

## Occupation Safety and Health Administration (OSHA) Regulatory Updates

### FINAL STATUTES AND RULEMAKING

| Citation  | Summary   |
|---|---|
| <p>September 11, 2014</p> <p>Occupational Injury and Illness Recording and Reporting Requirements - Update and Reporting Revisions</p> <p>29 CFR Part 1904</p> <p>Docket No. OSHA-2010-0019</p> <p>RIN 1218-AC50</p> <p>Agency: Occupational Safety and Health Administration (OSHA), Labor.</p> <p>Action: Final rule.</p> | <p>A final rule announced September 11 requires employers to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation or loss of an eye. The rule, which also updates the list of employers partially exempt from OSHA record-keeping requirements, will go into effect on Jan. 1, 2015 for workplaces under federal OSHA jurisdiction. A copy of the final rule is available at:</p> <p style="text-align: right;"><a href="#">Click Here</a></p> <p>Under the revised rule, employers will be required to notify OSHA of work-related fatalities within eight hours, and work-related in-patient hospitalizations, amputations or losses of an eye within 24 hours. Previously, OSHA's regulations required an employer to report only work-related fatalities and in-patient hospitalizations of three or more employees. Reporting single hospitalizations, amputations or loss of an eye was not required under the previous rule.</p> <p>In the final rule OSHA has also updated the list of industries that, due to relatively low occupational injury and illness rates, are exempt from the requirement to routinely keep injury and illness records. The new rule maintains the exemption for any employer with 10 or fewer employees, regardless of their industry classification, from the requirement to routinely keep records of worker injuries and illnesses. However, all employers covered by the Occupational Safety and Health Act, even those who are exempt from maintaining injury and illness records, are required to comply with OSHA's new severe injury and illness reporting requirements.</p> |

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| Federal Register Volume 79,<br>Number 187, Pages 57785-57798,<br>Friday, September 26, 2014 | OSHA has issued a final rule extending the deadline for crane operator certification requirements in the Cranes and Derricks in Construction final rule published on August 9, 2010 by three years, to November 10, 2017. The rule also extends by three years the employer's responsibility to ensure that crane operators are competent to operate a crane safely. The final rule becomes effective Nov. 9, 2014.  |
| Cranes and Derricks in Construction   |  |
| 29 CFR Part 1926 subpart N<br>Docket No. 2014-22816   |  |
| Agency: Occupational Safety and<br>Health Administration (OSHA), Labor.                     | During the three-year period, OSHA will address operator qualification requirements for the cranes standards including the role of operator certification. The final cranes and derricks rule required crane operators on construction sites to meet one of four qualification/certification options by Nov. 10, 2014. After publishing the final rule, a number of parties raised concerns about the standard's requirement to certify operators by type and capacity of crane and questioned whether crane operator certification was sufficient for determining whether an operator could operate their equipment safely on a construction site. For more information, see the news release at: |
| Action: Final rule.   | <a href="#">Click Here</a>   |

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## Letters of Interpretation

OSHA has issued the following letters of interpretation since our last regulatory summary update:

OSHA's injury and illness recordkeeping requirements - Determining work-relatedness for a pre-existing medical condition [1904.5]. Issued on August 18, 2014.

[Click Here](#)

## Other Recent Developments

### OSHA updates their inspection procedures for the Respiratory Protection Standard

On June 26, 2014 OSHA issued an update on their inspection procedures for the Respiratory Protection Standard. Significant changes include: 1) updates the definition's section of the directive to include changes to the Respiratory Protection Standard that provide definitions for assigned protection factors and maximum use concentrations. 2) provides greater clarification on voluntary respirator use, and better explains the components of compliant respirator programs and provides additional acceptable methods to assess respiratory hazards. 3) updates the directive with information related to the revised Hazard Communication Standard, 29 CFR 1910.1200, which was published in March 2012. 4) provides guidance on evaluating the need for respiratory protection for chemicals used in workplaces by referring to employers' Hazard Communication Programs, wherein chemical manufacturers may have communicated on safety data sheets that use of their products may be hazardous if inhaled and have recommended that users wear respiratory protection. The updated directive is available on the OSHA website at:

[Click Here](#)

