FCIA Education & Committee Action Conference
Safety, OSHA, CCOHS Update

April 27th, 2012

Presented By:
Frank J. Marino, CSP
Vice President

SAFETYCHECK, INC.
Overview

- Worker Outreach
- Whistle Blower Protection
- Incentive Programs
- Proposed Regulations
- National Emphasis Programs
- Severe Violator Enforcement Program
- Penalties
- OSHA Directives Under Development
- Federal OSHA Inspection Data
- UAE Overview
Significantly increased outreach to hard-to-reach and vulnerable workers

These workers do the worst, most dangerous jobs in our country.

In 2010, OSHA organized a National Action Summit in Houston to address Latino worker health and safety, and 1,000 people showed up
Worker Outreach (cont.)

- Address the disproportionate work-related injuries and illnesses suffered by these workers.
- April 26, OSHA is holding another summit, this time in Los Angeles.
- On-site Consultation Program assisted 27,000 small businesses protect more than 1,500,000 workers nationwide.
- In the 2012 budget, OSHA has increased support for this program.
Whistleblower Protection

- Increasing staff and reorganizing the program
- Make it a much higher priority in the Department of Labor
- An Anonymous complaint at work sites in New Jersey
- The company's executives had a pretty good idea who made the call.
So, they fired the worker on the spot.

Company refused court order to pay back wages – including $7,500 to employee and positive reference

U.S. marshals and OSHA seized the company president's black Corvette. At auction, that shiny car brought enough funds to pay the whistleblower and recoup the agency's costs.
Whistleblower Protection

- Ordered AirTran Airways to reinstate a pilot who was fired after reporting numerous mechanical concerns. This pilot was worried not only for his safety and the safety of his co-workers, but also for the flying public, where a mechanical problem could put many lives in peril.

- OSHA ordered the company to pay that pilot more than $1 million in back wages, interest and damages.
Incentive Programs

- Nothing can be learned from an injury that isn't reported.
- Workplace safety incentive programs are doing more harm than good by creating incentives to conceal worker injuries.
- OSHA disapproves of incentive programs that, for example, offer a pizza party or allow workers to enter a raffle for a new truck if they meet a goal of not reporting injuries over a period of time.
Incentive Programs

- What are the issues with incentives
  - Reporting Injuries?
  - Reward bad behavior?
  - Replace Enforcement Programs?
  - Discourage identification of root cause?
Recordkeeping

- Recordkeeping help employers and workers
- Identify hazards that pose a threat to workers and to a company's productivity.
- Issued a $283,000 fine against an operator of a warehouse;
- We found about 40% of the injuries weren't reported.
Recordkeeping (Cont.)

- Secretary of Labor vs. AKM LLC, dba Volks Constructors

- Section 9(c) of the OSHA Act 29 U.S.C. 658(c) states "No citation shall be issued.....after the expiration of 6 months following the occurrence of any violation"
Global Harmonization
New HAZCOM Standard

- This major update to our Hazard Communications standard
- Labels which will have pictograms
- Simple warning statements
- Standardized hazard statements
<table>
<thead>
<tr>
<th>Effective Completion Date</th>
<th>Requirement(s)</th>
<th>Who</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 1, 2013</td>
<td>Train employees on the new label elements and SDS format.</td>
<td>Employers</td>
</tr>
<tr>
<td>June 1, 2015</td>
<td>Comply with all modified provisions of this final rule, except:</td>
<td>Chemical manufacturers, importers, distributors and employers</td>
</tr>
<tr>
<td>December 1, 2015</td>
<td>Distributors may ship products labeled by manufacturers under the old system until December 1, 2015.</td>
<td></td>
</tr>
<tr>
<td>June 1, 2016</td>
<td>Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.</td>
<td>Employers</td>
</tr>
<tr>
<td>Transition Period</td>
<td>Comply with either 29 CFR 1910.1200 (this final standard), or the current standard, or both.</td>
<td>All chemical manufacturers, importers, distributors and employers</td>
</tr>
</tbody>
</table>
Injury and Illness Prevention Program

- Working on a rule that would require all employers to set up a process to manage hazards in the workplace before someone gets hurt
- Worker Involvement
- Basic idea behind this program is to change the workplace culture
# National Emphasis Programs

## Current NEPs

<table>
<thead>
<tr>
<th>Chemical Facilities</th>
<th>Combustible Dust</th>
<th>Lead</th>
<th>Food Flavorings – Diacetyl</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Metals</td>
<td>Recordkeeping</td>
<td>Silica</td>
<td>Trenching</td>
</tr>
<tr>
<td>Amputations</td>
<td>Shipbreaking</td>
<td>Hex</td>
<td>Chrome</td>
</tr>
</tbody>
</table>

