

What to Expect From an OR-OSHA Inspection



Presented by the Public Education Section
Department of Business and Consumer Business
Oregon OSHA



OR-OSHA Mission Statement

To advance and improve workplace safety and health for all workers in Oregon.

Consultative Services

- Offers no-cost on-site safety and health assistance to help Oregon employers recognize and correct safety and health problems in their workplaces.
- Provides consultations in the areas of safety, industrial hygiene, ergonomics, occupational safety and health programs, new-business assistance, the Safety and Health Achievement Recognition Program (SHARP), and the Voluntary Protection Program (VPP).

Enforcement

- Offers pre-job conferences for mobile employers in industries such as logging and construction.
- Provides abatement assistance to employers who have received citations and provides compliance and technical assistance by phone.
- Inspects places of employment for occupational safety and health rule violations and investigates workplace safety and health complaints and accidents.

Appeals, Informal Conferences

- Provides the opportunity for employers to hold informal meetings with OR-OSHA on workplace safety and health concerns.
- Discusses OR-OSHA's requirements and clarifies workplace safety or health violations.
- Discusses abatement dates and negotiates settlement agreements to resolve disputed citations.

Standards & Technical Resources

- Develops, interprets, and provides technical advice on safety and health standards.
- Provides copies of all OR-OSHA occupational safety and health standards.
- Publishes booklets, pamphlets, and other materials to assist in the implementation of safety and health standards and programs.
- Operates a Resource Center containing books, topical files, technical periodicals, a video and film lending library, and more than 200 databases.

Public Education & Conferences

- Conducts conferences, seminars, workshops, and rule forums.
- Presents many workshops that introduce managers, supervisors, safety committee members, and others to occupational safety and health requirements, technical programs, and safety and health management concepts.

Additional Public Education Services

- Safety for Small Business workshops
- Interactive Internet courses
- Professional Development Certificates
- On-site training requests
- Access workshop materials
- Spanish training aids
- Training and Education Grants
- Continuing Education Units/Credit Hours

For more information on Public Education services, please call (888) 292-5247 Option 2

Portland Field Office	(503) 229-5910
Salem Field Office	(503) 378-3274
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Welcome!

Thank you for attending. The purpose of this presentation is to introduce you to Oregon OSHA’s regulatory responsibilities, services to the public, and the procedures Oregon OSHA safety and health compliance officers use to conduct workplace occupational safety and health inspections.

Oregon OSHA's mission is to assure, as far as possible, safe and healthful working conditions for every employee in Oregon, to preserve our human resources and to reduce the substantial burden which is created by occupational injury and disease.

Goals

- Understand the structure of Oregon OSHA .
- Understand the OR-OSHA inspection process.

This material is designed to help you actively listen during the presentation. It contains a series of questions and “fill-in-the-blank” statements that you should complete. If you just want to listen, the answers may also be found in OAR 437, Division 1.

Form Groups

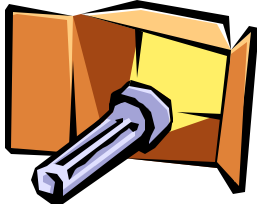


Elect a Leader _____

Select a Spokesperson _____

Everyone is a Recorder _____

Please Note: This material, or any other material used to inform employers of compliance requirements of Oregon OSHA standards through simplification of the regulations should not be considered a substitute for any provisions of the Oregon Safe Employment Act or for any standards issued by Oregon OSHA.



Inside Oregon OSHA



Administrator



Enforcement



Consultative Services



Public Education & Conferences



Standards and Resources

Don't think of Oregon OSHA as one big box!

The Oregon Safe Employment Act (OSEAct) was enacted in 1973 to ensure the occupational safety and health of Oregon's workforce. In Oregon, OR-OSHA administers the OSEAct and enforces occupational safety and health rules establishing minimum performance standards.



Administrator

The primary function of the Administrator's Office is to set policy and direct OR-OSHA's statewide occupational safety and health programs. This includes establishing goals, strategies, and legislative concepts to help reduce occupational injuries, illnesses, and fatalities.

Appeals Section

The Appeals Section is an independent program within OR-OSHA responsible for processing appealed citations. Appeals specialists conduct informal conferences with employers throughout the state. Resolution is reached in about 80% of all informal appeals.

Occupational Health Laboratory

Oregon OSHA operates a nationally certified Occupational Health Laboratory in Portland. This well-equipped lab analyzes samples collected by field compliance officers and consultants. Samples are analyzed and the results are used to determine whether workers are overexposed to hazardous substances.



Enforcement

Field Enforcement

Safety, health, and construction compliance officers perform workplace inspections to measure and enforce employer performance in providing employees a safe and healthful workplace in accordance with the Oregon Safety Employment Act (OSEAct). They perform unannounced safety and health inspections of the workplaces of both public- and private-sector employers. Over 5,000 unannounced safety and health inspections each year.

Insurer/Self-Insured Program

This program ensures that workers' compensation insurance companies provided policyholders with loss prevention services at no charge. In addition, the program requires that self-insured employers write and implement occupational safety and health management plans.



Consultative Services

Professional safety and health consultants help employers evaluate their work environment and implement changes to enhance workplace safety and health. Staff members also help firms develop their own occupational safety and health programs. Oregon OSHA provides over 2,000 consultative visits each year

A study released by the Department of Consumer and Business Services shows that on-site occupational safety and health consultations resulted in an 89 percent reduction in serious hazards after employers received a consultation from OR-OSHA. The study evaluated 107 Oregon employers who received a consultation and a subsequent inspection within a year. Consultants found 1,528 serious hazards; the subsequent inspections of those employers identified only 173 serious violations. (DCBS News Release 7/20/94)



Public Education and Conferences

An experienced staff of safety and health training specialists offers training programs, workshops and conferences on a variety of safety and health topics year-round throughout Oregon. Over 17,000 employers and employees are trained each year.



