

MODULE ONE

Introduction to: Occupational Safety & Health Administration



Instructional Notes

Begin class with PPT slide number 1

Slide 2: Objectives

Slide 3: Outcomes

Slide 4: Credits

Learning Objective:

Upon completion of this unit you will be able to summarize the foundations and functions of OSHA as it pertains to Wisconsin Dairy Farming.

Learner Outcomes:

You will be able to:

1. Explain the importance of OSHA, including its history.
2. Identify the rights of the employer as well as the employee when working with OSHA.
3. Identify the components of Material Safety Data Sheets (MSDS).
4. Interpret the information provided on the MSDS.
5. Explain your responsibilities as an employer.
6. Identify the record keeping requirements for employee injury and illness.
7. Explain how OSHA inspections are conducted.

Slide 5:

Section One: Why is OSHA Important?

Class procedures:

1. History of OSHA class discussion
2. OSHA's mission
3. Small group activity Fat/Cat report
4. Importance of training
5. Review questions

Historical events leading to OSHA:

- The 1911 Triangle Shirtwaist Company fire in New York City
 - o Killed 146 of 500 employees in one of the worst work-related disasters in our country's history.
 - o Factory workers, mainly young, female immigrants working long hours for low wages, died because doors were locked and there were no fire escapes.
 - o This tragedy outraged the public, who called for safety and health reform.
- Production for World War I caused a crisis in workplace safety and health conditions. (1913-1919)
- The government created a Working Conditions Service to help states inspect plants and reduce hazards.
- 1930's, as part of President Roosevelt's New Deal, additional laws increased the federal government's role in job safety and health. But the federal role was mainly to provide service and information to state governments.
- In 1936, Congress enacted the Walsh-Healey Public Contracts Act, which barred companies with hazardous worksites from obtaining federal contracts. But the legislation applied only to specific industries, ignoring much of the public and private sectors.
- For the next three decades, union efforts to expand workplace safety laws were slowed by opposition from employers, who found it cheaper to replace dead or injured workers than to create safe workplaces.
- By the late 1950's, the Federal-State partnership could no longer deal with the growing workforce and increasing hazards. Additional federal laws were enacted, but only covered certain industries.

Slide 6:

Slide 7:

- By the 1960's, 14,000 workers died every year and more than 2.2 million workers were not able to work from injuries and illnesses.
- In 1965, the U.S. Public Health Service issued a startling report, titled "Protecting the Health of Eighty Million Americans," which found that a new chemical entered the workplace every 20 minutes, and that evidence now showed a strong link between cancer and the workplace. It also reported that old problems were far from being eliminated, and called for a major national campaign to improve occupational health.
- At the urging of labor organizations, President Lyndon B. Johnson (LBJ) agreed to establish a task force to draft a proposal, but due to internal bickering, the committee was deadlocked. In January 1968, LBJ declared hazardous workplace conditions a "national crisis" and submitted a safety and health bill to Congress that charged the DOL with establishing nationwide, mandatory safety standards. Federal inspectors would be given the authority to investigate worksites and penalize violators.
- Seeking support from blue-collar workers, in August 1969, newly-elected president Richard Nixon announced his support for a modified version of Johnson's proposal. Nixon's bill gave the Labor Department responsibility for workplace inspection, but called for the creation of a five-person board, appointed by the president, to establish national health and safety standards.
- In November 1970, the two parties reached an agreement: Congressional Republicans agreed to create a new agency — the Occupational Health and Safety Administration (OSHA) — which would inspect workplaces, and Democrats agreed to a separate appointed group that would review and judge cases involving industry violations. With the support of labor unions and businesses alike, President Nixon signed the bill into law on Dec. 29, 1970.
- On December 29, 1970, President Nixon signed the Occupational Health and Safety, or OSH Act.
- This Act created OSHA, the agency, which formally came into being on April 28, 1971. For the first time, all employers in the United States had the legal responsibility to provide a safe and healthful workplace for employees. And, there were now uniform regulations that applied to all workplaces.
- The OSH Act is also known as Public Law 91-596.