## In Development

- Nursing Homes
- Isocyanates
FY 2011
NEP Inspections Conducted By Type

Refinery: 19
Trench: 1,742
Silica: 714
Lead: 517
Amputate: 3,375

Dust: 557
ChemNEP: 102
Flavring: 14
Popcorn: 6
Hchrome: 370
Pmetals: 66
FY 2011
Average Number Violations Issued Per Initial Inspection

Refinery
Trench
Silica
Lead
Amputate
Dust
ChemNEP
Flavring
Popcorn
Hchrom
Pmetals
Nat'l Avg
FY 2011
Percent Total Violations Issued As Serious

Refinery 80%
Trench 72%
Silica 67%
Lead 68%
Amputate 72%
Dust 72%
ChemNEP 78%
Flavring 57%
Popcorn 50%
Hchrome 67%
Pmetals 46%
Nat'l Avg 72%
FY 2011
Average Current Penalty Per Serious Violation

- Refinery: $4,863
- Trench: $2,270
- Silica: $1,781
- Lead: $1,839
- Amputate: $1,957
- Dust: $2,190
- ChemNEP: $3,687
- Flavring: $1,396
- Popcorn: $2,000
- Hchrome: $1,943
- Pmetals: $2,345
- Nat'l Avg: $2,133
Significant Case

- Any OSHA citation that’s results in a fine(s) in excess of $100,000
Significant Case (Cont.)

Region 5

- FY – 2005: 18 Cases
- FY – 2010: 65 Cases
Severe Violator Enforcement Program (SVEP)

As of January 31, 2012, DEP has logged:

- **242 SVEP cases**
  - 50 (21%) SVEP cases are fatalities
  - 27 (11%) cases are egregious, 4 of which were also fatalities
  - 168 (69%) cases are Non-fatality/Catastrophe Criterion Related to a High-Emphasis Hazard
  - 1 case is PSM-related Non-fatality/Catastrophe

- **148 (61%)** of the 242 SVEP cases are in construction
  - 16 (11%) of the 148 SVEP construction cases are fatalities
22 enhanced settlement agreements

Size of Employers (based on # EEs controlled)
- 131 employers had 1-25 employees (54% of the SVEPs)
- 52 employers had 26-100 employees (21% of the SVEPs)
- 21 employers had 101-250 employees (9% of the SVEPs)
- 38 employers had 251 employees or greater (16% of the SVEPs)
SVEP
Mandatory Follow-up Inspections

Follow-up Conducted
Follow-up Attempted
Under Contest
No Follow-up
OSHA’s Penalty Policy

- Continue to closely monitor data.

- Data shows average penalty per serious approximately doubled.

- National contest did not increase significantly.
Directives Under Development

- Family Fatality
- Health Inspections Chapter in FOM
- Permit-required Confined Spaces
- Evidence Directive
- Cargo Gear Shipyard “Tool Bag”
FY 2012 (1st Qtr)  
Federal OSHA Inspection Data

Prepared February 7, 2012
Note: In some cases, due to the migration of data from IMIS to OIS, FY 2011 and FY 2012 values may be projected.
FY 2008 – FY 2012
Inspections Conducted

FY08: 38,667
FY09: 39,004
FY10: 40,993
FY11: 40,648
FY12: 9,039
FY 2008 – FY 2012
% Programmed vs. % Unprogrammed

- FY08: 60% Programmed, 40% Unprogrammed
- FY09: 62% Programmed, 38% Unprogrammed
- FY10: 60% Programmed, 40% Unprogrammed
- FY11: 57% Programmed, 43% Unprogrammed
- FY12: 56% Programmed, 44% Unprogrammed

Legend:
- Yellow: Programmed
- Red: Unprogrammed
FY 2008 – FY 2012
% Complaint Inspections

FY08: 17%
FY09: 17%
FY10: 20%
FY11: 22%
FY12: 24%
FY 2008 – FY 2012
% Follow-Up Inspections

FY08  FY09  FY10  FY11  FY12
2%    3%    3%    3%    2%
FY 2008 – FY 2012
% Inspections In-Compliance

FY08: 23%
FY09: 25%
FY10: 23%
FY11: 24%
FY12: 18%
FY 2008 – FY 2012
Total Violations Issued

<table>
<thead>
<tr>
<th>Year</th>
<th>Violations Issued</th>
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<tbody>
<tr>
<td>FY08</td>
<td>87,210</td>
</tr>
<tr>
<td>FY09</td>
<td>87,663</td>
</tr>
<tr>
<td>FY10</td>
<td>96,742</td>
</tr>
<tr>
<td>FY11</td>
<td>91,265</td>
</tr>
<tr>
<td>FY12</td>
<td>20,103</td>
</tr>
</tbody>
</table>
FY 2008 – FY 2012
% Total Violations Issued As Serious

FY08 FY09 FY10 FY11 FY12
77% 77% 77% 73% 72%
FY 2008 – FY 2012
% Total Violations Issued As Serious, Willful, Repeat, & Unclass

