

Code of Federal Regulations Title 29, Parts 1910 to End

To order: Call Federal Bookstore - Cleveland

(216) 522-4922

Internet: www.osha.gov

Note: As Of January 1, 2004 The BWC's Safety & Hygiene Rules Have Been Renumbered From 4121:1 To 4123:1 Relating to All Workshops & Factories

Ohio Administrative Code

Specific Safety Requirements Violations of Specific Requirement (VSSR) is 4121-3-20

Bureau of Workers' Compensation

Internet: www.state.oh.us/ohio/ohiolaws.htm Or

<http://onlinedocs.andersonpublishing.com/oh/IpExt.dll>

Or A Search Engine and Anderson's OnLine Documentation

Scroll to the second page where you will find 4123:1 Division of Safety & Hygiene

4123:3-20 is also located on this page VSSR

NEC or NFPA

National Electrical Code Jan. 2005

National Fire Protection Association

Batterymarch Park

Quincy MA 02269

To order: Call 1-800-344-3555

Internet: www.nfpa.org

A.N.S.I.

American National Standard Institute

1430 Broadway Ave.

New York, New York 10018

To order: Call 212-642-4900

Internet: www.ansi.org

ADDITIONAL REFERENCES

**U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION
1240 EAST NINTH ST. ROOM 899
CLEVELAND, OHIO 44199
216 - 522 - 3818**

**U.S. GOVERNMENT BOOK STORE
1240 EAST NINTH ST. ROOM 1653
CLEVELAND, OHIO 44199
216 - 522 - 4922**

**FED. OSHA = Cincinnati
1 - 800 - 582 -1708 or 513 - 841-4132**

**FED. OSHA = Toledo
419-259-7542**

**FED. OSHA = Columbus
614-469-5582**

CONTACTING OSHA EMERGENCY NOTICE:

If you have an Emergency and need to REPORT A FATALITY or imminent life threat situation, DO NOT SEND EMAIL -- Please contact our toll free Number: 1-800-321-OSHA (6742).

**U. S. Department of Labor
OFFICE OF TRAINING AND EDUCATION
1555 TIME DRIVE
DES PLANES, ILL. 60018
847-297-4810**

**REGION FIVE OFFICE = CHICAGO ILL.
U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION
230 South Dearborn Street Room 3244
Chicago, Ill. 60604
312-353-2220**

OSHA WASHINGTON D.C.

**SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402-9325
202 - 783 - 3238**

**OSHA PUBLICATIONS OFFICE (For Single Free Copy Of A Booklet Or A New Standard)
DEPARTMENT OF LABOR ROOM N - 3101
200 CONSTITUTION AVE. N W
WASHINGTON, DC 20210
202 - 693 -1888
www.osha.gov.**

**OSHA 300 LOG INTERPRETATIONS
WASHINGTON DC
STEVE NEWELL OR BOB WHITMAN
202 - 693 - 1702**

**NIOSH
PUBLICATION DISSEMINATION, DSDTT
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY & HEALTH
4676 COLUMBIA PARKWAY
CINCINNATI, OHIO 45226
1-800-356-4674**

**ACGIH
American Conference of Governmental Industrial Hygienists
1330 Kemper Meadow Drive
Cincinnati, Ohio 45240
513-742-2020
www.acgih.org**

State E. P. A.

**ENVIRONMENTAL PROTECTION AGENCY
NORTHEAST DISTRICT OFFICE
2110 E. AURORA ROAD
TWINSBURG, OHIO
330 - 425 - 9171**

**State EPA Hot Line
1-800-282-0270**

STATE FIRE MARSHAL OFFICE

**DIVISION OF STATE FIRE MARSHAL
OHIO FIRE ACADEMY
8895 EAST MAIN STREET
REYNOLDSBURG, OHIO 43068
614 - 752 - 8200**

For State, City, County Employers

**Public Employees Risk Reduction
1 - 800 - 671-6858
614-644-2246**

**BULLETIN BOARD POSTERS REQUIRED FOR OHIO EMPLOYERS
BY STATE & FEDERAL LAWS**



This poster can be obtained from:
Ohio Bureau of Workers' Compensation
30 W. Spring St.
Columbus, Ohio 43215
(614) 466-1015



POSTER

ADDITIONAL INFORMATION

Ohio Workers' Compensation Certificate

Needed
Yes

No
Posted?

Must be posted by every employer subject to the law. Certificate furnished by the Bureau of Workers' Compensation must be posted for employees to see. **As of August 2004**, check your BWC Certificate to ensure that it has the statement about your participation in the **BWC Drug Free Workplace Program**. *If not, you need to contact your local BWC office ASAP!*

Agency: Ohio Bureau of Workers' Compensation
Questions Number: 614-466-1015
Web: <http://www.ohiobwc.com/>
Publication Number: Certificates are individually numbered.
Last Revised: New ones are sent to employers every 6 months.

