

# *Introduction to OSHA*



*What is OSHA?*

# **Occupational Safety and Health Administration**

Responsible for worker safety and health protection.

**Public Law 91 - 596 91st Congress, S. 2193 December 29, 1970:**

**An Act to assure safe and healthful working conditions for working men and women;**

by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That this Act may be cited as the "Occupational Safety and Health Act of 1970".**

# Coverage

29 Code of Federal Regulations (CFR)

**Part 1910 Safety and Health Standards for General Industry**

Part 1918 Safety and Health Regulations for Long shoring

Part 1917 Marine Terminals

**Part 1926 Safety and Health Regulations for Construction**

Part 1928 Occupational Safety and Health Standards for Agriculture

Covered under  
29 CFR 1926 OSHA Standards for the  
Construction Industry

“Construction, alteration,  
and/or repair, including  
painting and decorating.”

# Three Segments of Wyoming OSHA

## Compliance

- Enforcement
- Citations
- Penalties

## Consultation

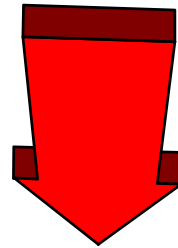
- Technical Assistance
- Program Assistance
- Training

## Risk Management

- RMA
- Loss Run, PIERS
- Safety Discount

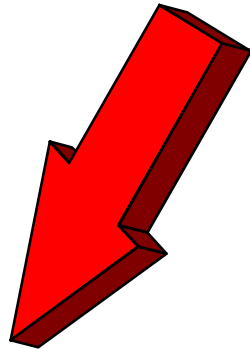
# ***WYOMING***

## ***OSHA***

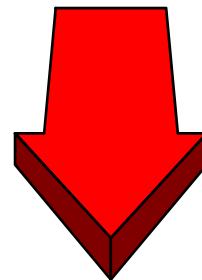


### **WORKERS' SAFETY**

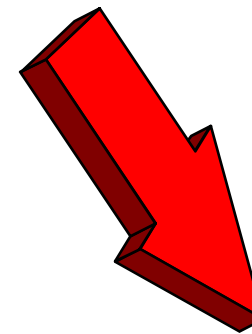
**J.D. Danni**



**Compliance**  
**Ken Masters**



**Consultation**  
**Karin Schubert**



**Risk**  
**Management**  
**Don Ashley**  
**Carolyn Grieve<sup>7</sup>**

# **Compliance**

## **Ken Masters - Supervisor**

### **Cheyenne**

George Zak

Christian Graham

Dave Swanson

Dan Bulkley

### **Casper**

Delwin Weeks

Sam Chopping

### **Gillette**

Roger Eagleston

### **Rock Springs**

Craig Swierczek

# **Consultation**

## **Karin Schubert - Supervisor**

### **Cheyenne**

Jason Forbes

3 vacancies filled

recently

### **Casper**

Steve Levin

### **Rock Springs**

John Watterson

# **Risk Management**

- Don Ashley
- Carolyn Grieve
- **Risk Management Analysis**
- **Loss Runs and PIERS**
- **Safety Discount Program**

# **Consultation Overview**

- Safety & Health Program Assistance
- Work Place Survey
- Education & Training
- Customer Service / Requests
- Recognition Programs
- Partnerships

# **RECOGNITION PROGRAMS**

- **EVTAP**

- **SHARP**

- **VPP**

# *Is there a need for OSHA?*

Each year...

- About 6,000 deaths from workplace injuries
- An estimated 50,000 deaths from illnesses cause by workplace exposures
- 6 million non-fatal workplace injuries
- Injuries alone cost U.S. businesses more than \$125 billion

# *Has OSHA made a difference?*

Since 1970 OSHA has:

- Cut the work-related fatality rate in half
- Reduced overall injury and illness rates in industries where OSHA concentrated its attention
- Virtually eliminated brown lung disease in the textile industry, and
- Reduced trenching and excavation fatalities by 35 percent

# *What does OSHA do?*

- Encourages employers and employees to reduce workplace hazards and implement new or improve existing safety and health programs
- Develops and enforces mandatory job safety and health standards
- Maintains a reporting and recordkeeping system to monitor job-related injuries and illnesses
- Provides assistance, training and other support programs to help employers and workers

# OSHA

## *Compliance Inspections*

Is there a need?  
(see pictures)

# *Authority To Inspect*

Wyoming Occupational Health & Safety Act:  
Authorizes Workplace Inspections

– Upon Presenting Appropriate Credentials

- Enter Without Delay And At Reasonable Times
- Inspections and/or Investigations

# Employer Duties

## SEC. 5. Duties

(a) Each employer --

- 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.