Slide 7:

Slide 8:

Slide 10 - 11:

- Covers all private sector employers and their workers in the 50 states and all territories and jurisdictions under federal authority.
- Employers and workers in many fields, including but not limited to manufacturing, construction, long shoring, agriculture, law, medicine, charity and disaster relief are covered by OSHA. Religious groups are covered if they employ workers for secular purposes, such as maintenance or gardening.

OSHA was established to:

- Reduce work place hazards and implement new or improved methods for work place safety and health
- Provide research data
- Maintain a recordkeeping and reporting system to monitor job related injuries and illnesses
- Establish training programs to increase the number and competence of the occupational and safety personnel
- Establish separate but dependent responsibilities and rights for employers and employees
- Develop mandatory job safety and health standards
- Provide for development, analysis, evaluation and approval of safety programs

Slide 11:

Groups not covered by Federal OSHA:

- The self-employed;
- Immediate members of farm families;
- Mine workers, certain truckers and transportation workers, and atomic energy workers who are covered by other federal agencies; public employees in state and local governments .

*Some states have their own plans that cover these workers.

Slide 13 & 14: No

Slide 15 & 16 : No

Slide 17 & 18: Yes

Slide 19 & 20 : No

Slide 21 & 22: Yes

Slide 23 & 24: Yes

Slide 25:

Slide 26:

OSHA coverage exercise:

| Covered by OSHA? | | Worker |
|------------------|----|---|
| YES | NO | Harry Adams, a miner at Below Ground Inc. |
| YES | NO | Jack Phillips, milks on his father's family run farm |
| YES | NO | Adrian Smith, one of 3 employees of ABC landscaping |
| YES | NO | Taylor Dell, an accountant in business for herself |
| YES | NO | Rob Jones, one of 11 carpenters working for Furniture Expressions, Inc. |
| YES | NO | Bill Cook, one of 23 employees on a dairy farm |

Mission statement of OSHA:

The mission of OSHA is to save lives, prevent injuries and protect the health of America's workers.

OSHA carries out this mission by:

- Developing job safety and health standards and enforcing them with inspections
- Maintaining a reporting and recordkeeping system to keep track of job related injury and illnesses
- Providing training programs to increase knowledge about occupational safety and health

How will OSHA impact Wisconsin dairy farm operations?

- Currently there are 11,715 herds with 1,265,000 dairy cows.
- Immigrant labor force accounts for 5,300 people - 40% .
- Only dairy herds throughout the state that employ more than 10 non-family employees will be inspected unless there is a fatal accident or report made.
- If there is a temporary labor camp active at any time during the previous 12 months prior to the inspection date, even if there is only one employee living there, those employees are covered under the act and an inspection will be conducted.
- Provide for a safer environment for all dairy farm employees.

Slide 27:

- Farm recordkeeping will improve to provide higher quality research data pertaining to dairy farm incidents.
- More attention will be paid to proper guarding, procedures and training of employees.

Importance of this training:

- On average, 15 workers die every day from job injuries.
- Over 5,600 Americans die from workplace injuries annually.
- Over 4 million non-fatal workplace injuries and illnesses were reported.
- The estimated cost of occupational injuries and illnesses ranges from \$145 billion to \$290 billion a year for direct and indirect costs.
- 2009 Bureau of Labor Statistics reported 551 deaths in Agriculture, which translates into 26 fatalities for every 100,000 full time employees. (Agriculture includes fishing, hunting and forestry events.)
- Mining, the second most dangerous occupation, had 12.7 deaths for every 100,000 full time employees

Slide 28:

Wisconsin - Fatalities by comparison

| Number of Fatalities | 2006 | 2007 | 2008 | 2009 | 2010 |
|----------------------|------|------|------|------|------|
| All Industries | 91 | 104 | 77 | 94 | 91 |
| Dairy Only | 8 | 12 | 10 | 9 | 13 |

*Bureau of Labor statistics

What is the Fatality/Catastrophe Report? How can I use this report?