A packet of these posters can be obtained from:
Ohio Department of Job & Family Services (ODJFS)
145 South Front Street
Columbus, Ohio 43215
(614) 644-2703

Ohio Unemployment Compensation Law

Needed
Yes

No
Posted?

Must be posted by all employers who contribute to the Ohio Unemployment Compensation Fund.

Agency: ODJFS, Unemployment Compensation Tech Support
Questions Number: 866-733-0025 or 614-466-4568
Web: <http://jfs.ohio.gov/ouc/>
Publication Number: JFS55341
Last Revised: April 2002

Ohio Minimum Wage Law

Needed
Yes

No
Posted?

Only employers whose annual gross volume of sales is \$150,000 or more and who are not covered by the federal Fair Labor Standards Act must post a summary of Ohio Minimum Fair Wage Standards Law

Agency: Ohio Department of Commerce, Division of Labor and Worker Safety
Questions Number: 614-644-2239
Web: <http://www.com.state.oh.us/>
Publication Number: N/A
Last Revised: N/A

Ohio Minor Labor Law

Needed
Yes

No
Posted?

Posted in every room of any factory, workshop, or office where employees under eighteen years of age are permitted to work; and employers of minors must post names of employees under 18, including working hours, meal time, and time starting and ending work day.

Agency: Department of Commerce, Division of Labor and Worker Safety
Questions Number: 614-644-2239
Web: <http://wagehour.bes.state.oh.us/>
Publication Number: N/A
Last Revised: 8/2003

**Safety and Health Protection on the Job Poster
Public Employment Risk Reduction Program (PERRP)**

Needed
Yes

No
Posted?

All public employers in Ohio must post this poster informing employees of their rights to a safe and healthy workplace under the Ohio Revised Code.

Agency: ODC, Division of Labor and Worker Safety, Bureau of Occupational Health and Safety
Questions Number: 1-800-671-6858 or 614-644-1618
Web: <http://198.234.41.214/w3/webpo2.nsf/pages/PERRPHomePage>
Publication Number: N/A
Last Revised: N/A

Ohio Fair Employment Practices Law

Needed
Yes

No
Posted?

All employers of four or more employees must post in a conspicuous place. Law prohibits discrimination in employment practices relative to race, color, religion, sex, national origin, disability, or ancestry.

Agency: Ohio Civil Rights Commission Central Office
Questions Number: 614-466-2785
More info: <http://www.state.oh.us/crc/index.htm>
Publication Number: N/A
Last Revised: June 2004

Needed
Yes

No

Posted?

OSHA Workplace Poster
Job Safety & Health Poster is required to be posted by all private employers.

Agency: OSHA
Questions Number: 1-800-321-OSHA
Web: <http://www.osha-slc.gov/Publications/poster.html>
Publication Number: OSHA 3165-09R
Last Revised: 2000

**BULLETIN BOARD POSTERS REQUIRED FOR OHIO EMPLOYERS
BY STATE & FEDERAL LAWS**

POSTER

ADDITIONAL INFORMATION

Needed
Yes

No

Posted?

Fair Labor Standards Act (FLSA) Poster
Covers most employers engaged in interstate commerce with gross annual sales of \$500,000 and over. Poster covers minimum wage, overtime pay, equal pay for equal work, child labor, students, apprentices, and handicapped workers.

Agency: U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division
Questions Number: 1-866-487-9243 or 1-866-4-USWAGE
Web: <http://www.dol.gov/esa/whd/flsa/>
<http://www.dol.gov/esa/regs/compliance/posters/flsa.htm>
Publication Number: WH Publication 1088
Last Revised: October 1996

Needed
Yes

No

Posted?

The Equal Employment Opportunity (EEO) Poster
Required of all employers of 15 or more employees, all government contractors and subcontractors, regardless of number of employees.

Agency: U.S. Department of Labor, Employment Standards Administration, Office of Federal Contract Compliance Programs
Questions Number: 1-866-487-2365 or 1-866-4-USA-DOL
Web: <http://www.dol.gov/esa/regs/compliance/posters/eo.htm>
Publication Number: EEOC-P/E-1 Last Revised: Fall 2002

Needed
Yes

No

Posted?

Family and Medical Leave Act (FMLA) Poster
Public agencies (including state, local, and federal employers), public and private elementary and secondary schools, as well as private sector employers who employ 50 or more employees in 20 or more work weeks and who are engaged in commerce or in any industry or activity affecting commerce, including joint employers and successors or covered employers.