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td>FY08</td>
<td>81%</td>
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<tr>
<td>FY09</td>
<td>81%</td>
</tr>
<tr>
<td>FY10</td>
<td>82%</td>
</tr>
<tr>
<td>FY11</td>
<td>77%</td>
</tr>
<tr>
<td>FY12</td>
<td>77%</td>
</tr>
</tbody>
</table>
FY 2008 – FY 2012
% NIC Inspections With Only Other-Than-Serious Violations Cited

- FY08: 10%
- FY09: 10%
- FY10: 10%
- FY11: 11%
- FY12: 11%
FY 2008 – FY 2012
Average Penalty Per Serious Violation

FY08 $998  FY09 $970  FY10 $1,053  FY11 $2,133  FY12 $2,460
FY 2008 – FY 2012
Average Penalty Per Serious Violation (Private Sector)

<table>
<thead>
<tr>
<th>Year</th>
<th>Penalty</th>
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<tbody>
<tr>
<td>FY08</td>
<td>$1,012</td>
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<tr>
<td>FY09</td>
<td>$983</td>
</tr>
<tr>
<td>FY10</td>
<td>$1,069</td>
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<tr>
<td>FY11</td>
<td>$2,167</td>
</tr>
<tr>
<td>FY12</td>
<td>$2,498</td>
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Note: The penalty amounts are in USD.
FY 2008 – FY 2012
% Construction Inspections

FY08: 60%
FY09: 61%
FY10: 60%
FY11: 56%
FY12: 55%
FY 2008 – FY 2012
Significant Cases

Note: FY11 & FY12 figures include cases under OSHA’s revised significant case procedures and new penalty system.
FY 2008 – FY 2012
Average Hours Per Safety Inspection
FY 2008 – FY 2012
Fatality Investigations

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY08</td>
<td>936</td>
</tr>
<tr>
<td>FY09</td>
<td>797</td>
</tr>
<tr>
<td>FY10</td>
<td>804</td>
</tr>
<tr>
<td>FY11</td>
<td>738</td>
</tr>
<tr>
<td>FY12</td>
<td>220</td>
</tr>
</tbody>
</table>
FY 2012
Top 10 Most Cited Standards
(General Industry)

1. Hazard Communication
2. Respiratory Protection
3. Powered Industrial Trucks
4. Electrical, Wiring Methods
5. Lockout/Tagout
6. Machine Guarding
7. Electrical, General Requirements
8. Personal Protective Equipment
9. Recordkeeping, Forms
10. Guarding Floor & Wall Openings & Holes
FY 2012
Top 10 Most Cited Standards
(Construction Industry)

1. Scaffolding
2. Fall Protection
3. Ladders
4. Fall Protection, Training Requirements
5. Head Protection
6. Hazard Communication
7. Eye & Face Protection
8. Aerial Lifts
9. Specific Excavation Requirements
10. Electrical, Wiring Methods
Psychological Health & Safety – An Action Guide for Employers

- To provide employers with guidance that includes practical, accessible and actionable recommendations, the Mental Health Commission of Canada-Workforce Advisory Committee has requested the creation of a resource base on a review of the latest scientific evidence and professional practices.

Employee Orientation for Agriculture

- Agricultural operations include a wide range of situations, from farms to animal husbandry. Every agricultural operation is a workplace, and every workplace has hazards. This two-part course provides a general introduction to occupational health and safety for new agricultural workers. New workers include:
  - People of all ages who are starting a new job
  - Young workers under the age of 25
  - People transferred from other parts of the organization
  - Those whose workplace processes and hazards have changed
General Contact

Phone:
905-572-2981

Fax:
905-572-2206

Web Site:
www.ccohs.ca

Address:
135 Hunter Street East, Hamilton ON Canada L8N 1M5
Companies operating in Dubai are subject to both Federal and Emirate laws;
At present, there is no Federal law, however, one is under development;
Federal labour law covers OSH issues and is practically identical to Emirate law;
The enforcement of the above laws in Dubai is under the control of the Dubai Municipality;
Common law => gives municipalities wide powers to control activities within the Emirates without a need for specific E&S laws;
Codifying procedures and standards is a priority in Dubai;
Local Order - issued by HH DM's Chairman and is the principal legal tool. Orders contain directives and enforcement provisions (normally executed by the concerned department as administrative penalties);

Administrative Order - issued by the General Director of DM to implement legally enforceable decisions within the bounds of the local order;

Policy - aims and targets approved by the Director of DM to guide the work of the DM and achieve set objectives;

Code of Practice - procedures and requirements adopted under a local order to give specific detailed and enforceable directions;

Technical Guideline - documentation to assist in ensuring compliance with provisions of a COP or Order; and

Procedure - SOP which in effect places responsibility to act in a certain way.