



The OSHA Top 10

How to avoid OSHA's top violations.



an **nsc** chapter

Meet Your Speaker



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15 years in EHS field

KPA Helps You Improve Safety, Lower Risk and Save Money



Identify, remedy, and prevent safety and compliance issues to:

- Prevent Accidents and Injuries
- Reduce Lawsuits, Fines and Penalties
- Improve Productivity
- Protect Your Reputation



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Training



Consulting
Expertise



Agenda

1	OSHA's top 10 violations
2	Best practices to stay compliant with regulations
3	How we can help
4	Illinois and Iowa's OSHA local emphasis programs
5	A special bonus!
6	Audience Q&A

OSHA Top 10

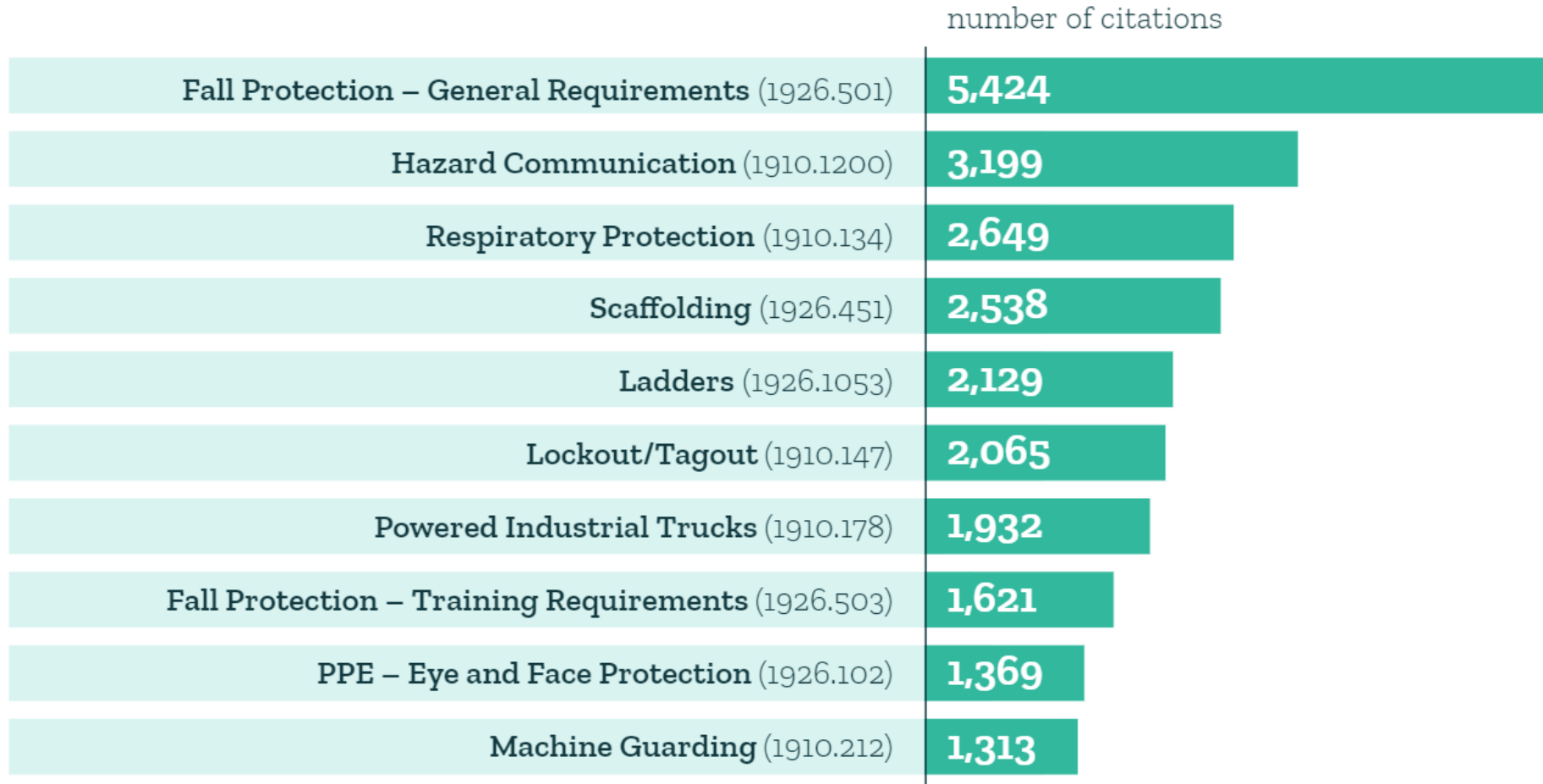
What is it?