Slide 29:

| FATALITIES | | |
|-------------------|--|---|
| Date (2012) | Company and Location | Preliminary Description of Incident |
| 01/18 | Hastings Acquisitions, Hastings, NE | Worker dies when he is pulled into a conveyor after his scarf gets caught in the machine. |
| 02/01 | Wauneta Mills LLC, Wauneta, NE | Worker using an auger to fill truck with feed pellets was found dead inside the truck bin. |
| 02/08 | Larry Simon Dairy Farm, Westphalia, MI | Worker was run over and killed by a front-end loader. |
| 01/11 | Tubal Cain Industries Inc., Laredo, TX | Hydraulic system blew back striking worker on the head. |
| 01/26 | Prestige Exterior Maintenance North Bergen, NJ | Worker was crushed by the arm of a skid steer. |
| 01/19 | Live Oaks Planting Company LLC, Itta Bena, MS | Employee was working in a 60,000 bushel grain silo when the worker sank and was engulfed in 20,000 bushels of soybeans. |

Slide 30:

| CATASTROPHES | | |
|---------------------|--|---|
| 01/26/2012 | Countryside Hides Inc. Alma Center, WI | Ten workers were hospitalized as a result of carbon monoxide over-exposure from forklifts or a wood-fueled furnace. |



Slide 31:

Slide 32:

Slide 33:

Review Section One:

1. Why is OSHA necessary?

Workplace injuries, illnesses and death were increasing and no uniform or comprehensive law existed to protect against workplace hazards

2. What is OSHA's Mission?

To save lives, prevent injuries and protect the health of America's workers.

3. Why is this training important?

You'll know your rights, if there are hazards in your workplace, and where to get help.

Slide 34:

Section Two: What rights do employees have under OSHA?

Class procedures:

1. Class discussion on employee rights
2. Refer to the OSHA Poster and discuss the worker rights included. Note that there are additional rights that will be discussed in this session.
3. Conduct classroom exercise on the Material Safety Data Sheet (MSDS).
4. Whistle blower fact sheet
5. Introduce farm case study
6. Review questions.

Slide 35:

Employees have the right to:

- A safe and healthy working environment
- Know about hazardous chemicals
- Information about injury or illness
- Request hazard correction from the employer
- Proper training
- Hazard exposure and medical records
- File a complaint
- Participate in an OSHA inspection
- Be free from retaliation for exercising safety or health rights

The Occupational Safety and Health Act of 1970 gave workers many new rights related to safety and health.

OSHA standards which have been issued since then, such as the Hazard Communication or "Right to Know" standard, provide additional rights.

OSHA Poster

*Appendix M1.1
larger version*



Slide 36:

Right to a safe & healthy working environment:

"Each employer 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."

Slide 37:

Right to know about hazardous chemicals:

Employers must have a written and complete Hazard Communications Program that includes information on:

- Container labeling
- Material Safety Data Sheets (MSDS)
- Worker training on both physical and health hazards of the chemicals
- Emergency procedures
- Personal Protective Equipment (PPE)

Appendix M1.2

This will be discussed further in the Hazard Communications module.

MSDS Activity: Refer to Appendix 2

Break into small groups. Give each group a different type of dairy related MSDS sheet and have them locate the following information:

| MSDS Activity | |
|---------------------------------|--|
| Trade name of chemical | |
| Hazard classification | |
| Potential health effects | |
| First aid procedures | |
| Fire & explosion data | |
| Handling & storage requirements | |

The program must include:

- A list of the hazardous chemicals in each work area
- How the employer will inform workers of the hazards of non-routine tasks
- How the employer will inform other contracted employers of hazards to which their workers may be exposed

Slide 38:

Slide 39:

Toolbox 1:

*Wisconsin OSHA Office
contact information*

Slide 40:

Right to information about injury and illness in your workplace:

- Record keeping requires employers to keep a log of injuries and illnesses.
- Employees have the right to review the current log.
- Annual summary of the injuries and illnesses (OSHA 300A).

