

## OSHA Update 2017

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## OSHA: 45 years of Progress on Safety and Health



## OSHA's Continuing Mission

- Every year more than **4,000** Americans die from workplace injuries.
- Perhaps as many as **50,000** workers die from illnesses in which workplace exposures were a contributing factor.
- **Millions** of workers suffer a serious nonfatal injury or illness annually.



## Overview

- New/Updated Standards
  - Respirable Crystalline Silica
  - Recordkeeping- Tracking
  - Walking-Working Surfaces
- Compliance Assistance Resources



## NEW/UPDATED STANDARDS



"Americans across the country can breathe easier knowing their family members will be better protected from this deadly dust."

–Secretary of Labor  
Thomas E. Perez



## RESPIRABLE CRYSTALLINE SILICA RULE



## Respirable Crystalline Silica Rule

- Two standards:
  - General industry and maritime
  - Construction
- Similar to other OSHA health standards and ASTM consensus standards



## Permissible Exposure Limit (PEL)

- PEL = 50  $\mu\text{g}/\text{m}^3$  as an 8-hour TWA
- Action Level = 25  $\mu\text{g}/\text{m}^3$  as an 8-hour TWA



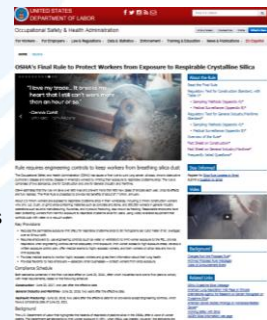
## Compliance Dates

- Employers must comply with all requirements of the standard by **June 23, 2018**, except:
  - Employers must comply with the action level trigger for medical surveillance by June 23, 2020. (The PEL is the trigger from June 23, 2018 through June 23, 2020.)
  - **Hydraulic Fracturing** - June 23, 2018, two years after the effective date for all provisions except Engineering Controls, which have a compliance date of June 23, 2021.
  - **Construction** - June 23, 2017, one year after the effective date.



## Silica Guidance Resources

- Silica Rulemaking Webpage:
  - [www.osha.gov/silica](http://www.osha.gov/silica)
  - Fact sheets
  - FAQs
  - Video
- Appendix B – Medical Surveillance Guidelines
- Small Entity Compliance Guide- Construction



## RECORDKEEPING: TRACKING OF WORKPLACE INJURIES AND ILLNESSES



## Timeline

- Final Rule Federal Register Notice – May 12, 2016
- Employee Rights effective date – August 10, 2016
- Electronic Reporting effective Date – January 1, 2017
  - Phase-in data submission due dates



## Outreach Materials

- Improve Tracking Webpage at <http://www.osha.gov/recordkeeping/finalrule/index.html>
  - Link to Rule
  - FAQs
  - Fact sheet
  - Press release
  - List of covered industries



## Employee Rights

### All workers have the right to:

- Raise a safety or health concern with their employer or OSHA
- Report a work-related injury or illness, without being retaliated against.
- Employers must inform employees of their rights
- Post the OSHA "It's The Law" worker rights poster to meet this obligation



## Employee Rights

Reporting work-related injuries and illnesses procedures must be **reasonable**.

- A procedure cannot deter or discourage an employee from accurately reporting a workplace injury or illness
- The employer reporting procedure must account for work-related injuries and illnesses that build up over time, have latency periods, or do not initially appear serious enough to be reportable.



## Employee Rights

- An employer may not retaliate against employees for reporting work-related injuries or illnesses.
- OSHA will be able to cite an employer for retaliation even if the employee does not file a complaint under 11(c) of the act, or if the employer has a program that deters or discourages reporting through the threat of retaliation



## Incentive Programs

- Does not ban incentive programs.
- Can not deter or discourage an employee reporting an injury or illness.
- Encourage safe work practices and promote worker participation in safety-related activities.



## Drug Testing

- Bans employers from using drug testing, or the threat of drug testing, as a form of retaliation against employees who report injuries or illnesses. In addition, employers
- Drug testing policies or practices cannot deter or discourage an employee from reporting an injury or illness.