- Annual list: OSHA's Top 10 Most Frequently Cited Standards
- Helps alert employers to perceived priorities of officers and the agency
- Goal: Reduce preventable injuries and illnesses that regularly occur
- Industry
 - 1926 = Construction
 - 1910 = General Industry
 - How do you know which would apply?



OSHA's Top 10

In fiscal year 2020, OSHA issued approximately 24,000 citations combined in the following categories¹:



OSHA Top 10

Why pay attention?

- Penalties can exceed \$13,000
 - Can be levied per day for every day the issue goes unaddressed
- Willful or repeated violation: 10x fine
- The maximum penalty for such a violation is **\$136,532** (as of 2021)



Types of Violations

Type of Violation	Penalty
Serious Other-Than-Serious Posting Requirements	\$13,653 per violation
Failure to Abate	\$13,653 per day beyond the abatement date
Willful or Repeated	\$136,532 per violation

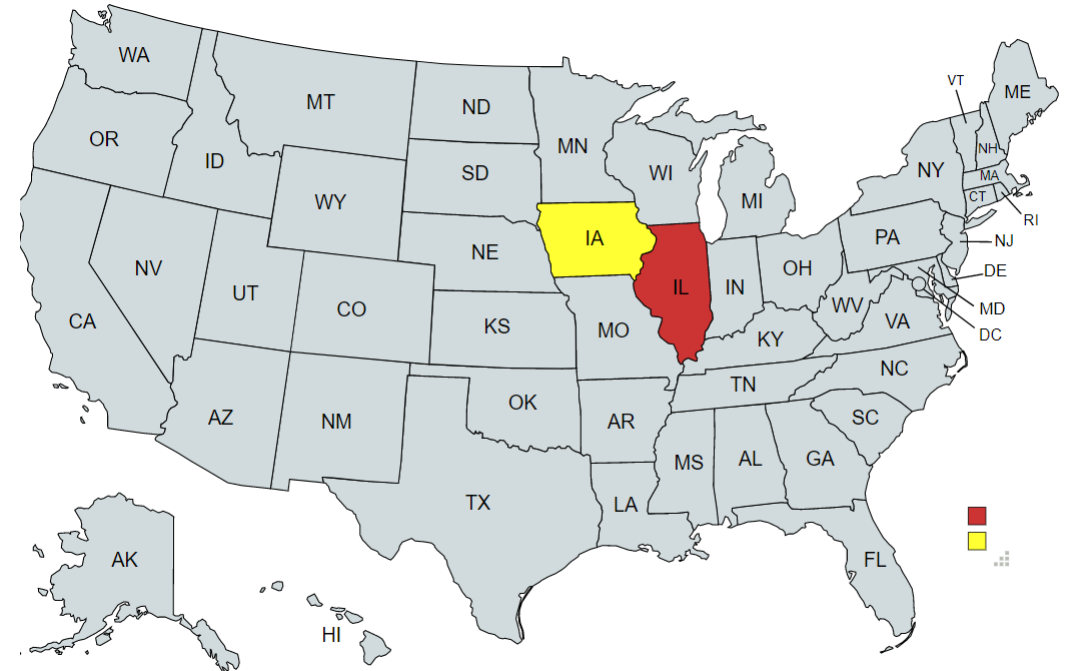
OSHA Onsite Visit

These situations are what can lead to an OSHA onsite investigation

- Imminent danger situations
 - Drive by or noticing during a targeted inspection
- Severe injuries and illnesses
 - All work-related fatalities within 8 hours
 - All work-related inpatient hospitalizations, amputations, or losses of an eye within 24 hours
- Worker Complaints
- Referrals of hazards from other sources
- Targeted inspections
 - High hazard industries
 - Emphasis programs
- Follow-up inspections