Right to file complaints or hazard corrections:

- Employees can bring up safety concerns to the employer without fear of discharge or discrimination as long as it is made in good faith.
- OSHA regulation 29CFR 1977.9(c) protects workers who complain about unsafe or unhealthy conditions.
- Employee's identity remains confidential, however to get results of the inspection they must give their name and address. OSHA is prohibited from releasing names of complainants.
- Employees have the right to know about the actions taken by OSHA on the complaint, and request a review if an inspection does not take place.

Right to trainings:

Employees have the right to be trained by the employer on safety hazards and health issues including:

- Lockout/tagout
- Blood borne pathogens
- Noise
- Confined spaces
- Fall hazards
- Personal Protective Equipment (PPE)
- Chemicals



Slide 41:

Right to view hazard exposure and medical records

Employees have the right to examine exposure and medical records if they are exposed to:

- Metals and dust
- Biological agents
- Physical stress

Slide 42:

Right to participate in OSHA inspections - (from the perspective of the complainant):

- An employee representative can accompany the OSHA inspector.
- Employees can talk to the inspector privately.
- Employees may point out hazards, describe illnesses or near misses that resulted from those said hazards.
- Employees can learn about the outcomes of inspection.
- Employees have the right to be free from retaliation for exercising safety and health rights.
- Employees have the right to seek safety and health on the job without fear of punishment.
- Employees have 30 days to contact OSHA if they feel they are being punished for exercising their rights.

Slide 43:

Slide 44:

Whistle blower fact sheet

An employer can not discharge or retaliate against an employee because they:

- provided information
- caused information to be provided
- assisted in an investigation

Appendix M1.3

Unfavorable employment actions

- Firing or laying off
- Blacklisting
- Demotion
- Denying overtime or promotions
- Denying benefits
- Intimidation
- Making threats

Slide 45 & 46:

Slide 47 & 48:

Slide 49 & 50:

Review Section Two:

1. What does the MSDS tell you?

Chemical name, hazardous ingredients, physical and chemical characteristics, fire and explosion hazards, compatibility and reactivity, health hazards, precautions for safe use and handling, and control measures.

2. What are employee rights as related to injury and illness reporting?

Know how to report injuries/illnesses, see the annual summary, review the log.

3. Name some standards or hazards where employees must be trained.

Lockout/tagout, fall hazards in construction, hazard communication, confined spaces, blood borne pathogens, and personal protective equipment.

Slide 51:

Section Three: Employer Responsibilities

Class Procedures:

1. Class discussion on employer responsibilities under OSHA.
2. Ask the class about safety and health training they have provided.
3. Conduct the classroom exercise on the OSHA 300 Log.
4. Review questions.

Slide 52:

What responsibility does the employer have under OSHA?

- Provide a workplace free from recognized hazards and comply with OSHA standards
- Provide training required by OSHA
- Keep records of injuries and illnesses
- Provide medical exams when required
- Do not discriminate
- Post OSHA citations
- Provide and pay for PPE

Slide 53:

Provide a workplace free from recognized hazards and comply with OSHA standards:

- Maintain conditions and adopt practices necessary to protect workers on the job.
- Engineering control: redesigning the task or environment to eliminate the hazard or at least reduce the risk of exposure to the hazard.
- When exposure to hazards cannot be engineered completely out of normal operations or maintenance work, and when safe work practices and other forms of administrative controls cannot provide sufficient additional protection, an additional method of control may include the use of protective clothing or equipment.

Slide 54:

Provide training required by OSHA standards:

Topics include

- Health and safety hazards, chemical "Right-to-Know," fall protection, confined spaces and personal protective equipment.
- Many OSHA standards specifically require the employer to train workers in the safety and health aspects of their jobs. Example: skidsteer training.
- Other OSHA standards make it the employer's responsibility to limit certain job assignments to those who are "certified," "competent," or "qualified" meaning that they have had special previous training, in or out of the workplace.