# Wyoming OSHA Act General Duty Clause

2711.105 (b) (6) (A)

Must have “ancillary standard”

ANSI

UBC

NEC

NFPA

# *OSHA Inspections*

- Inspections can be Conducted Without Prior Notice, Except:
  - Imminent Danger Situations
  - After Regular Business Hours
  - Ensure Employer/Employee Rep Present
  - Produce More Thorough Inspection
- Possible \$10,000 Fine If Prior Notice Given

# *Warrants*

Wyoming OSHA May Not Conduct A  
Warrantless Inspection Without  
Employer's Consent

Employers May Refuse Entry And  
Request A Warrant

# *Inspection Priorities*

Imminent Danger

Catastrophes & Fatalities

Employee Complaints & Referrals

Programmed High Hazard

– Targeted

Follow-up

# *Inspection Process*

- Inspection Preparation
- Present Credentials
- Opening Conference
- Inspection Tour
- Closing Conference
- Report Preparation

# *Citation Classifications*

- Other Than Serious
- Serious
- Willful
- Repeat
- Failure To Abate

# *Penalties*

## Willful

– Maximum	\$70,000
– Minimum	\$25,000
Repeat (Max)	\$70,000
Serious (Max)	\$7,000
Other Than Serious (Max)	\$7,000
Failure To Abate (Max)	\$7,000

# *Penalties*

OSHA Poster	\$1,000
Posting OSHA 300	1,000
Maintaining OSHA 300	1,000
Reporting Fatality, etc	5,000
Access To Records	1,000
Posting of Citation	1,000

# *Penalties*

- Penalty Assessment based on:
  - Severity of Injury or Illness
    - High, Medium, Low
  - Probability of Occurrence
    - Greater, Lesser
- Generally – Basic Penalty = \$1,500 - \$5,000
- Generally – No Penalty for Other Than Serious Citations

COMPANY NAME: \_\_\_\_\_

CASEFILE NUMBER: \_\_\_\_\_ DATE: \_\_\_\_\_ I.D.: \_\_\_\_\_

**PENALTY ADJUSTMENT FACTORS**

**(A) SIZE OF COMPANY**

EMPLOYEES	%REDUCTION	Reduction
1-25	60%	_____
26-100	40%	_____
101-250	20%	_____
251- or more	0%	_____

**(B) GOOD FAITH (SAFETY PROGRAM)**

OPTION (1) 25% Reduction if employer: **Reduction** \_\_\_\_\_

- a) Has a written safety and health program (as documented during the inspection) that provides management commitment, employee involvement, worksite analysis to identify hazards, hazard prevention and control measures, safety and health training.
- b) This includes all programs required under OSHA standards applicable to the workplace (e.g. hazard communication program, lockout-tagout, hazardous materials and emergency response, safety and health programs for construction and trenching and excavation.
- c) Has deficiencies that are only incidental.

OPTION (2) 15% Reduction if employer:

- a) Has a documentable and effective safety and health program, but more than only incidental deficiencies. For example, an acceptable program will be documentable by such means as minutes of employee safety and health meetings, employee training sessions, or other evidences or implemented programs applicable to the work place.

OPTION (3) 0% Reduction if employer:

- a) has no safety and health program or where a willful violation is found.

C) OPTION (1) 10% Reduction if employer: **Reduction** \_\_\_\_\_

- a) has not been cited by OSHA for any serious, willfull or repeted violations in the last three years.

**Total Reduction:**

Percent Reduction	PENALTY (In Dollars)							
0	1,000	1,500	2,000	2,500	3,000	3,500	5,000	7,000
10	900	1,350	1,800	2,250	2,700	3,150	4,500	6,300
15	850	1,275	1,700	1,125	2,550	2,975	4,250*	5,950*
20	800	1,200	1,600	2,000	2,400	2,800	4,000	5,600
25	750	1,125	1,500	1,875	2,250	2,625	3,750*	5,250*
30	700	1,050	1,400	1,750	2,100	2,450	3,500	4,900
35	650	975	1,300	1,625	1,950	2,275	3,250*	4,550*
40	600	900	1,200	1,500	1,800	2,100	3,000	4,200
45	550	825	1,100	1,375	1,650	1,925	2,750*	3,850*
50	500	750	1,000	1,250	1,500	1,750	2,500	3,500
55	450	675	900	1,125	1,350	1,575	2,250*	3,150*
60	400	600	800	1,000	1,200	1,400	2,000	2,800
65	350	525	700	875	1,050	1,225	1,750*	2,450*
70	300	450	600	750	900	1,050	1,500	2,100
75	250	375	500	625	750	875	1,250*	1,750*
85	150	225	300	375	450	525	750*	1,050*
95	100	100	100	125	150	175	250*	350*