OSHA State Plans

- Iowa operates an OSHA-approved State Plan covering most private sector workers and all state and local government workers
 - *Contact:*
Iowa Division of Labor Services
150 Des Moines Street
Des Moines, Iowa 50309-1836
<https://www.iowaosha.gov/iowa-osha>
- Illinois operates an OSHA-approved State Plan covering only state and local government workers. Private sector employers and their workers are covered by federal OSHA
 - *Contact:* Illinois Department of Labor Safety Inspection and Education Division
900 South Spring Street Springfield, IL 62704
Tel: (217) 782-9386



Best Practices to Stay OSHA Compliant



1 & 8

Fall Protection

General Requirements (1) & Training Requirements (8)

- Accounted for about 25% of all violations.
 - OSHA estimates falls account for ~36% of all fatalities
- Risk Signs
 - High risk industry
 - Frequent use of ladders or work at height
 - Wet working conditions
 - Poor workplace housekeeping
 - Lack of protection systems
 - Roof worksites



1 & 8

Fall Protection

General Requirements & Training Requirements

- Prevention Tips:
 - ☐ Have you found and eliminated all fall risks?
 - General industry – 4ft
 - Construction – 6ft
 - ☐ Are you using passive engineering controls and fall restraint?
 - ☐ If using active fall protection equipment has it been engineered correctly?
 - Anchor points – 5,000lbs or has a safety factor of 2
 - Line lengths
 - Harness hero
 - ☐ Are you training workers on fall protection?
 - ☐ Is there an inspection system in place?

Fall Protection

Example General Industry Citation – Insufficient Training/Anchor Point

<u>Citation 1 Item 2</u> Type of Violation: Serious	
29 CFR 1910.30(a)(1): The employer did not provide training to each employee who uses personal fall protection systems prior to being exposed to a fall hazard.	
a) Production Area: On or before [REDACTED] and at times prior, the employer exposed employees to fall hazards, in that the employer did not provide training to employees loading super sacks into the ribbon blender.	
b) Production Area: On or before [REDACTED] and at times prior, the employer exposed employees to fall hazards, in that the employer did not provide training to employees loading or cleaning the cone mixer when the gate on the platform was open or missing.	
ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM	
Date By Which Violation Must be Abated:	[REDACTED]
Proposed Penalty:	\$9054.00

<u>Citation 1 Item 3</u> Type of Violation: Serious	
29 CFR 1926.502(d)(15): The employer does not ensure anchorage points used for attachment of personal fall arrest equipment are independent of any anchorage point being used to support or suspend platforms and capable of supporting at least 5,000 pounds (22.2 kN) per employee.	
This violation was most recently observed on [REDACTED], [REDACTED] where anchorage points used for attachment of personal fall arrest equipment were not capable of supporting at least 5,000 pounds (22.2 kN) per employee, exposing employees to a fall hazard greater than 21-feet, 6-inches.	
To abate this violation, the employer must ensure that anchorage points are properly installed and capable of supporting at least 5,000 pounds (22.2 kN) per employee, to protect each employee working 6 feet or more above a lower level from falling.	
Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$4620.00

Hazard Communication

- Requirements
 - SDSs for every chemical on premise
 - Written HCS plan
 - Comprehensive HazComm training
- Why Violations Happen
 - Improper or lack of compliant (GHS) chemical labeling
 - Lack of HCS plan
 - Poor or inconsistent training
- Risk Signs
 - You work with chemicals
 - Insufficient HCS plan
 - Poor SDS database
- Learn more: www.osha.gov/chemicaldata