## Ohio BWC Drug Free Workplace Programs

- If an employer conducts drug testing to comply with the requirements of a state or federal law or regulation, the employer's motive would not be retaliatory and this rule would not prohibit such testing.



## Phase-In Dates

Submission year	Establishments with 250 or more employees in industries covered by the recordkeeping rule	Establishments with 20-249 employees in select industries	Submission deadline
2017	CY 2016 300A Form	CY 2016 300A Form	July 1, 2017
2018	CY 2017 300A, 300, 301 Forms	CY 2017 300A Form	July 1, 2018
2019 and beyond	300A, 300, 301 Forms	300A Form	March 2



## Electronic Reporting

- 1904.41(a)(2) covered Industries
  - Ag., forestry and fishing (NAICS 11)
  - Utilities (NAICS 22)
  - Construction (NAICS 23)
  - Manufacturing (NAICS 31-33)
  - Wholesale Trade (NAICS 42)
  - Industry groups (4-digit NAICS) with a three year average DART rate of 2.0 or greater in the Retail, Transportation, Information, Finance, Real Estate and Service sectors.



## NEW WALKING-WORKING SURFACES AND PPE (FALL PROTECTION) RULE



## Purpose of the New Rule

- To update the outdated subpart D standard, incorporating new technology and industry practices
- To increase consistency with OSHA's construction standards (CFR 1926 subparts L, M, and X)
- To add new provisions to subpart I that set forth criteria requirements for personal fall protection equipment



## Organization of Subpart D

§1910.21 – Scope, Application and Definitions	§1910.26 – Dockboards
§1910.22 – General Requirements	§1910.27 – Scaffolds and Rope Descent Systems
§1910.23 – Ladders	§1910.28 – Duty to Have Fall Protection
§1910.24 – Stepbolts and Manhole Steps	§1910.29 – Fall Protection Systems Criteria and Practices
§1910.25 – Stairways	§1910.30 – Training Requirements

## §1910.21

### §1910.21 – Scope and definitions

- Consolidates definitions into one section
- Adds new definitions to provide clarity

## §1910.22

### §1910.22 – General Requirements

- Maintains housekeeping provisions
- Walking-working surfaces must be designed to meet their maximum intended load, free of recognized hazards, and routinely inspected
- Repairs to be done, or overseen, by qualified person

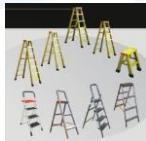
## §1910.23

### §1910.23 – Ladders.

- Consolidates and simplifies rules into general requirements, portable ladders, fixed ladders, and mobile ladder stands
- Requires inspection before use



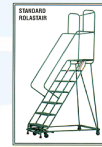
Fixed Ladders



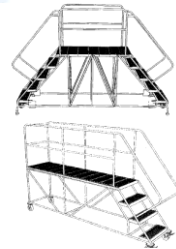
Portable Ladders and Step Stools

## §1910.23 (cont)

- Updates and makes rule consistent with current national consensus standards



Mobile Ladder Stand



Mobile Ladder Stand Platform

## §1910.24

### §1910.24 – Stepbolts and manhole steps

- Moves stepbolt criteria from OSHA's Telecommunication Standard to Walking-Working Surfaces
- Makes design, inspection, and maintenance requirements consistent with national consensus standards



Step bolts on pole

## §1910.25

### §1910.25 – Stairways

- Adds design and use criteria for spiral stairs, ship stairs, and alternating tread-type stairs
- Updates design criteria for stairs and landings, consistent with national consensus standards

## §1910.26

### §1910.26 – Dockboards

- Updates requirements for dockboards
- Adds design and construction requirements to prevent equipment from going over the dockboard edge



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## §1910.27

### §1910.27 – Scaffolds and Rope Descent Systems (RDS)

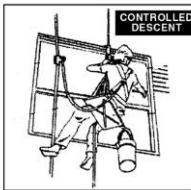
- Requires that employers using scaffolds follow the construction standard
- Adds provision allowing use of RDS, which codifies a 1991 OSHA memo allowing RDS
- Requires certification of anchorages starting 1 year after final rule published
- Requires RDS have separate fall arrest system