Agency: U.S. Department of Labor, Columbus Office
Questions Number: 614-469-5415
Web: <http://www.dol.gov/esa/regs/compliance/posters/fmla.htm>
Publication Number: WH Publication 1420
Last Revised: August 2001

Needed
Yes

No

Posted?

Employee Polygraph Protection Act (EPPA) Poster
Any employer engaged in or affecting commerce or in the production of goods for commerce. Does not apply to federal, state and local governments, or to circumstances covered by the national defense and security exemption.

Agency: U.S. Department of Labor, Columbus Office
Questions Number: 614-469-5415
Web: <http://www.dol.gov/esa/regs/compliance/posters/eppa.htm>
Publication Number: WH Publication 1462
Last Revised: September 1988

These posters can be obtained from:

US Dept. of Labor
200 N. High Street, Room 646
Columbus, Ohio 43215
(614) 469-5677

Needed
Yes

No

Posted?

The Beck Poster
Applies to Federal Contractors and Subcontractors the meet the requirements of the law. This is a notice of employee rights concerning payment of union dues or fees.

Agency: US. Department of Labor, National Labor Relations Board, Division of Information
Questions Number: 1-866-667-6572
Web: <http://www.dol.gov/esa/regs/compliance/olms/BeckInfo.htm>
Publication Number: BeckPosterWithNLRB
Last Revised: February 17, 2001

Needed
Yes

No

Posted?

The Beck Poster for Contractors Subject to the Railway Labor Act
Applies to Federal Contractors and Subcontractors subject to the railway labor act the meet the requirements of the law. This is a notice of employee rights concerning payment of union dues or fees.

Agency: U.S. Department of Labor
Questions Number: 1-866-487-2365
Web: <http://www.dol.gov/esa/regs/compliance/olms/BeckInfo.htm>
Publication Number: BeckPosterWithoutNLRB
Last Revised: February 17, 2001

Needed
Yes

No
Posted?

Davis-Bacon Poster (Government Construction)

Any contractor/subcontractor engaged in contracts in excess of \$2,000 for the actual construction, alteration/repair of a public building or public work or building or work financed in whole or in part from federal funds, federal guarantee or federal pledge which is subject to the labor standards provisions of any of the acts listed in 29 CFR 5.1.

Agency: U.S. Department of Labor, Columbus Office
Questions Number: 614-469-5415
Web: <http://www.dol.gov/esa/regs/compliance/posters/davis.htm>
Publication Number: WH Publication 1421
Last Revised: January 1986

BULLETIN BOARD POSTERS REQUIRED FOR OHIO EMPLOYERS BY STATE & FEDERAL LAWS

POSTER

ADDITIONAL INFORMATION

Needed
Yes

No
Posted?

Service Contract Act / Walsh-Healey Poster

Applies to all employers whose workers are engaged directly in production or furnishing of materials, supplies, or equipment amounting to more than \$2,500 under a government contract.

Agency: U.S. Department of Labor, Columbus Office
Questions Number: 614-469-5415
Web: <http://www.dol.gov/esa/regs/compliance/posters/sca.htm>
Publication Number: WH Publication 1313
Last Revised: October 1996

Needed
Yes

No
Posted?

Migrant and Seasonal Agricultural Worker Protection Act (MSPA) Poster

Each farm labor contractor, agricultural employer and agricultural association which employs any migrant agricultural worker.

Agency: U.S. Department of Labor, Columbus Office
Questions Number: 614-469-5415
Web: <http://www.dol.gov/esa/regs/compliance/posters/mspaensp.htm>
Publication Number: WH Publication 1376
Last Revised: April 1983

Needed
Yes

No
Posted?

Notice to Workers with Disabilities/Special Minimum Wage Poster

Every employer having workers employed under special minimum wage certificates authorized by section 14(c) of the Fair Labor Standards Act.

Agency: U.S. Department of Labor, Columbus Office
Questions Number: 614-469-5415
Web: <http://www.dol.gov/esa/regs/compliance/posters/disab.htm>
Publication Number: WH Publication 1284
Last Revised: October 1996

These posters can be obtained from the respective agency.

Needed
Yes

No
Posted?

Annual Summary, OSHA Form 300A

Must be posted from February 1 to April 30 each year, unless exempt from keeping OSHA 300 Log. Exempt employers include those with 10 or fewer employees, and those with exempt (low hazard) SIC codes.

Agency: OSHA
Questions Number: 1-800-321-OSHA
Web: <http://www.osha.gov/>
Poster: <http://www.osha.gov/recordkeeping/RKforms.html>
Publication Number: OSHA 300A
Last Revised: 2004

Needed
Yes

No
Posted?