Hazard Communication

- Prevention Tips:
 - ☐ Do you have a site-specific program available for employee review?
 - ☐ Do all employees or contractors have access to an SDS for every chemical on-site?
 - ☐ Do all employees receive the required hazard communication training?
Test for understanding and competence
 - ☐ Is there a system for labeling all containers?
Secondary containers



Hazard Communication

Example Citations General Industry – Written Program/Labeling

Citation 1 Item 4 a Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

On or about [REDACTED] at the facility, where the employer had not developed and implemented a hazard communication program, exposing employees to chemical burn hazards and fire hazards when working with hazardous chemicals including but not limited to propionic acid, lime remover, and flammable Teflon spray.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: [REDACTED]
Proposed Penalty: \$4900.00

Citation 1 Item 5 a Type of Violation: Serious

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

At the inspection site, where employees were using hazardous chemicals while engaged in production of rubber products and packing materials, the written Hazard Communication Program did not include an explanation of Product Description Numbers (PDNs) that was used in lieu of product identities on secondary containers with chemicals such as rubber ingredients, an explanation of use of batch tickets to convey identities and hazard warning information on containers labeled only with Product Description Numbers, and an explanation of the HMIS/NFPA labeling system that was used in lieu of hazard warnings on other secondary containers, such as 24-ounce bottles, safety cans and dip tanks.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the date of this citation, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the employer develops, implements, and/or maintains at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met.

Date By Which Violation Must be Abated: [REDACTED]
Proposed Penalty: \$4000.00

3

Respiratory Protection

- Respirator Requirements
 - Written program
 - Selection, Care, & Training
 - Medical Evaluation
 - Proper fit
- Why Violations Happen
 - Failure to determine the need for respiratory protection
 - No respiratory protection program
 - Fail to perform required fit testing
 - Inadequate medical evaluations
 - Poor or inconsistent training
- Risk Signs
 - High risk industry
 - Haven't checked equipment recently
 - Employees work long hours
 - Poor or inconsistent training



3

Respiratory Protection

- Prevention Tips:
 - ☐ Is respiratory protection needed?
 - ☐ Have you created a protection program?
 - ☐ Are all employees trained on respirator procedures?
 - ☐ Have you documented employee medical clearance?
 - ☐ Are the right respirators available?
 - ☐ Are you testing the equipment properly?



Respiratory Protection

Example General Industry Citation – Fit Testing

Citation 1 Item 2 a Type of Violation: **Serious**

29 CFR 1910.134(f)(2): Employee(s) using a tight-fitting facepiece respirator were not annually fit tested:

On or about [REDACTED] and at times prior thereto, employees who use a tight fitting respirator had not received an annual fit test.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that employees are fit tested on an annual basis.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	[REDACTED]
Proposed Penalty:	\$9,753.00



4

Scaffolding

- Why Violations Happen
 - 70% of scaffolding accidents are a result of:
 - Planking giving way
 - Slips and trips
 - Falling objects
- Risk Signs
 - Work in construction
 - Old equipment
 - Unsecured tools or material
 - Weather
 - Poor or inconsistent training
 - Wrong (or no) person in charge



4

Scaffolding

- Prevention Tips:
 - ☐ Was the scaffold erected by a competent person?
 - ☐ Can scaffolds bear the necessary weight?
 - ☐ Have all employees been trained on proper scaffolding use?
 - ☐ Does the scaffold meet all planking requirements?
 - ☐ Is fall protection worn when needed?
 - ☐ Is there adequate falling object protection?
 - ☐ Are inspections conducted as often as necessary?

Scaffolding

Example Construction Citation – Insufficient Planking

Citation 2 Item 1 Type of Violation: **Willful**

29 CFR 1926.451(b)(1): Platform(s) on all working levels of scaffolds, were not fully planked or decked between the front uprights and guardrail supports such that the space between adjacent units, and the space between the platform and the uprights.

a) [REDACTED] The employer does not ensure that each supported scaffold working level is fully planked between the platform and the uprights. This continuing violation was most recently observed on [REDACTED] when employees performing stucco application did not have fully planked working surfaces. The employer's ongoing obligation is to ensure that all tubular welded frame scaffolding working levels are fully planked between the platform and the uprights.