Standards and Technical Resources

Standards

This section writes and publishes OR-OSHA's occupational safety and health rules, and helps the public understand new or revised codes. Code interpretations, hazard alerts, and technical advice are also provided.

Resource Center

OR-OSHA's Resource Center contains a technical library, an audiovisual lending library, and workplace safety and health research assistance.



Oregon's Success Story! Workers' compensation costs and accident rates continue downward trend

- ✓ **The average “pure” workers’ compensation premium rate** employers paid to their insurance company for workers' compensation coverage declined 3.7 percent in 2001.

The pure premium rate is the basic premium reflecting the actual cost of workplace injury and illness claims, before insurer administrative expenses and profit are added into rates.

- ✓ This marks eleven consecutive years of rate reductions in Oregon, **totaling a 57.3 percent cut in workers' compensation insurance costs since 1990.**

- ✓ The pure premium rate reduction translates to **estimated savings of \$22 million on employers' workers' compensation insurance bills for the year.**

- ✓ Cumulative savings to employers, resulting from **rate cuts since 1990, amount to approximately \$5.6 billion.**

The premium reductions Oregon employers will experience during 2001 are equivalent to the cost of basic annual health insurance coverage for nearly 8,296 people.

- ✓ Oregon's national ranking in workers' compensation costs **moved from sixth most expensive in the nation in 1986 to an estimated 34th by 2000.**

At the same time, maximum benefits for permanently disabled workers in Oregon have been increased to a compensation level close to the national median.

- ✓ Workplace injury and illness rates in Oregon have **declined by nearly 36 percent in the private sector and 33.7 percent in the public sector since 1988.**

That includes all work-related injuries and illnesses recordable under OSHA standards, regardless of whether they later resulted in accepted claims for workers' compensation benefits. During the same period, the total number of employees subject to workers' compensation coverage has increased substantially.



Oregon OSHA's Responsibilities

OR-OSHA must provide an effective program to enforce statutes, regulations, rules, standards or orders for the protection of the life, safety and health of employees.

To carry out its responsibilities, OR-OSHA does the following:

- Inspects places of employment
- Investigates industrial accidents, fatalities or catastrophes
- Issues citations for violations
- Identifies safety and health hazards which may or may not be violations and bring them to the attention of employers and employees
- Issues reasonable correction orders
- Assists employers and employees in safety and health matters
- Assesses and collect civil monetary penalties for violations
- Holds informal conferences with employers or employees to discuss citations, penalties or correction orders and other safety and health matters without limiting or extending the employer's appeal rights
- Grants or denies extensions of the times set by correction orders



Priority of Inspections

Inspections must be prioritized to predominantly focus enforcement activities upon places of employment reasonably believed to be the most unsafe. Inspections should be made according to the following priorities:

- **Imminent danger** – An inspection made as soon as possible after OR-OSHA becomes aware of the condition or practice.
- **Fatality, catastrophe or accident** – An investigation made as soon as possible after OR-OSHA becomes aware of a fatality, catastrophe or accident.
- **Complaint** – An inspection initiated when OR-OSHA receives a complaint and the nature of the information indicates the complaint's probable validity. Note: Any person may submit a complaint to OR-OSHA of possible violations of any statute or of any lawful regulation, rule, standard or order affecting employee safety or health at a place of employment.
- **Referral** – An inspection made if safety or health violations were observed by an OR-OSHA employee or other federal, state or local governmental representative and the nature of the information indicates the referral's probable validity.
- **Programmed Inspections** – An inspection following the provisions in OAR 437-001-0057.
- **Follow-up** – An inspection initiated when the employer requests removal of a Red Warning Notice; when a stay of correction or a variance has been denied; an extension of time has been denied; when OR-OSHA believes the employer is not in compliance or to monitor progress towards correction of a violation; or when the employer is issued a citation with a correction order.
- **Emphasis** (see appendix)

Advance Notice

(True/False) OR-OSHA compliance officers may give advance notice of a safety/health inspection without prior approval of the Director.

Compliance Officer Rights

By law, compliance officers have a right to _____ and _____ any place of employment during working hours, or at other reasonable times, within reasonable limits, and in a reasonable manner.

What action may a compliance officer take if the employer denies entry?



THE OPENING CONFERENCE

Compliance Officer Responsibilities

The Compliance Officer will, if possible, conduct a joint opening conference with the employer or a representative, and a representative of the employees, if any. The CO will

- Present credentials as a means of identification;
- Explain the purpose, nature and intended scope of the inspection;
- Request the records which need to be examined;
- Obtain the name of the employer representative, and give that person the opportunity to accompany the Compliance Officer on the inspection;
- Obtain the name of the employee representative, if any, and give that person the opportunity to accompany the Compliance Officer on the inspection;
- Explain that employee participation may be accomplished through random interviews;
- Determine if there are trade secrets to be protected;
- Inform the employer that sampling may be done and photographs may be taken;
- Explain that all violations which would normally be assessed a penalty and which are corrected prior to the end of the inspection will result in penalty reductions.
- Determine what personal protective equipment is required in the place of employment and arrange to have and use such equipment; and
- Explain that a closing conference will be held with both the employer or a representative, and a representative of the employees, if any.

(True/False) Opening conference may be attended by a management representative and an employee representative.

(True/False) When the holding of an opening conference prevents timely evaluation of the workplace, the CO must first conduct a full comprehensive opening conference.