Notice - Federal Aid Projects (False Statements)

All contractors working on a highway construction project, whether state or federal, with federal aid are required by law to post this Fraud Notice Poster.

Agency: US Department of Transportation, Federal Highway Administration
Questions Number: 202-366-2519
Web: <http://www.fhwa.dot.gov/index.html>
Poster: <http://www.fhwa.dot.gov/programadmin/contracts/fhwa1022.htm>
Publication Number: FHWA-1022
Last Revised: June 1990

Needed
Yes

No
Posted?

Wage Rate Information Poster

Construction work on Federal-Aid Highway Project's are subject to the minimum wage rate provisions of Section 113, Title 23, United States Code and the overtime wage provisions of the Contract Work Hours and Safety Standards Act. They are also required to post this notice.

Agency: US Department of Transportation, Federal Highway Administration
Questions Number: 202-366-2519
Web: <http://www.fhwa.dot.gov/index.html>
Poster: <http://www.fhwa.dot.gov/programadmin/contracts/fhwa1495.htm>
Publication Number: FHWA-1495
Last Revised: October 1, 2003

Whistleblower Protection Program Poster

Employees of air carriers, their contractors, and their subcontractors, are protected from retaliation, discharge or otherwise being discriminated against for providing information relating to air carrier safety violations to their employer or to the Federal Government, or filed, testified, or assisted in a proceeding against the employer relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other Federal law relating to air carrier safety, or because they are about to engage in any of these actions.

Agency: OSHA & Federal Aviation Administration
Questions Number: 1-800-321-OSHA
Web: <http://www.faa.gov/avr/afs/whistleblower/>
Publication Number: FAA-WBPP-01
Last Revised: April 5, 2000

Needed
Yes
No
Posted?

BULLETIN BOARD POSTERS REQUIRED FOR OHIO EMPLOYERS BY STATE & FEDERAL LAWS

POSTER

ADDITIONAL INFORMATION

NEW The Uniformed Services Employment and Reemployment Rights Act (USERRA)

Requirement To Provide Notice - Each employer shall provide to persons entitled to rights and benefits under this chapter a notice of the rights, benefits, and obligations of such persons and such employers under this chapter. The requirement for the provision of notice under this section may be met by the posting of the notice where employers customarily place notices for employees.

Agency: US Department of Labor
Questions Number: 1-866-487-2365
Web: <http://www.dol.gov/vets/>
Poster: <http://www.dol.gov/vets/programs/userra/poster.pdf>
Last Revised: February 2005

Needed
Yes
No
Posted?

Tanning Rules

All tanning services provided by ultraviolet means for public consumption as defined in section 4713.25 of the Revised Code shall post this notice in a conspicuous place for its' employees.

Agency: Ohio State Board of Cosmetology
Questions Number: 614-466-3834
Web: <http://www.cos.ohio.gov/>
Poster: <http://www.cos.ohio.gov/who-we-are/cosmetology-board-statutes-and-rules/TANR6-04.pdf>
Last Revised: June 2004

Needed
Yes
No
Posted?

Salon Operation and Sanitation Rules

All Salon Operations are required to post this notice in a conspicuous place for its' employees.

Agency: Ohio State Board of Cosmetology
Questions Number: 614-466-3834
Web: <http://www.cos.ohio.gov/>
Poster: <http://www.cos.ohio.gov/who-we-are/cosmetology-board-statutes-and-rules/SOSR6-04.pdf>
Last Revised: June 2004

Needed
Yes
No
Posted?

The following four posters are mentioned as required by law on various all-in-one poster suppliers' web sites. However after speaking with the governing agencies, none of the four posters listed below are required by law. You can however optionally post the information.

Ohio's Concealed Weapons Law Poster

May be posted by employers. For more information review the information at the hyperlink to the right.

Agency: Ohio Attorney Generals Office
Questions Number: 1-614-466-4320
Web: http://www.ag.state.oh.us/web_applications/concealcarry/About.asp

Needed
Yes
No
Posted?

INS Discrimination Poster

May be posted by employers.

Agency: Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS)
Questions Number: 1-800-375-5283
Web: <http://www.uscis.gov/>

Needed
Yes
No
Posted?

Needed
Yes
No
Posted?

**IRS Withholding Notice combined with IRS
Earned Income Notice**
May be posted by employers.

Agency: Internal Revenue Service
Questions Number: 1-800-829-4933 – Customer Service Number
Web: <http://www.irs.gov/>

Needed
Yes
No
Posted?

Payday Notice
May be posted by employers.

Agency: Internal Revenue Service
Questions Number: 1-800-829-4933 – Customer Service Number
Web: <http://www.irs.gov/>