No abatement certification or documentation required.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$30800.00



5

Ladders

- Why Violations Happen
 - Misuse and mismeasurement
 - Improper side rail height
 - Using top of stepladder as a step
 - Use for unintended purposes
 - Structural defects
- Risk Signs
 - High risk industry
 - Cutting corners
 - Not enough ladders available
 - Wet conditions



5

Ladders

- Prevention Tips:
 - ☐ Are you inspecting every ladder before use?
 - ☐ Can ladders support the necessary weight?
 - ☐ Are all workers trained on safe ladder use?

Ladders

Example Construction Citation – Damaged Ladders in Use

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1926.1053(b)(16): The employer does not immediately mark portable ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps, broken or split rails, corroded components, or other faulty or defective components, in a manner that readily identifies them as defective, or tag with them "Do Not Use" or similar language, nor does the employer withdraw from service until repaired.

This violation was most recently observed on [REDACTED]
[REDACTED] where ladders with damaged and defective parts were not withdrawn from service, exposing employees accessing and working from the ladders and ladders of the ladder jack scaffold to fall hazards of up to 21 feet, 6-inches, for the following instances;
Instance 1: Werner 32-foot ladder with two bent rungs.
Instance 2: Werner 24-foot ladder with the first rung broken, 7th rung bent, and the ladder's side rail broken and damaged.

To abate this violation, the employer must ensure that ladders with damage and defective parts are withdrawn from service until repaired.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$4620.00

6

Lockout/Tagout

- Why Violations Happen
 - Poor documentation
 - Poor or inconsistent training
 - Failure to identify all sources of hazardous energy
 - Wrong LOTO device
 - Poor auditing
 - Insufficient validation
 - Not following correct order of LOTO steps:
 1. Notify employees
 2. Shut down equipment
 3. Isolate the source of energy
 4. Attach the lockout device
 5. Release or restrain any energy stored within the machine
 6. Verify the lockout

6

Lockout/Tagout

- Risk Signs
 - Poor or inconsistent training
 - Authorized vs Affected Employees
 - Internal maintenance on machinery
 - Lack of specific written procedures
 - Old or high-maintenance equipment
 - Inadequate or no auditing



6

Lockout/Tagout

- Prevention Tips:
 - ☐ Do you have written lockout/tagout procedures in place for every machine?
 - ☐ Are your employees trained on proper maintenance and service protocol?
 - ☐ Have you trained affected employees?
 - ☐ Do you have processes in place to ensure employee safety when proper compliance has been broken?
 - ☐ Do the authorized employees verify the equipment is de-energized before performing the work?
 - ☐ Are all procedures on an annual validation schedule to ensure the procedures are correct?

Lockout/Tagout

Example Citation General Industry – Annual inspections

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:



ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/08/2015
Proposed Penalty:	\$7000.00

7

Powered Industrial Trucks

- Why Violations Happen
 - Forklifts tip over
 - Pedestrian accidents
 - Horseplay
 - Equipment issues
 - Remember! Must be 18 to operate a forklift
- Risk Signs
 - High risk industry
 - Poor or inconsistent training
 - Lack of certification
 - Reckless driving
 - Lack of consistent inspection or maintenance
- Learn more:
www.osha.gov/SLTC/poweredinustrialtrucks/standards.html

Powered Industrial Trucks

- Prevention Tips:
 - ☐ Are all forklift operators trained and certified and have all employees taken forklift safety training?
 - ☐ Is a practical evaluation included in the training?
 - ☐ Are operators given adequate practice time?
 - ☐ Is equipment inspected prior to each shift it is used?
 - ☐ Do all forklift drivers wear safety belts when vehicles are in operation?
 - ☐ Do you have processes to ensure proper use?