(True/False) Where the Compliance Officer decides it is not practical to hold a joint conference, separate conferences may be held for the employer or a representative.



Reviewing safety documents

The compliance officer will ask to review safety program documents during the inspection. The review may include but is not limited to:

Records:

- OSHA 300 Log
 - Accident Investigation Reports
 - Safety Committee Meeting Minutes
 - Emergency Medical Plan
 - Training records
-
-
-
-

Safety programs:

- Hazard Communication
 - Exposure Control Program
 - Lockout/Tagout
 - Permit Required Confined Space
 - Others
-
-
-
-

What is the compliance officer looking for in each of these records?

(True/False) A Compliance Officer may make an inspection without an opening or closing conference if the employer or employer representative is absent or declines to participate.

If an employee representative does not accompany the compliance officer on the inspection, employee participation may be accomplished through _____ .

(True/False) Trade secrets will remain confidential.

(True/False) Compliance officers may conduct sampling and take photographs.

(True/False) Compliance officers must wear required personal protective equipment when conducting inspections.

(True/False) Only the employer representative is invited to the closing conference portion of the inspection.



THE WALKAROUND INSPECTION

Inspection Procedures

The compliance officer will not unreasonably _____ operations.

(True/False) The compliance officer will resolve all disputes as to who is authorized by the employer and/or employees to accompany the compliance officer on the inspection.

If any person's conduct interferes with a fair and orderly inspection, the compliance officer may _____ that person from participating in the inspection.

(True/False) The compliance officer may randomly interview employees in private.

If an "imminent danger" condition is observed, the compliance officer will _____ the inspection and, if the employer refuses to protect employees, post a _____.

Inspections may follow the _____ or be conducted in a certain area of the workplace depending on the nature of the business.

What are the general areas of focus?

General hazardous conditions or practices compliance officers inspect during the walkaround inspection will include but are not limited to:



Housekeeping



Workstation Design/Ergonomics



Machine Guarding



Electrical Hazards



Chemical Exposures



Personal Protective Equipment



Tools



Vehicles



Work Practices



THE CLOSING CONFERENCE

At the closing conference, the compliance officer will inform the employer of _____ violations.

It is very important that the employer presents all pertinent information regarding alleged violations at the closing conference.

(True/False) A citation will be issued for alleged violations even if they are corrected at the time of the inspection.

Penalties _____ be imposed on “*other than serious*” violations, and _____ be imposed on “*serious*” violations.



How to reduce penalties

Penalty adjustments may be made based upon the employer's previous calendar year's lost workday cases incidence rate, if available, and efforts made during the inspection to correct violations. Penalty adjustments are not applied to repeat, willful or failure to correct violations or to any violation which contributed to an injury, illness or death of an employee.

Adjustments are:

- A penalty reduction of _____ for each violation for an employer's lost workday cases incidence rate for the previous calendar year, if below the current published statewide average rate for that employer's Standard Industrial Classification.
- A penalty reduction of _____ for each violation, when the employer corrects the violation before the end of the inspection.
- A penalty reduction of _____ may be given when the employer employed no more than 50 employees at any time in the previous 12 months, including the day of the inspection.

The adjusted penalty for a serious violation will not be less than \$100.



OR-OSHA probability ratings

- **Low** – If the factors considered indicate it would be unlikely that an accident could occur;
- **Medium** – If the factors considered indicate it would be likely that an accident could occur; or
- **High** – If the factors considered indicate it would be very likely that an accident could occur.

The probability rating may be adjusted on the basis of any other relevant facts which would affect the likelihood of injury or illness.

Factors OR-OSHA considers in determining a probability rating:

- The **number of employees** exposed;
- The **frequency and duration** of exposure;
- The **proximity** of employees to the point of danger;
- Factors, which require work under **stress**;
- **Lack of proper training and supervision or improper workplace design**; or
- **Other factors** which may significantly affect the degree of probability of an accident occurring.



OR-OSHA severity ratings

A severity rating for each violation are determined by the Compliance Officer on the basis of the degree of injury or illness which is reasonably predictable. If more than one injury or illness is reasonably predictable, the Compliance Officer will determine the severity based upon the most severe injury or illness. Severity ratings are selected from the following schedule:

- **Other Than Serious** - Conditions that could cause injury or illness to employees but would not include serious physical harm;
- **Serious Physical Harm** - Injuries that could shorten life or significantly reduce physical or mental efficiency by inhibiting, either temporarily or permanently the normal function of a part of the body. Illnesses that could shorten life or significantly reduce physical or mental efficiency by inhibiting, either temporarily or permanently the normal function of a part of the body.
- **Death** - The severity rating may be adjusted on the basis of any other relevant facts which would affect the severity of the possible injury or illness.

Penalty Schedule

Prob-ability	Severity	Prob-ability	Severity	
↓	Other than Serious	↓	Serious	
			Serious Physical Harm	Death
Low	0	Low	\$300	\$1,500
		Medium	\$500	\$2,500
High	\$300	High	\$1,250	\$5,000

Repeat Violation Penalties

1st Repeat	X 2
2nd Repeat	X 5
3rd Repeat	X 10
4th Repeat	Discretion of Administrator

Willful Violation Minimum: \$5,000 Maximum: \$70,000

(True/False) Reasonable correction times are proposed for each alleged violation.

(True/False) The employer may receive separate correspondence (hazard letter) detailing any nonviolation hazards.

If an employer fails to correct a violation by the correction date, additional _____ may be imposed.