Keep records of injuries and illnesses

Employers must:

- √ Report each worker death within 8 hours of the incident
- √ Report each incident that hospitalizes 3 or more workers
- √ Maintain injury and illness records
- √ Inform workers how to report an injury or illness to the employer
- √ Make records available to workers
- √ Allow OSHA access to records
- √ Post annual summary of injuries & illnesses (OSHA 300A)



Slide 55:

Slide 56: (300 log)

Appendix M1.4

Slide 57:(301)

Appendix M1.5

Slide 58: (300A)

Appendix M1.6

Appendix M1.7

Introduce farm case study

Slide 59:

The record forms employers must keep are:

- The Log of Work-Related Injuries and Illnesses (OSHA 300 Form), used to list injuries and illnesses and track days away from work, restricted, or transferred.
- The Injury and Illness Report (Form 301), used to record more information about each case. Employers can use a workers' compensation or insurance form, if it contains the same information.
- The Summary (OSHA Form 300A) shows the totals for the year in each category. A company executive must certify that he or she has examined the OSHA Log and believes that the annual summary is correct and complete. The summary must be posted from February 1 to April 30 of each year in a place where notices to workers are usually posted, such as an employee bulletin board.

OSHA 300 log class activity

Refer to the completed OSHA 300 log example and emphasize that this form provides the following information about the workplace:

- How many workers became injured or ill
- The types of injuries and illnesses reported
- The jobs and departments where the most severe injuries or illnesses are occurring
- Explain the lay out of the form and how to fill in and make corrections if necessary

Appendix: Record keeping forms

When is an injury or illness work related?

- An event or exposure in work environment either caused or contributed to the resulting condition
- Significantly aggravated pre-existing injury or illness

Slide 60, 61 & 62:

Slide 63:

Yes

Slide 64:

Yes

Slide 65:

No, he is doing a personal activity

Exceptions

- General public vs. employee
- Result of non-work event or exposure
- Voluntary participation in wellness program or recreational activity
- Accident while commuting to or from work
- Common flu or cold
- Mental illness unless employee voluntarily presents employer with a medical opinion that it is a work-related mental illness.
- Eating, drinking or preparing food for personal consumption
- Result of doing personal tasks outside of normal work hours in the workplace
- Result of personal grooming, self-medication for non work-related illness, or self-inflicted

Activity: Is it work related?

George was in Green Bay, Wisconsin to attend safety training class at the Technical College. Training was paid for by his employer. While walking to the classroom, he slipped on melted snow in the entry way and broke his right arm.

George checked into a hotel in Eau Claire, Wisconsin. He had worked 3 days supervising field application of nutrients. On the way back to his hotel, his truck was hit when someone ran a red light. George received severe injuries to his left side including broken hip and crushed leg.

Juan had to go out for a part for the machine he was fixing.

He goes to the parts store and on his way back decides to stop at the bank. Walking across the parking lot he trips on the curb and sprains his wrist.

Slide 66:

Provide medical exams when required

- Employers must provide medical exams when required by OSHA standards and provide workers access to their exposure and medical records:

Slide 67:

Reportable medical treatment DOES NOT include:

- Dr. visit for observation or counseling
- Diagnostics: X-rays, blood tests, etc.
- First aid

Slide 68:

What is first aid:

- Use of a temporary immobilization device during transport
- Drilling a finger or toe nail
- Eye patches
- Removing foreign substances with eye washes or cotton swaps
- Using finger guards
- Drinking fluids for relief of heat-related illness
- Over-the-counter (OTC) non-prescription medication at non-prescription strength
- Administering tetanus immunization •

Slide 69:

Cleaning, flushing or soaking wounds

Slide 70:

- Using wound coverings such as Band-Aids, steri-strips or butterfly bandages
- Applying hot-cold treatments

Slide 71 & 72:

What is medical treatment

- Immunizations (other than tetanus, i.e. rabies)
- Wound-closing devices such as stitches, staples, etc
- Devices used to immobilize parts of the body
- Physical therapy or chiropractic treatment
- Dosages of prescription medication

Slide 73:

Over the counter medicine at prescription Strength = medical treatment

| | |
|-------------------------------------|---------------------|
| Ibuprofen (such as Advil™) | Greater than 467 mg |
| Diphenhydramine (such as Benadryl™) | Greater than 50 mg |
| Naproxen Sodium (such as Aleve™) | Greater than 220 mg |
| Ketoprofen (such as Orudis KT™) | Greater than 25 mg |