Powered Industrial Trucks

Example Citation General Industry – Training/Overloaded Truck


Citation 2 Item 4 a Type of Violation: **Serious**

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified per 29 CFR 1910.178(l):

(a) 

Abatement Note: Abatement certification **and** documentation are required for this item (See enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 
Proposed Penalty: \$4,900.00

Citation 1 Item 1 a Type of Violation: **Willful**

29 CFR 1910.178(o)(2): Load(s) were being handled which exceeded the rated capacity of the industrial truck(s):

(a) 

Bundles of five slabs, weighing approximately 6,500 pounds were moved. The back end of the powered industrial truck lifted when moving such loads. The employer placed a container of granite slab pieces onto the tail of the powered industrial truck to act as a counterweight. The employer did not ensure that loads were within the rated capacity of the Hyster powered industrial truck with attachment. This condition exposed employees to tip over and crushing hazards.

Abatement Note: Abatement certification **and** documentation are required for this item (See enclosed "Certification of Corrective Action Worksheet").

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/10/2016
Proposed Penalty: \$42,000.00



9

Personal Protective Equipment

Eye & Face Protection

- Why Violations Happen
 - Underestimating risk of eye and face injury
 - Neglecting to wear PPE
 - Removing PPE before it's safe
 - Equipment isn't accessible, available, or stored properly
 - Poor or inconsistent training
- Risk Signs
 - High risk industry
 - No hazard assessments
 - Work with chemicals or other hazardous substances
 - Poor PPE



9

Personal Protective Equipment

Eye & Face Protection

- Prevention Tips:
 - ☐ Does your facility have a completed and signed hazard assessment?
 - ☐ Are all employees properly trained on PPE applicable to their role?
 - ☐ Are all employees wearing safety glasses, safety goggles, or face shields when performing eye-threatening activities?

Personal Protective Equipment

Example Citation General Industry – Hazard Assessment/No PPE

Citation 1 Item 1 a Type of Violation: **Serious**

29 CFR 1910.132(d)(2): The employer did not verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated, the person certifying that the evaluation has been performed, the date(s) of the hazard assessment, and, which identifies the document as a certification of hazard assessment:

Employees working throughout the facility were exposed to hazards associated with welding, the operation press machines and other tools and equipment and the employer had not certified that a workplace hazard assessment had been completed.

ABATEMENT CERTIFICATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: [REDACTED]

Proposed Penalty: \$2100.00

Citation 1 Item 3 b Type of Violation: **Serious**

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee used appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

This violation occurred on or about May 27, 2014, and at times prior to, in the production area; where the employer did not ensure that employees, who worked with hazardous chemicals, including but not limited to Pro Sealer, wore protective eyewear to prevent eye injuries.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: [REDACTED]



10

Machine Guarding

- Why Violations Happen
 - Not all equipment has required safety controls in place
 - Use of user-designed safeguards
 - Human error
 - Poor or inconsistent training
- Risk Signs
 - Work with numerous industrial machines
 - Old machines still in use
 - No recent inspections
 - People working close to hazardous machines
 - Poor or inconsistent training



10

Machine Guarding

- Prevention Tips:
 - ☐ Have you identified all machine-related injury risks?
 - ☐ Have you explored the hierarchy of controls to eliminate the hazard?
 - ☐ Have all operators undergone safeguarding training?
 - ☐ Are you continually monitoring your equipment and employees?