Discrimination Complaints

An employee or prospective employee may file a complaint if the employee believes discrimination has occurred when:

- The employee opposes a practice forbidden by, or engaged in a practice provided for, in the Oregon Safe Employment Act; or
- The employee refuses in good faith to be subjected to imminent danger provided the employer refused to correct the hazard or it was not possible to notify the employer of the danger and the employee has notified OR-OSHA or other appropriate agency, of the hazard, unless excused on the basis of insufficient time or opportunity as stated in OAR 839-06-020, Bureau of Labor and Industries rules.

Give some examples of employee “*protected activities*” as defined in Oregon safety and health rules.



AFTER THE INSPECTION

How to respond to the citation and Notice of Penalty

After receipt of a citation, the employer must

- Promptly post the citation for employees information for three days or until the violation is corrected, whichever occurs last
- Assure that any amendments or withdrawals to a citation are posted with the original citation for three days or until the violation is corrected, whichever occurs last;
- Correct each violation by the date ordered; and
- If no appeal is filed, remit any penalty by the 21st calendar day following receipt of the citation.



Payment of Penalties

All civil penalties become due and owing after the citation becomes a final order. If payment is not received within 10 days after the order becomes final, it may be docketed as a judgment as provided by ORS 654.086(3).



How does OR-OSHA verify correction of violations?

When an employer receives a citation for a violation, the employer must notify the appropriate OR-OSHA field office of the corrective action taken to comply with each cited violation by Letter of Corrective Action. Notification must occur within 10 calendar days after the last abatement (correction) date on the citation. When the compliance officer notes that violations are complied with at the time of the inspection, abatement verification for those violations is not required.

(True/False). Employers may apply for an extension of correction times.



What are the three levels of appeal available to the employer?

1. The _____ . Cases not achieving resolution at this level of appeal are referred to...
2. The Workers' Compensation Hearings Division for a _____ - _____ hearing.
3. Opinions and orders from the Board can be appealed to the Oregon _____ of _____.

The informal conference

OR-OSHA provides an opportunity for the employer and employees to discuss informally any matter affecting occupational safety and health in their workplace. An informal conference may be used to:

- Clarify statements of observed violations
- Discuss safety and health requirements
- Discuss abatement dates
- Explain the penalty system
- Improve employer/employee understanding of the Oregon Safe Employment Act
- Correct errors
- Narrow issues
- Negotiate a settlement agreement to resolve disputed citations

Employers may apply for a _____ to any rule that affects work conditions.

(True/False) Compliance officers may refer to outside experts if safety or health conditions beyond their expertise are encountered.



Posting requirements after the inspection

After an inspection, employers must inform affected employees of results and ongoing actions by promptly posting copies of the unedited inspection notices or other documents in places where it will readily be observable by affected employees. The following documents must be posted:

- The **citation** received by the employer. Post for three days or until the violation(s) is corrected, whichever occurs last.
 - **Amendment or withdrawal of a citation.** Post with the original citation for three days or until the violation(s) is corrected, whichever occurs last.
 - **Request for extension of correction date.** Post until the OR-OSHA grants or denies the extension.
 - **Notice of extension of correction date.** Post until the violation(s) is corrected.
 - **Settlement.** Post for ten days or until all violations have been corrected, whichever occurs last.
 - **Notice of Hearing.** Post until the hearing date.
 - **Variance application.** Post until a final variance order is issued and posted;
 - **Variance order.** Post for 20 days;
 - **Interim order** relating to a variance. Post as long as it is in effect;
 - **Request for reconsideration of a citation,** notice or order under the manifest injustice provision of OAR 437-001-0270. Post along with the citation until the request has been granted or denied.
 - **Feasibility determination relating to engineering controls.** Post for 20 days for review by employees.
-
-
-
-

(True/False) The compliance officer may conduct a follow-up inspection to ensure that the alleged violations are corrected.

(True/False) Employers may request a return visit by the compliance officer to assist in obtaining compliance.



Voluntary Compliance Program

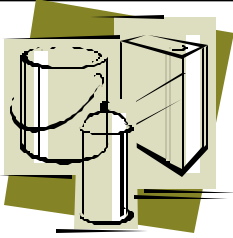
OR-OSHA provides a coordinated program to encourage voluntary compliance with occupational health and safety laws, rules and codes and to promote more effective workplace health and safety programs.

The program helps employers achieve voluntary compliance to preclude issuing citations and penalties except when an employer fails to correct serious violations identified. The program includes:

- Health and safety **consultative services**.
- Worker and employer **training and education**.
- **Research projects** including: Causes and prevention of industrial accidents and diseases; trends demonstrating the need for licensing, certification, or new or revised rules;
- **Demonstration projects** utilizing new or innovative processes or procedures to assist workers and employers in preventing occupational injury or disease, whatever the cause;
- Publication and general distribution of **training and accident prevention materials**.

(True/False) OR-OSHA consultations are no-cost, conducted on-site, and held in strict confidence.

(True/False) Training workshops are no-cost, conducted on-site, and throughout the state year-round.



Exercise #1: "Now it's YOUR turn!"

YOU be the OR-OSHA Compliance Officer!

You will be inspecting the "Up'ncoming, Inc." company. Up'ncoming employs 23 people, most of whom have been with the company for several years, although a few have been hired within the last 6 months. As you begin your inspection, you notice several plastic jugs in different areas of the worksite, none of which has a label. The jugs contain liquids which are of many colors and hues. It is obvious to you that there is either a total lack of a Hazard Communication Program, or one that has serious problems.

What questions would you ask employees/employers in order to determine how serious the situation is?

Employees:

Employers:

NOW: Assign a probability rating and a severity rating. Then check the Penalty Schedule and assign a Penalty Amount.

- Low probability?***
- Medium probability?***
- High probability?***

- Other than serious severity?***
- Serious physical harm?***
- Death?***

\$ _____ ?