Slide 74:

Automatic recording criteria

- Fracture of bones or teeth
- Punctured ear drum
- Cancer (if caused by hazard exposure at employment site)
- Chronic irreversible disease

Slide 75:

Special recording criteria

- Needlesticks and sharp injuries
- Medical removal from specific duty
- Occupational hearing loss 10dB Standard Threshold Shift and 25 decibels in same ear
- Tuberculosis (if work-related exposure)

Provide and pay for PPE including:

- Metatarsal foot protection,
- Rubber boots with steel toes,
- Non-prescription eye protection,
- Prescription eye wear inserts/lenses for full face respirators,
- Goggles and face shields,
- Hard hat,
- Hearing protection,
- Welding PPE.



Slide 76 & 77:

Employer PPE responsibilities

- Determine if PPE should be used to protect their workers.
- Train employees on proper usage and care of the PPE
- Replace or maintain PPE
- Periodically review, update and evaluate PPE program

Slide 78:

Employee PPE responsibilities

- Attend training sessions
- Wear the PPE properly
- Care for, clean, and maintain PPE
- Inform the supervisor of any needed repair or replacement

Slide 79 & 80:

Review Section Three:

1. What are some of the responsibilities employers have related to OSHA record keeping?

Maintain an accurate reporting system, inform workers how to report, maintain an OSHA-300 log and make it available to workers, post the annual summary and report fatalities and the hospitalization of 3 or more workers to OSHA.

Slide 81 & 82:

2. What is the difference between first aid and medical treatment?

**Medical Treatment = bone fractures/breaks, stitches etc...
1st band aids, x rays for diagnosis etc...**

Slide 83 & 84:

3. What are some types of PPE that employers must pay for?

Hardhats, hearing protection, etc.

Slide 85:

Slide 86:

Slide 87:

Section Four: What are OSHA Standards?

Types of standards:

OSHA standards fall into four categories:

- General Industry 1910
- Construction 1926
- Maritime 1915, 1916, 1918
- Agriculture 1928

OSHA issues standards for a wide variety of workplace hazards, including:

- Toxic substances
- Electrical hazards
- Fall hazards
- Hazardous waste •
Machine hazards
- Infectious diseases
- Fire and explosion hazards
- Dangerous atmospheres

Reading a standard

Examples:

29 CFR 1910.21

29 = Title for labor

CFR = Code of Federal Regulations

1910 = General Construction

.21 = Sub Part (walking and working surfaces)

Each number or letter in parenthesis after the standard indicates a particular rule pertaining to this standard.

Slide 88:

29 CFR 1910.23 (d)(1)(i)

This is an OSHA Code of Federal Regulations

1910 stands for General Industry code

.23 pertains to guarding floor and wall openings and holes. (for definitions of these terms see 1910.21)

Slide 89:

(d) Stairways railings and guards

Slide 90:

(1) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified in paragraphs (d)(1)(i) through (v) of this section, the width of the stair to be measured clear of all obstructions except handrails:

Slide 91:

(i) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending.

Slide 92 - 97:

29 CFR 1928.57(b)(1)(ii)

Subpart D in Safety for Agricultural Equipment

1928 = Agricultural code

.57 = Guarding of farm field equipment, farmstead equipment and cotton gins.

(b) = Farm Field Equipment

(1) = Power take-off guarding

(ii) = All tractors shall be equipped with an agricultural tractor master shield on the rear power take-off except where removal of the tractor master shield is permitted by paragraph (b)(1)(iii) of this section. The master shield shall have sufficient strength to prevent permanent deformation of the shield when a 250 pound operator mounts or dismounts the tractor using the shield as a step.

Slide 98:

In addition, where there are no specific OSHA standards, employers must comply with the OSH Act's "general duty clause."

The General Duty Clause, Section 5(a)(1), requires that each employer "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."

Slide 99:

Many of the standards cross between industries, general industry and construction depending on the issue.