Machine Guarding

Example Citation General Industry

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

- (a) [REDACTED] - The guarding on the shear was inadequate exposing employees to pinch-point, caught-in and struck-by hazards from the shear as it moves back and forth during cutting operation. The feed end of the shear was completely unguarded, while the discharge side guard opening was too large (approximately 11.5 X 9.5 inches) and was missing fasteners to hold the guard in place.
- (b) [REDACTED], the shear was not guarded exposing employees to pinch-point, caught-in and struck-by hazards.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated: [REDACTED]
Proposed Penalty: \$6600.00

Regional and Local Emphasis Programs

REGION V – LOCAL EMPHASIS PROGRAMS

- Building Renovation/Rehabilitation and Demolition
- Fall Hazards in Construction and General Industry
- Federal Agencies
- Grain Handling Facilities
- High Rise Building Construction Inspections in Chicago IL
- Maritime Industries
- Powered Industrial Vehicles
- Wood Pallet Manufacturing Industry
- Exposure to Noise Hazards in the Workplace

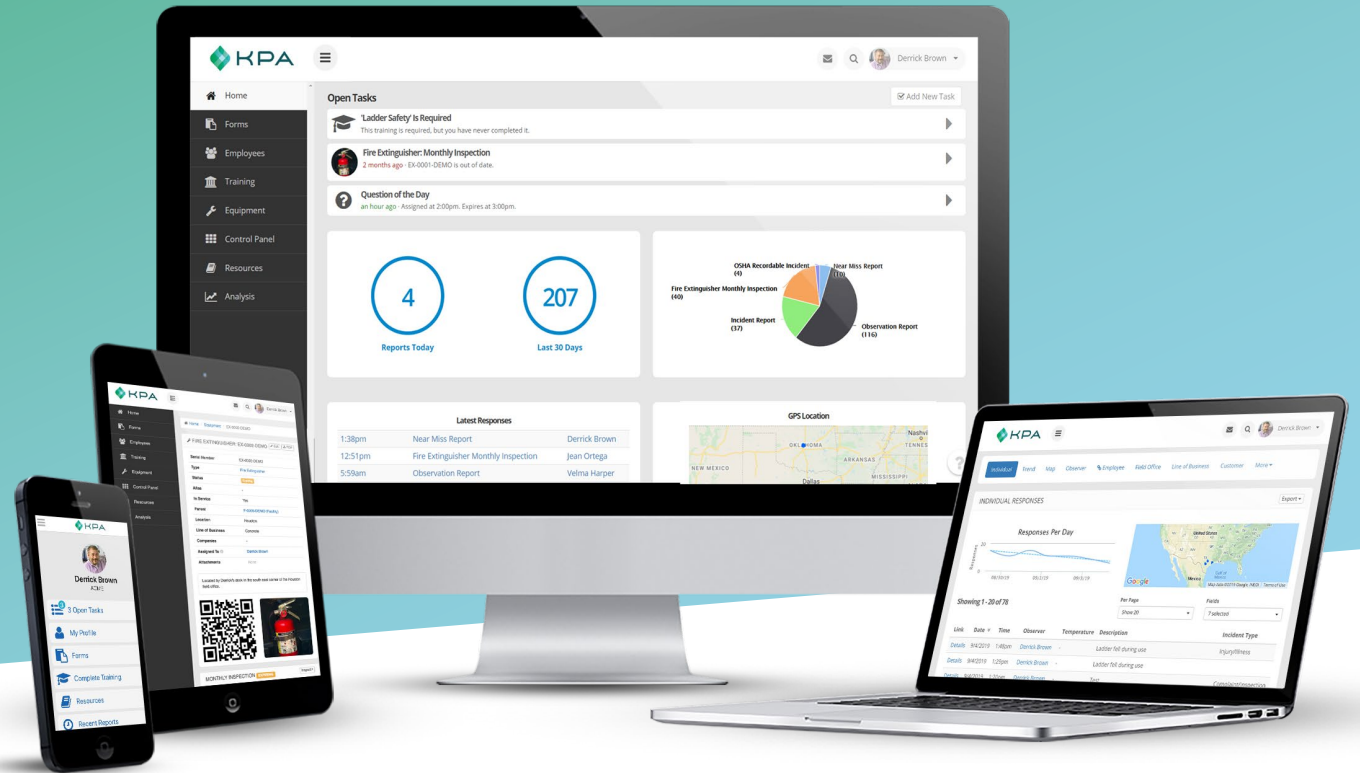
REGION VII – LOCAL EMPHASIS PROGRAMS

- Des Moines Area Office Local Emphasis Program (LEP) Covering Maritime Employers
- Des Moines Area Office Local Emphasis Program (LEP) for Federal Agencies
- Powered Industrial Trucks and Other Material or Personnel Handling Motorized Equipment in Construction, General Industry, and Maritime
- High Hazard Safety and Health Workplace Inspections
- Work Places with Noise and Respiratory Hazards
- Fertilizer Grade Ammonium Nitrate (FGAN) and Agricultural Anhydrous Ammonia Facilities
- Falls, Scaffolds, and Electrocutions from Overhead Power Lines in Construction

How KPA Can Help

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COVID19 Emergency Temporary Standard

Healthcare Industries

- Develop and implement a COVID-19 plan meeting certain parameters
- Screen patients and limit access to settings where direct patient care is provided;
- Follow CDC guidelines related to transmission-based precautions;
- Provide personal protective equipment (PPE) and ensure appropriate use by employees;
- Limit exposure to aerosol-generating procedures on a person with suspected or confirmed COVID-19;
- Enforce indoor physical distancing requirements and install physical barriers at fixed work locations in non-patient care areas;
- Comply with CDC guidelines regarding cleaning and disinfecting of surfaces;
- Monitor ventilation systems;
- Conduct regular health screening of employees and provide notice of positive cases of COVID-19;
- Provide reasonable paid leave for vaccination and vaccine side effects;
- Provide training related to COVID-19 transmission, policies, and procedures;
- Provide notice to employees regarding the prohibition on retaliation for exercising rights available under the ETS;