Exercise #2

Part of your inspection tour includes the offices of Up'ncoming, Inc. Because of what you found in other areas of the plant, you check for unlabeled chemicals in the vicinity of the lunch area, copy machine, and restrooms. Finding none, you continue with the inspection. In the kitchen you find a 25 foot extension cord that is being used to plug in a coffee maker. The cord goes from the coffee maker, behind the refrigerator, and around a corner of the room to a receptacle that makes it necessary for workers to step over it in order to get to the lunch tables. You make it clear to the company safety director that using a cord in this way is a violation of the standard.

Again, your task is to determine probability and severity. What questions would you ask employees/employers in order to determine how serious the situation is?

Employees:

Employers:

NOW: Assign a probability rating and a severity rating. Then check the Penalty Schedule and assign a Penalty Amount.

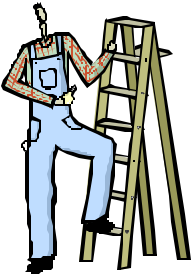


- Low probability?
- Medium probability?
- High probability?



- Other than serious severity?
- Serious physical harm?
- Death?

\$ _____ ?



Exercise #3

While inspecting the Loading Dock area, you notice an employee using a 10 ft. wooden stepladder. The employee is standing on the top step of the ladder, tightening a bolt on one of the overhead doors.

The surface on which the ladder is standing is concrete, which is dry and smooth. The Safety Director, who is accompanying you on the inspection, immediately asks the employee to come down off the ladder, which he does. The Loading Dock foreman arrives and has a little training session with the employee, after which a longer ladder is found and the job is finished safely.

You now have to make a decision. Knowing that using a ladder in this way is a violation of the Oregon Administrative Rules, you must consider the Probability of an accident occurring. Consider the condition of the ladder (it is in good shape) and the surface condition (smooth and dry).

Your task now is to determine what kinds of injuries would result if the employee were to fall. Also, what is the Probability of his falling? And, then, assign a Penalty amount.



- Low probability?***
- Medium probability?***
- High probability?***



- Other than serious severity?***
- Serious physical harm?***
- Death?***

\$ _____ ?

Appendices

Study: OSHA Regulations Effective in Preventing Fatalities

During an 11-year period in which OSHA revised the construction safety standard related to trenching and excavation, trenching fatalities dropped by 66 percent. Proving, says a group of researchers, that OSHA regulations and enforcement are effective and necessary to decrease workplace injuries and fatalities.

Study authors Anthony Suruda, M.D., MPH, Brad Whitaker, MSPH, Donald Bloswick, Ph.D., PE, Peter Philips, Ph.D., Richard Seserk, MPH, Ph.D., from the Rocky Mountain Center for Occupational & Environmental Health, examined fatal injuries from trench cave-ins in the construction industry for five-year periods before and after the revision to the OSHA standard (1926 Subpart P - Excavations), which took effect on Jan. 2, 1990.

"This study provides evidence for the effectiveness that a targeted inspection program, along with revision of a previous ambiguous consensus standard, is effective in reducing fatal workplace injury," wrote the authors.

The authors, who published their results in the October *Journal of Occupational and Environmental Medicine*, found that for the 11-year period from 1984 to 1995, there were 522 fatalities from trench cave-ins. The number declined from 67 in 1984 to 23 in 1995, a 66 percent decrease. That decrease was substantially greater than the 27 percent decline in fatal injuries from all other causes investigated by OSHA in the construction industry over the same time period.

Researchers also noted that in the five years before the revision of the standard – 1984 to 1989 – was 13.5 per million workers per year. When they compared that figure with the five years after issuance of the revised standard – 1990 to 1995 – they found a rate of 6.8 per million workers per year, a decline of 50 percent.

The decline was somewhat greater for large construction firms but was found in construction firms of all sizes. The fatality rate from trench cave-in in union construction workers was approximately half that of nonunion workers, but researchers were unable to determine whether this was best explained by union status, employment of union workers at larger construction firms, or both.

by Sandy Smith (ssmith@penton.com)

Occupational Hazards Magazine - 11/1/02

Twenty-Five Most Frequently Violated OR-OSHA Standards Cited During Inspections Opened in Calendar Year 2000

Source: Research & Analysis Section, Dept. of Consumer & Business Services (12/97)

Rank	Subject	Violations Total/Serious	Total (\$) Penalties
1	Written Hazard Communication Program	458/47	11,535
2	Safety Committees - Small employer	407/0	20,550
3	Safety Committee - 11 + employees	398/3	144,570
4	Abrasive Wheel Exposure	260/144	27,890
5	Written Certification of Hazard Assessment	244/8	2,550
6	Guarding unprotected sides and edges	209/177	168,465
7	Guarding open sided floors, platforms	176/147	45,270
8	Conductors entering boxes	167/94	21,685
9	Uses of flexible electrical cords	165/2	1,110
10	Regular safety committee meetings	155/1	11,350
11	Permanent & continuous grounding path	151/12	3,400
12	Junction box covers	148/19	4,205
13	Machine guarding	147/127	36,010
14	Portable fire extinguishers checked	145/0	400
15	Certify PPE	137/1	450
16	Use of compressed air for cleaning	129/69	10,790
17	Eyewash fountains and deluge showers	129/51	11,320
18	Safety committee meeting minutes	118/0	4,200
19	List of hazardous chemicals	117/0	400
20	Approved floor loads marked on plates	117/8	2,240
21	Hazardous chemicals, info/training	111/26	6,135
22	OSHA 200 Log	110/2	4,900
23	Certification of powered ind. Truck operators	107/14	3,935
24	Fall protection on steep roofs	95/81	71,405
25	Certification of fall protection training	89/8	2,770

Scheduling Inspections

Enforcement activities focus on workplaces that OR-OSHA reasonably believes to be the most unsafe. To schedule inspections, OR-OSHA does the following:

- Schedules programmed inspections according to a **priority system based on neutral standards**.
- Identifies the **most hazardous industries** and workplaces through information obtained from:
 - the Department of Consumer and Business Services claim and employer files,
 - the Bureau of Labor Statistics Occupational Injury and Illness Survey, and
 - knowledge of recognized safety and health hazards associated with certain processes.

