AIHA YUMA PACIFIC
SOUTHWEST SECTION

OSHA Update
January 2013

Ken Atha
Regional Administrator – Region IX

Leadership

Acting Secretary of Labor – Seth Harris

– Assistant Secretary (OSHA)
  David Michaels
– Deputy Assistant Secretary (OSHA)
  Jordan Barab
– Deputy Assistant Secretary (OSHA)
  Richard Fairfax
– Chief of Staff (OSHA)
  Deborah Berkowitz
• OSHA Staff: 2,305 (2012)
• Workers: 130 million
• Worksites: 8 million
• Regional Offices: 10
• Local Area Offices: 90

• 4,609 worker fatalities in 2011
• 90 deaths per week
• 13 deaths every day
• Workplace fatalities reduced by over 65%
• Occupational injury and illness rates declined by 67%
• U.S. employment has doubled

Making a Difference

Inspections Conducted
Increased State Plan Oversight

- 27 Plans
- Consistency with Federal Actions
- Enhanced Evaluations

Programmed vs Unprogrammed

<table>
<thead>
<tr>
<th>Year</th>
<th>Programmed</th>
<th>Unprogrammed</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY07</td>
<td>59%</td>
<td>41%</td>
</tr>
<tr>
<td>FY08</td>
<td>60%</td>
<td>40%</td>
</tr>
<tr>
<td>FY09</td>
<td>62%</td>
<td>38%</td>
</tr>
<tr>
<td>FY10</td>
<td>60%</td>
<td>40%</td>
</tr>
<tr>
<td>FY11</td>
<td>58%</td>
<td>42%</td>
</tr>
<tr>
<td>FY12</td>
<td>56%</td>
<td>44%</td>
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</tbody>
</table>
Fatality Inspections

% Complaint Inspections
% Not Incompliance Inspections w/ only Other Than-Serious Violations Cited (OIS Data Only)

Average Current Penalty Per Serious Violation
Significant Cases

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Cases</th>
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</thead>
<tbody>
<tr>
<td>FY07</td>
<td>107</td>
</tr>
<tr>
<td>FY08</td>
<td>121</td>
</tr>
<tr>
<td>FY09</td>
<td>120</td>
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<tr>
<td>FY10</td>
<td>164</td>
</tr>
<tr>
<td>FY11</td>
<td>215</td>
</tr>
<tr>
<td>FY12</td>
<td>219</td>
</tr>
</tbody>
</table>

% Inspections With Violations Contested

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>% Contested</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY07</td>
<td>7%</td>
</tr>
<tr>
<td>FY08</td>
<td>7%</td>
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<tr>
<td>FY09</td>
<td>7%</td>
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<tr>
<td>FY10</td>
<td>8%</td>
</tr>
<tr>
<td>FY11</td>
<td>11%</td>
</tr>
<tr>
<td>FY12</td>
<td>11%</td>
</tr>
</tbody>
</table>
Top 10 Most Cited Standards (Gl & Const.)

1. Fall Protection
2. Hazard Communication
3. Scaffolding
4. Respiratory Protection
5. Electrical, Wiring Methods
6. Powered Industrial Trucks
7. Lockout/Tagout
8. Ladders
9. Electrical, General Requirements
10. Machine Guarding

Construction only

1. Fall Protection
2. Scaffolding
3. Ladders
4. Fall Protection, Training Requirements
5. Hazard Communication
6. Head Protection
6. Eye & Face Protection
6. Aerial Lifts
6. Electrical, Wiring Methods
6. Specific Excavation Requirements
Standards in Pre-Rule Stage

• Combustible Dust
• Infectious Diseases
• Injury and Illness Prevention Program
• Reinforced Concrete in Construction and Preventing Backover Injuries and Fatalities
• Review/Lookback of OSHA Chemical Standards

Proposed Rules

• Occupational Exposure to Crystalline Silica
• Occupational Exposure to Beryllium
• Bloodborne Pathogens
Final Rules

• Confined Spaces in Construction
• Electric Power Transmission and Distribution; Electrical Protective Equipment
• Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Prevention)

FY 2013

• 42,000 Inspection Goal
  – Hurricane Sandy efforts may cause reduction
• Other OSHA Performance Goals remain the same
NEPs

- Nursing and Residential Care Facilities (April 5, 2012)
- Chemical Facilities (November 29, 2011)
- Primary Metals (June 2, 2011)
- Shipbreaking (November 4, 2010)
- Hexavalent Chromium (February 23, 2010)
- Food Flavorings – Diacetyl (October 30, 2009)

NEPs

- Lead (August 14, 2008)
- Combustible Dust (Reissued March 11, 2008)
- Crystalline Silica (January 24, 2008)
- Amputations (October 27, 2006)
- Trenching (September 9, 1985)
- Isocyanates (Under Development)
Oil & Gas Initiative

- Developed an OSHA Upstream Oil and Gas Safety Workgroup
  - Addresses the increasing numbers of fatalities and injuries
  - DEP is leading a staff experienced in oil and gas operations
    - Includes State Plan and Consultation program representatives
    - Examine relevant data
    - Focus on compliance assistance resources
    - Reach out to local industry associations

Ergo

- OSHA’s current ergonomics enforcement
  - OSHA continues to enforce ergonomics in all industries utilizing the general duty clause.
  - 200-300 inspections coded as ergo per year (2009-2012)

- Overall (2001 – Oct. 22, 2012) ergonomic inspection data:
  - Federal OSHA has issued twenty-seven 5(a)(1) citations to 22 companies, plus two Notices of Unsafe or Unhealthful Working Conditions (Federal Agency equivalent)
  - Approximately 873 EHAls to employers (including USPS)
SVEP

SVEP Eligibility Criteria:

- SVEP-Fatality: Fatality/catastrophe + 1 or more willful/repeat/failure-to-abate violation (WRFTA)
- SVEP-HEH: ≥2 high-gravity WRFTA related to a High-Emphasis Hazard
- SVEP-PSM: ≥3 high-gravity WRFTA related to PSM standard
- SVEP-Egregious: any egregious case

Other Worker Protection Efforts

- Workplace Violence
- Falls
- Heat Stress
- Whistleblower Protection
Safety in the Workplace Innovator Award - University of Tennessee Construction Industry Research and Policy Center and the Department of Industrial and Systems Engineering

Safety and Health Data Award: The United Steelworkers Union

Workers' Rights Award: Montana State Fund (the state's largest workers' compensation insurer)

People's Choice Award: Sidharth Garg