General Industry: Machine Guarding

Slide 100 & 101:

Slide 102 & 103:

Slide 104 & 105:

Slide 106 & 107:

Review Section Four:

1. What does CFR Stand For?

Code of Federal Regulations

2. What is the standard code for Agriculture?

1928

3. Do codes from general industry and construction apply to farm situations?

Yes: machine guarding is in general industry

4. What is meant by the General Duty Clause?

Employers will act responsibly to provide a safe work environment that will not cause death or injury to the employee.

The employees will comply with the safety rules as well.

Slide 108:

Section Five: How are OSHA inspections conducted?

Inspection priorities:

The OSH Act authorizes OSHA Compliance Safety and Health Officers (CSHOs) to conduct workplace inspections at reasonable times.

OSHA conducts inspections without advance notice, except in rare circumstances (for example, when there is a report of an Imminent Danger situation).

Anyone who tells an employer about an OSHA inspection in advance can receive fines and a jail term.

Since not all eight million worksites covered by OSHA can be inspected, the agency has a system of inspection priorities.

Slide 109:

| Priority | Category of Inspection |
|----------|------------------------|
| 1st | Imminent Danger |
| 2nd | Fatality/Catastrophe |
| 3rd | Complaints/Referrals |
| 4th | Programmed Inspections |

Slide 110:

Stages of an inspection:

There are four major stages of an OSHA inspection:

1. Presenting Credentials
2. Opening Conference
3. The Walk Around
4. Closing Conference



Slide 111 - 115:

Inspection protocol:

- The inspection will be conducted at a reasonable time without prior notice.
- The employer should insist on seeing the CSHO's credentials .
- The CSHO will state why this establishment was chosen and explain the purpose of the visit.
- An employee is not required to accompany the compliance officer, however, the officer is required to consult with a number of employees.
- The CSHO will dictate the route of the walk around.
- The CSHO will make an effort to minimize work disruptions when speaking with employees.
- The CSHO will take pictures, measurements, and instrument readings; the person with the compliance officer should take the same pictures, measurements, and readings and record them.
- The compliance officer will look through the records of injury and illnesses as well as the hazard communication programs.
- After the walk around the compliance officer will hold a closing conference with the employer and employee representative to discuss the unsafe and unhealthy issues observed.
- The employer is informed of their appeal rights. •
The OSHA area director issues citations after the compliance office turns in their findings.

Slide 116:

Citations and penalties:

The CSHO takes the findings back to the office and writes up a report. The Area Director reviews it and makes the final decision about the citations and penalties.

Slide 117:

Citations inform the employer and workers of:

- Regulations and standards the employer allegedly violated
- Any hazardous working conditions covered by the OSH Act's General Duty Clause
- The proposed length of time set for abatement of hazards
- Any proposed penalties

Slide 118:

Citations are sent by certified mail to the facility.

- The employer must post a copy of each citation at or near the place of the violation for 3 days or until it is fixed.
- Employers must also inform the workers and their representatives of the corrections they make.

Penalties are based on violation type. OSHA may cite the following violations and propose the following penalties:

Slide 119:

| VIOLATION TYPE | PENALTY |
|--|--|
| WILLFUL | |
| A violation that the employer intentionally and knowingly commits or a violation that the employer commits with plain indifference to the law. | OSHA may propose penalties of up to \$70,000 for each willful violation, with a minimum penalty of \$5,000 for each willful violation. |
| SERIOUS | |
| A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard. | There is a mandatory penalty for serious violations which may be up to \$7,000. |
| OTHER-THAN-SERIOUS | |
| A violation that has a direct relationship to safety and health, but probably would not cause death or serious physical harm. | OSHA may propose a penalty of up to \$7,000 for each other-than-serious violation. |
| REPEATED | |
| A violation that is the same or similar to a previous violation. | OSHA may propose penalties of up to \$70,000 for each repeated violation. |

Criminal Willful violations, which involve the death of a worker, may have a penalty of up to \$250,000 for an individual and \$500,000 for an organization, or up to 6 months in jail.