Neutral administrative standards .

- **Safety Inspections.** The following neutral administrative criteria is used to place employers on this list: 1) one or more accepted disabling claims in the first 12 of the previous 18 months, and 2) no comprehensive safety inspection within the previous 24 months. The employers on this list will be ranked using SIC, Violation History, Weighted Claims Rate, and Weighted Claims.
- **Health Inspections.** The following neutral administrative criteria is used to place employers on this list: 1) one or more disabling health claims in the previous 36 months, or 2) a health inspection with one or more health violations in the previous 36 months, and 3) no comprehensive health inspection within the previous 24 months.

Scheduling fixed workplaces for inspections. OR-OSHA schedules safety inspections at fixed workplaces using an electronic scheduling system sorted by field office. Selected employers are placed on one of the following scheduling lists:

- **List A** – Safety inspections of fixed workplaces, excluding agriculture, which have 11 or more employees.
- **List B** – Safety inspections of fixed workplaces, excluding agriculture, which have 10 or fewer employees.
- **List C** – Safety inspections of agriculture workplaces (SIC 01, 02, 0711, 0721, 0722, 0723, 0761, 0762, 0783, 0811) which have 11 or more employees.
- **List D** – Safety inspections of agriculture workplaces (SIC 01, 02, 0711, 0721, 0722, 0723, 0761, 0762, 0783, 0811) which have 10 or fewer employees.
- **List E** – Health inspections of fixed workplaces in SIC of 13, 15-51, 598, 72-76, 80, 822, 8731, 8734, 8744, or 922 with 11 or more employees.
- **List F** – Health inspections of fixed places of employment in SIC of 13, 15-51, 598, 72-76, 80, 822, 8731, 8734, 8744, or 922 with 10 or fewer employees.
- **List G** – Health inspections of agriculture workplaces (SIC 01, 02, 0711, 0721, 0722, 0723, 0761, 0762, 0783, 0811) with 11 or more employees.
- **List H** – Health inspections of agriculture workplaces (SIC 01, 02, 0711, 0721, 0722, 0723, 0761, 0762, 0783, 0811) with 10 or fewer employees.

OTHER PENALTIES: Some say May, Some say Shall

Failure to Report an Occupational Fatality, Catastrophe, or Accident not less than \$250, nor more than \$7,000.

Failure to Register a Farm Labor Camp/Facility not less than \$250 nor more than \$7,000, **shall** be assessed.

Willful or Egregious Violation not less than \$5,000, nor more than \$70,000. For egregious violations, the Administrator **may** assess a separate penalty for each instance of a violation.

Failure to Notify Employees of Advance Notice not to exceed \$1000.

Red Warning Notice not less than \$100 and not more than \$5,000 for each violation of the restrictions imposed by a Red Warning Notice.

Relating to Field Sanitation not less than \$250 and not more than \$2,500 **who substantially fail to comply** with OAR 437-004-1110 in Division 4, Agriculture.

Not Posting the Safety and Health Protection on the Job Poster a minimum penalty of \$100 **may** be assessed.

Not Posting Annual OSHA 300 Summary During February – a minimum penalty of \$200 **may** be assessed.

Not Posting the Citation After Receipt – a minimum penalty of \$200 **may** be assessed.

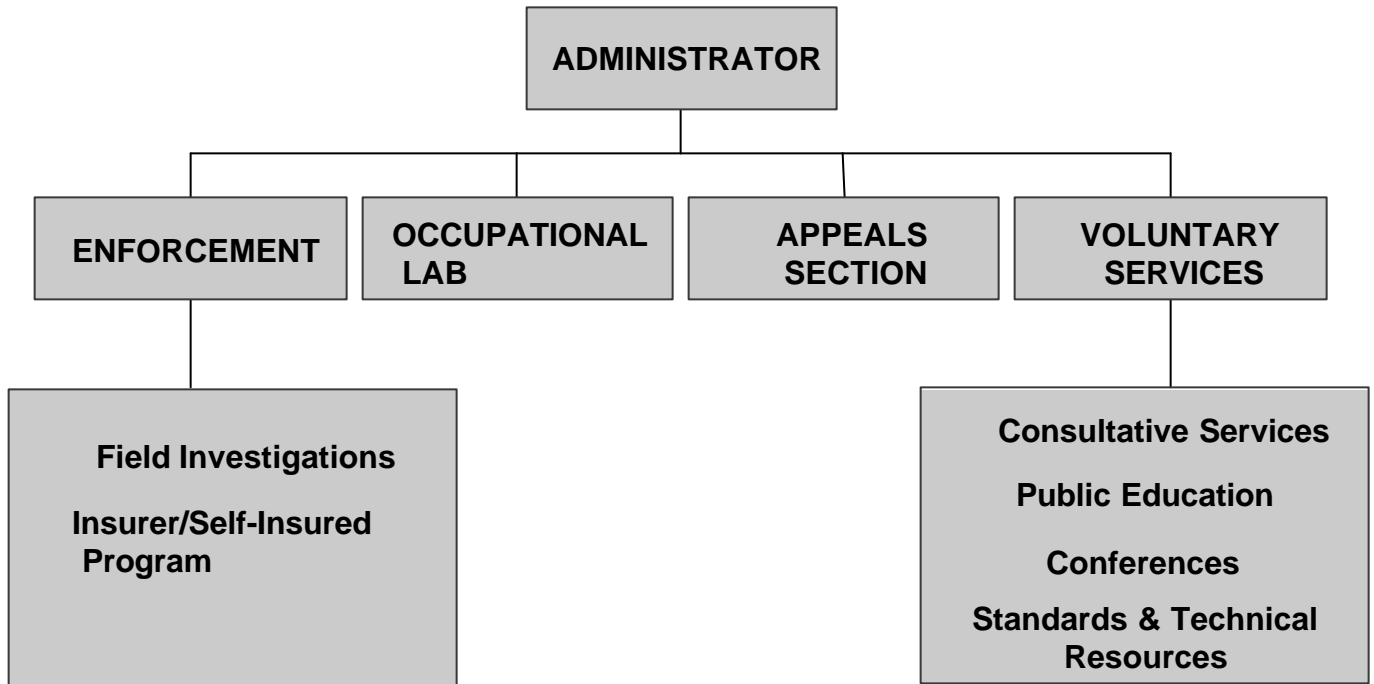
Not Maintaining OSHA 300 and DCBS 801 Forms –a minimum penalty of \$100 **may** be assessed for each form not maintained.