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## Rope Descent Systems

ROPE DESCENT SYSTEM (RDS)



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## §1910.28

### §1910.28 – Duty to have fall protection and falling object protection

- Consolidates general industry fall protection requirements into one section
- Makes requirements and format consistent with construction standard
- Incorporates new technology that is consistent with national consensus standards
- Gives employers flexibility to use the system that works best to protect workers in their situation

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## §1910.29

### §1910.29 – Fall protection systems criteria

Specifies design and installation requirements of each fall protection system available to employers including:

- Guardrails
- Stair rails
- Designated areas
- Safety nets
- Covers
- Cages and wells
- Ladder safety systems
- Toeboards

## §1910.30

### §1910.30 – Training

- Adds training and retraining requirements addressing fall hazards and equipment hazards
- Requires employers make training understandable to workers

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## §1910.140

### §1910.140 – Personal Protective Equipment (Personal Fall Protection Systems)

- Adds definitions for personal fall protection systems
- Adds new section on system and use criteria for:
  - Personal fall protection equipment (e.g., lanyards, ropes, D-rings, harnesses)
  - Personal fall arrest systems
  - Travel restraint systems
  - Work positioning systems



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## Personal Fall Protection



Travel Restraint



Personal Fall Arrest



Work Positioning



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## Major Changes

- Fall Protection Flexibility
- Updated Scaffold Requirements
- Phase-in of ladder safety systems or personal fall arrest systems on fixed ladders
- Phase-out of “qualified climbers” on outdoor advertising structures
- Rope descent systems
- Adds requirements for personal fall protection equipment (final §1910.140)
- Adds training requirements



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## Main Effective Dates

- Effective: January 17, 2017
- Training: May 17, 2017
- Building anchorages for RDS (1 year)
- Existing fixed ladders over 24 feet equipped with a cage, well, personal fall arrest system, or ladder safety system (2 years)
- Replacing cages and wells (used as fall protection) with ladder safety or personal fall arrest systems on all fixed ladders over 24 feet (20 years)



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## Compliance Assistance Resources

- OSHA's new webpage on subparts D&I: [www.osha.gov/walking-working-surfaces/index.html](http://www.osha.gov/walking-working-surfaces/index.html)
- Fact sheets
- FAQs



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www.osha.gov

## COMPLIANCE ASSISTANCE RESOURCES

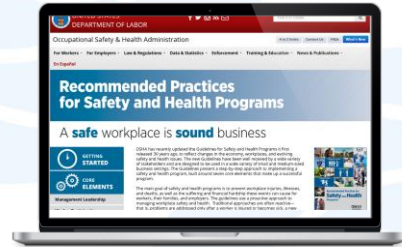


## OSHA's Safety and Health Program Recommended Practices

1. Management leadership
2. Worker participation
3. Hazard identification and assessment
4. Hazard prevention and control
5. Education and training
6. Program evaluation and improvement
7. Communication and coordination for host employers, contractors and staffing agencies



## Recommended Practices Website



[osha.gov/shpguidelines](http://osha.gov/shpguidelines)



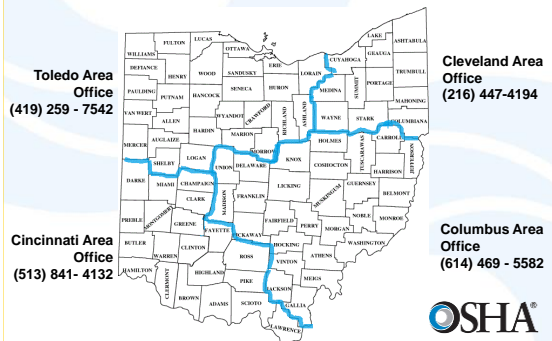
## OSHA QuickTakes



- Free OSHA e-newsletter delivered twice monthly to nearly 72,000 subscribers
- Latest news about OSHA initiatives and products to help employers and workers find and prevent workplace hazards
- Sign up at [www.osha.gov](http://www.osha.gov)



## Ohio OSHA Offices



**Thank You!**

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