## Other Recent Developments

### **OSHA issues new directive to keep communication tower workers safe**

OSHA has updated its Communication Tower directive regarding the use of hoist systems used to move workers to and from workstations on communication towers. This follows an alarming increase in preventable injuries and fatalities at communication tower work sites. More fatalities occurred in this industry in 2013 than in the previous two years combined. This disturbing trend appears to be continuing, with nine worker deaths occurring so far in 2014. The directive outlines the proper use of hoist and other fall arrest systems, includes detailed information on how to hoist people safely and updates a 2002 enforcement policy, which only covered the hoisting of workers to workstations during new tower erection activities. The updated policy covers any work on a communication tower - including both maintenance and new construction - that involves the use of a hoist to lift workers from one elevated workstation to another. The Communication Tower directive is available at:

[Click Here](#)

### **OSHA's temporary worker policy memorandum outlines responsibilities of host, staffing agencies**

OSHA has issued a policy background memo to its field staff as part of its focus on preventing work-related injuries and illnesses among temporary workers. In the memo, the agency reminds OSHA field staff of the agency's long standing general enforcement policy regarding temporary workers. As joint employers, both the host employer and the staffing agency have responsibilities for protecting the safety and health of temporary workers. A copy of the memo is available at:

[Click Here](#)

OSHA and the National Institute for Occupational Safety and Health also released recommended practices for staffing agencies and host employers to better protect temporary workers from hazards on the job. The publication highlights the joint responsibility of the staffing agency and host employer to ensure temporary workers are provided a safe work environment. The new guidance recommends that staff agency/host employer contracts clearly define the temporary workers' tasks and the safety and health responsibilities of each employer. Staffing agencies should maintain contact with temporary workers to verify that the host has fulfilled its responsibilities for a safe workplace. A copy of the recommended practices is available at:

[Click Here](#)

## **Comment period extended on proposed rule to improve tracking of workplace injury and illnesses**

OSHA announced it will extend the comment period on the proposed rule to improve tracking of workplace injuries and illnesses to October 14, 2014. The proposal, published on November 8, 2013, would amend the agency's recordkeeping regulation to add requirements for the electronic submission of injury and illness information that employers are already required to keep. OSHA is soliciting comments on whether to amend the proposed rule to: 1) require that employers inform their employees of their right to report injuries and illnesses; 2) more clearly communicate that any injury and illness reporting requirements established by the employer must be reasonable and not unduly burdensome; and 3) provide OSHA additional means to prohibit employers from retaliating against employees for reporting injuries and illnesses. Information on the proposed rule is available at:

[Click Here](#)

## **Buy Quiet initiative to help employers protect workers from occupational noise**

Buy Quiet is a prevention initiative launched by the National Institute for Occupational Safety and Health (NIOSH) to help companies buy, rent or design quieter machines and tools for their workplaces. Each year millions of U.S. workers are exposed to noise loud enough to be hazardous to their health. Information on the Buy Quiet initiative is available on the NIOSH website at:

[Click Here](#)

## Other Recent Developments

New educational resources available from OSHA include: Protecting workers from heat, electrocution from power lines while working with ladders and cranes, and pandemic illnesses

OSHA's Protecting Workers from the Effects of Heat Fact Sheet has been updated with revised information for employers on measures they should take to prevent worker illnesses and death caused by heat stress. The Fact Sheet is available at:

[Click Here](#)

OSHA has also developed Electrocution: Work Safely with Ladders Near Power Lines, a new training video for employers, as well as Electrocution: Work Safely with Cranes Near Power Lines, an updated video on preventing electrocutions while operating cranes. The videos show how quickly contact with overhead power lines can result in the electrocution of a worker and what employers can do to ensure the work is done more safely. The videos are available at:

[Cranes Near Power Line](#)

A new fact sheet for employers on protecting workers during a pandemic is available on OSHA's website at:

[Click Here](#)

## BLS announces 2013 preliminary fatal occupational injury counts

The Bureau of Labor Statistics has released the preliminary results of its National Census of Fatal Occupational Injuries. According to the BLS data, the number of fatal work injuries in 2013 was lower than the revised count of 4,628 fatal work injuries in 2012. However, the BLS found that fatal work injuries among Hispanic or Latino workers were higher in 2013, rising 7 percent. For more information on the Census of Fatal Occupational Injuries, see the BLS news release at:

[Click Here](#)

### **OSHA provides new guidance for protecting employees from Ebola**

OSHA's new Ebola Web page provides guidance for protecting workers from exposure to the Ebola virus. The new resource covers hazard identification and characterization, medical information, applicable OSHA standards, and recommendations for prevention and control of exposures to Ebola. The web page can be viewed at:

**Click Here**