Not Providing Access to Records – a minimum penalty of \$100 **may** be assessed for each form not made available.

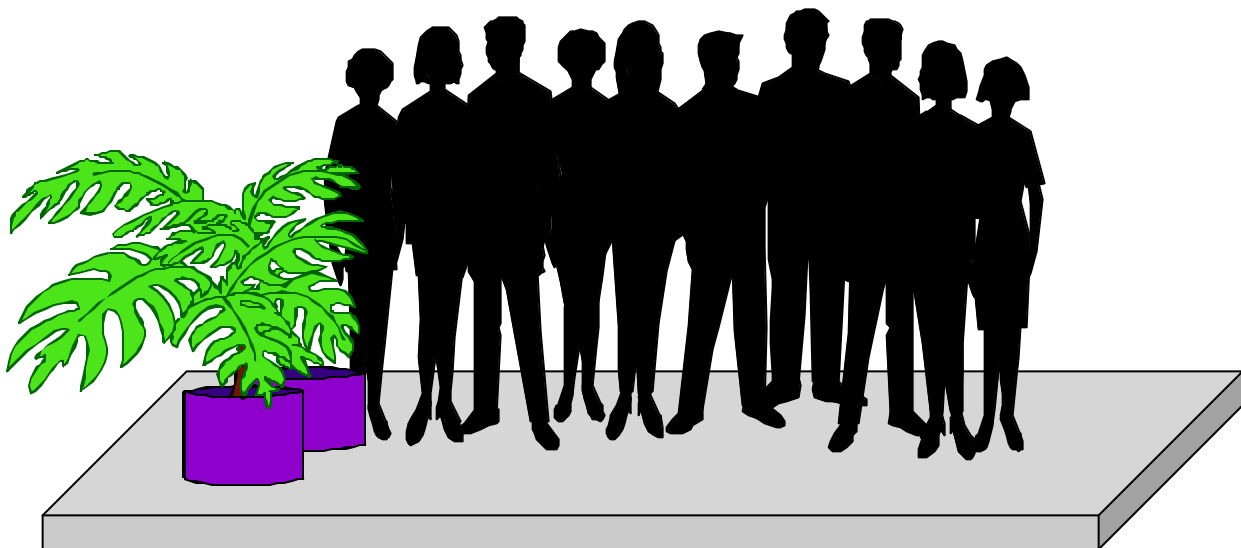
Not Providing Flush Toilets/Warm Water Hand Washing Facilities on a Construction Site – not less than \$200, nor more than \$2,500, **shall** be assessed.

Not Establishing a Safety Committee –a minimum penalty of \$100 **shall** be assessed.

OR-OSHA



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Scheduling Construction and Logging Employers. These employers are selected and placed on one of two lists based on neutral administrative standards criteria:

- Construction List – The 500 employers with the most points will be placed on a list.
- Logging List – The 50 employers with the most points will be placed on a list.

Scheduling Agricultural Employers. Agricultural employers with 10 or fewer permanent, year-round employees, both full-time and part-time, are subject to scheduled inspections only if any of the following has occurred:

- A valid complaint has been filed pursuant to ORS 654.062, or
- Within a 2 year period preceding the proposed inspection date, an accident at the agricultural employer's establishment has resulted in death or an injury or illness resulting in an overnight hospital admission for medical treatment or more than 3 days of lost work, or
- The employer and principal supervisors of the agricultural establishment have not completed annually at least 4 hours of instruction on agricultural safety or health rules and procedures. This instruction must be documented.

Scheduling Non Fixed workplaces for Health Inspections – Inspections are scheduled when from information available to OR-OSHA, recognized health hazards known to be associated with certain processes, are reasonably thought to exist at the place of employment, and the OR-OSHA determines the location of a work-site.

Random Inspections – The Division will conduct random inspections of places of employment that are scheduled and conducted pursuant to written neutral administrative standards. The standards will be issued as Program Directives and changed when the Director believes it necessary to preserve the random nature of the inspections.

Emphasis Inspections – An inspection may be made if the place of employment is included in a National or Local safety or health Emphasis Program. Emphasis programs are established by identifying the most hazardous industries and processes through information obtained from the Department of Consumer and Business Services claim files, the Bureau of Labor Statistics Occupational Injury and Illness Survey, and knowledge of recognized hazards associated with certain processes. Program Directives will be issued to establish and describe emphasis programs and the neutral administrative criteria that will be used to schedule the inspections.

Farm Labor Housing Inspections – Farm labor housing is a National and Local Emphasis program. A list of all known farm housing locations will be sent to field offices annually. Locations may be selected and inspected in any order to make efficient use of available resources. Housing locations not on the list may also be inspected. Farm Labor Housing is not an agricultural operation, therefore the agriculture exemption for employers of 10 or fewer permanent, year-round employees does not apply to farm labor housing inspections.

Notifying Employers. OR-OSHA notifies each employer whose accepted disabling claims rate is above the state average for its standard industrial classification and each employer whose industry is rated as one of the most unsafe industries in the state of the increased likelihood of inspection of their places of employment and of the availability of consultative services.

**State of Oregon
Department of Consumer and Business Services
Oregon Occupational Safety & Health Division**

Opening Conference

1. Present credentials
2. Name of Employer representative
3. Determine if Employer is under OR-OSHA Consultation
4. Name of Employee representative
5. Explain purpose, nature, and scope of inspection (may be expanded)
6. Trade secrets
7. Sampling/Photos/Video with audio
8. Employee participation through interviews
9. Reduction for violations corrected before end of inspection
10. Closing at end of inspection (employer & employee reps)
11. Request records
12. Personal protective equipment required for inspection

Employer Representative _____
Signature Title Date

Closing Conference

1. Right to present pertinent information regarding violations
2. Alleged violations/hazards identified during inspection
3. Penalties
4. Abatement times
5. Hazard letters
6. Citation Issuance
7. Letter of Corrective Action
8. Posting requirements (OAR437-01-275 and OAR437-01-280)
9. Appeal rights within 20 days (Penalty/Violation/Abatement)
10. Informal Conference
11. Extensions
12. Follow-up/Failure to Abate (additional penalties)
13. Referrals
14. Variances
15. Employee protection against discrimination
16. Abatement assistance
17. Availability of Consultation through OR-OSHA and Worker's Comp carrier
18. Accident and fatality notification requirements.

Employer Representative _____
Signature Title Date

Region 5 News Release: 247
Date: June 21, 2002
Contact: Diane Turek
Phone: (847) 803-4800

**Amputation Of Worker's Fingers Leads To
OSHA Fine Of \$295,000 For Franklin Park, Ill., Firm**

CHICAGO -- A Franklin Park, Ill., firm's failure to protect employees from the hazards of mechanical power presses that resulted in the amputation of three fingers of a worker's left hand has led to a fine of \$295,000 by the U.S. Labor Department's Occupational Safety and Health Administration (OSHA).

The inspection was initiated at Sloan Valve Company on Dec. 20 after OSHA received a safety referral about an employee who sustained an amputation while using a mechanical power press. OSHA issued citations alleging four willful and three serious safety and health violations.

"Mechanical power presses are one of the most hazardous machines for workers," said Diane Turek, OSHA area director of the Chicago North Area Office in Des Plaines. "Many of the workers at this facility communicated best in Spanish. We were able to speak with them in their native language, which enabled the OSHA inspection team to understand exactly what took place at the workplace."

OSHA issued willful violations alleging that the firm failed to protect employees from point of operation hazards, failed to provide guards using sensors for all areas of entry for mechanical power presses, and failed to require the concurrent use of both hands when activating mechanical power presses. Other willful violations alleged the firm failed to ensure that operational modes on mechanical power press could be supervised by the company and failed to ensure that mechanical power presses required prior action before operating continuously.

The alleged serious violations cited the firm for failing to establish periodic inspections of mechanical power presses, failing to test mechanical power presses at least weekly to ensure that necessary maintenance and repairs were performed before presses were operated, and failing to train and supervise mechanical press operators in safety methods before starting operations.

OSHA defines a willful violation as one that is committed with an intentional disregard for or plain indifference to the requirements of the Occupational Safety and Health Act. OSHA defines a serious violation as one in which there is a substantial probability that death or serious physical harm could result from a hazardous condition and the employer knew or should have known of the hazard.

Sloan Valve Company manufactures flush valves for the plumbing industry at its facility in Franklin Park. The company has wholesale distribution networks worldwide.

Sloan Valve Company has 15 working days from the receipt of the citations to contest the citations and proposed penalties with the independent Occupational Safety and Health Review Commission or to request an informal conference with the area director.

Sample OSHA Compliance Officer Questions

(While evaluating confined space hazards)

For the Employer:

1. How often do employees enter a confined space, and what is the average duration of entry?
2. Who is delegated to this task?
3. Does the company have written entry procedures?
4. What monitoring test equipment is used, and how often is it calibrated, and by who?
5. What type of equipment is used to ventilate confined spaces? Is it adequate? Is it maintained properly.
6. Are only NIOSH approved SCBA and airline respirators used in IDHL atmospheres? Are there written respirator procedures? Are respirators properly used and cared for?
7. If the confined space is a reactor vessel, are the inlet valves and rotating machinery, if any, properly locked out during entry?

For the Employee:

1. Is the employee aware of confined space hazards? What training has been provided?
2. Who makes the decision for the employee to enter the confined space?
3. Is the confined space tested before entry? Who does it, and how?
4. Is the atmosphere ventilated before entry? How is it done?
5. Are respirators used for entry? What types are available? Who makes the decision on what type is worn?
6. Is a life line attached to the employee entering the tank?
7. Is an observer similarly equipped at the tank?
8. Are other workers in the area knowledgeable on what procedures to take if the employee is observed collapsed in a confined space?
9. If applicable, what are lockout/tagout procedures for confined spaces?



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