**SEVERITY FACTOR:**

- MINIMAL...Other than serious violations .....
- LOW.....Minor supportive tratment not resulting in hospitalization.....
- MEDIUM...Injuries resulting in hospitalization or limitted period of disability.....
- HIGH.....Permanent disability, irreversible illness, or death.....

SEVERITY: \_\_\_\_\_

**PROBABILITY ASSESSMENT:**

- (SAFETY)
- Number of workers.....1-10 \_\_\_\_\_
  - Frequency of exposure..Once a week.....1-3 \_\_\_\_\_
  - Daily to once a week.....4-7 \_\_\_\_\_
  - Continuous daily.....8-10 \_\_\_\_\_
  - Employee Proximity.....Fringe of danger.....1-3 \_\_\_\_\_
  - Near danger.....4-7 \_\_\_\_\_
  - At the point of danger.....8-10 \_\_\_\_\_
  - Working Conditions.....LowStress/Good Cond.....1-3 \_\_\_\_\_
  - MedStress/Fair Cond.....4-7 \_\_\_\_\_
  - HighStress/Poor Cond.....8-10 \_\_\_\_\_

Average ≤ 6 Lesser  
Average > 7 Greater

Average \_\_\_\_\_

PROBABILITY: \_\_\_\_\_

**PROBABILITY ASSESSMENT:**

- (HEALTH)
- Number of workers1-10 \_\_\_\_\_
  - Duration of exposure...1-8 hrs per/wk.....1-3 \_\_\_\_\_
  - Over 8 hrs but not daily.....4-7 \_\_\_\_\_
  - Continuous daily.....8-10 \_\_\_\_\_
  - Use of PPE.....Used by all exposed.....1-3 \_\_\_\_\_
  - Some exposed/minor program deficiencies.....4-7 \_\_\_\_\_
  - Not worn.....8-10 \_\_\_\_\_
  - Medical Surv. Prog.....Protects employees .....1-3 \_\_\_\_\_
  - Partial protection.....4-7 \_\_\_\_\_
  - No protection or ineffective program.....8-10 \_\_\_\_\_

Average ≤ 6 Lesser  
Average > 7 Greater

Average \_\_\_\_\_

PROBABILITY: \_\_\_\_\_

Severity	Probability	GBP
High	Greater	\$5,000
Medium	Greater	\$3,500
Low	Greater	\$2,500
High	Lesser	\$2,500
Medium	Lesser	\$2,000
Low	Lesser	\$1,500

*The highest gravity classification (high severity and greater probabilit shall normally be reserved for the most serious violative conditions, such as those situations involving danger of death or extremely serious injury. If the Regional Administrator determines that it is appropriate to achieve the necessary deterrent effect a GBP of \$7,00 may be proposed. The reasons for this determination shall be documented in the case file.*

AMOUNT OF PENALTY \_\_\_\_\_ **X**  
 REDUCTION \_\_\_\_\_ = \_\_\_\_\_ **X**  
 NUMBER OF VIOLATIONS: \_\_\_\_\_

TOTAL AMOUNT DUE: \_\_\_\_\_  
 COMMENTS: \_\_\_\_\_

# *Penalty Reduction*

## Adjustment Factors:

### Size of Company

1 - 25	60%
26 -100	40%
101 - 250	20%
>250	0%

Good Faith 25%, 15%, or 0%

History 10%

Quick Fix

# *Appeals Process*

## **Employer's Appeals**

### **Informal Conference**

Between Employer And WY OSHA

Binding Settlement Agreements That Revises Citations and/or Penalties

Avoids Prolonged Legal Disputes

### **Contest**

Legal Process

Written Notice Within 15 Days

# *Appeals Process*

## **Employees' Appeals**

**May Contest** Abatement Time Or Extensions

### **May Not Contest:**

Citations, Or Amendments

Penalties, Or Lack Thereof

### **May Request Informal Conference:**

Regarding Inspection, Citation, Penalties, or Intent to contest