- Establish a COVID-19 log of all employee instances (occupational or otherwise) of COVID-19 (only required for employers with more than 10 employees); and
- Report work-related COVID-19 fatalities and hospitalizations to OSHA.

COVID19 Updated Guidance

All Industries

- Granting paid time off for employees to get vaccinated;
- Instructing any workers who are infected, unvaccinated workers who have had close contact with someone who tested positive for SARS-Co-V-2, and all workers with COVID-19 symptoms to stay home from work;
- Implementing physical distancing for unvaccinated and otherwise at-risk workers in all communal work areas;
- Providing unvaccinated and otherwise at-risk workers with face coverings or surgical masks, unless their work task requires a respirator or other PPE;
- Educating and training workers on the employer's COVID-19 policies and procedures using accessible formats and language(s) they understand;
- Suggesting that unvaccinated customers, visitors, or guests wear face coverings;
- Maintaining ventilation systems;
- Performing routine cleaning and disinfection;
- Recording and reporting COVID-19 infections and deaths;
- Implementing protections from retaliation and setting up an anonymous process for workers to voice concerns about COVID-19-related hazards; and
- Following other applicable mandatory OSHA standards.

OSHA Regulations Related to COVID Protection

Here is a list of regulations which can easily be violated in regards to COVID cases

- Provide a medical evaluation before a worker is fit-tested or uses a respirator.
- Perform an appropriate fit test for workers using tight fitting respirators.
- Assess the workplace to determine if COVID-19 hazards are present, or likely to be present, which will require the use of a respirator and/or other personal protective equipment (PPE).
- Establish, implement, and update a written respiratory protection program with required worksite-specific procedures.
- Provide an appropriate respirator and/or other PPE to each employee when necessary to protect the health of the employees (ensuring the respirator and/or PPE used is the correct type and size).
- Train workers to safely use respirators and/or other PPE in the workplace, and retrain workers about changes in the workplace that might make previous training obsolete.
- Store respirators and other PPE properly in a way to protect them from damage, contamination, and, where applicable, deformation of the facepiece and exhalation valve.
- For any fatality that occurs within 30 days of a work-related incident, report the fatality to OSHA within eight hours of finding out about it.
- Keep required records of work-related fatalities, injuries, and illness.

Audience Q&A



KPA



<https://www.kpa.io/library>

Contact Us



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