Slide 120:

OSHA may also assess penalties to employers for the following:

- *Failure to Abate:* OSHA may propose an additional penalty of up to \$7,000 for each day an employer fails to correct a previously cited violation beyond the required date.
- *Falsifying Information:* Under the OSH Act, an employer providing false information to OSHA can receive a fine of up to \$10,000 or up to 6 months in jail, or both.
- *Violation of Posting:* The employer has to post citations and abatement verification for three days or until the hazard is corrected. The posting has to be near the violation or at a central location. Failure to follow these instructions can result in a penalty of up to \$7,000 for each violation. OSHA may adjust a penalty downward depending on the gravity of the violation, the employer's good faith (efforts to comply with the act), history of previous violations, and size of business.

Slide 121:

Employers have the right to request an extension of time for an abatement date if they cannot meet the time stated on the citation for a cited item. This is called a petition for modification of abatement, or PMA.

If a violation or abatement date is contested by the employer, the situation does not have to be fixed until there is a final legal order. If only the penalty is contested the violation must be fixed by the date in the citation.

Appeals process:

Employers as well as employees have the right to disagree with an OSHA citation.

- Employers and employees can request an informal conference with OSHA to discuss the inspection, citations, penalties or a notice of contest (if filed by the employer).
- Employers may also reach a settlement agreement with OSHA that adjusts citations and penalties in order to avoid prolonged legal disputes.
- In order to contest the citation, the abatement date, and/or the proposed penalty, an appeal must be submitted in writing within the 15 working day contest period.
- Employer and the employees have the right to participate in the hearing and request a further review of the judge's decision by the commission.

Tool Box: OSHA INSPECTION CHECKLIST

Slide 122 - 126:

Slide 127 & 128

Slide 129 & 130

Review Section Five:

1. Give an example of a reason why OSHA would conduct an inspection on your farm?

If a worker files a complaint, if there is a fatality, if there is an imminent danger situation, etc.

2. What are the types of OSHA violations?

**Willful, serious, other-than serious, repeated and criminal/
willful, programmed inspections based on the LEP.**

Slide 131:

Slide 132:

Section Six: Where can you go for help?

Sources within the workplace/worksite

- Employer or supervisor as well as other employees: OSHA encourages workers and employers to work together to reduce hazards.
- Material Safety Data Sheet (MSDS) for information on chemicals: The MSDS provides important information about its hazards and the precautions and personal protective equipment needed to work safely with them.
- Labels and warning signs: labels and signs can show hazard information to workers and can be useful in providing additional information and making employees aware of a potential safety or health hazard.
- Owners manuals for the machines and other equipment the employees will be required to use for their job.
- OSHA standards such as those for hazard communication, exits, confined space and blood borne pathogens require labels and signs. The employer must make sure that each sign or label posted can be understood by all workers, so the signs must be bilingual if workers do not understand or read English.
- Employee orientation manuals or other training materials: orientation manuals and training materials about the job should include information about how to work safely
- Employers are required to provide training to workers exposed to certain hazards, including chemicals, falls, and confined spaces.
- All manuals and training materials should be written clearly and explain the job hazards. They can also serve as a resource for questions or concerns at a later date.
- Work tasks and procedures instruction: a written job or task instruction can provide information about the proper and safe way to perform a job.
- OSHA considers some jobs and tasks very hazardous, such as locking out machinery, and requires employers to have written procedures.
- If an employee has questions about a new job or task, or a job or task that has changed, provide the written procedures and additional training.

Slide 133:

Sources outside the workplace/worksite

If safety and health information cannot be found at the workplace there are many resources available from outside sources.

OSHA website: <http://www.osha.gov>

OSHA offices

If you have internet access, you will find that the OSHA website has a lot of safety and health information and links to resources that can help you.

Slide 134 & 135:

Review Section Six:

1. What are some resources inside the workplace that will help you find information on safety and health issues?

Employer/Supervisor

MSDS sheets

Labels and warning signs

Employee orientation manuals

Procedure instructions

2. What are some resources outside the workplace that will help you find information on safety and health issues?

OSHA website and links

Slide 136 & 137: