



Safety News

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Safety Consulting

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OSHA penalties to be increased if legislation passes

Legislation responding to the nation's worst mining tragedy in four decades will save lives and hold mine operators accountable for putting their workers in unnecessary danger, witnesses told the House Education and Labor Committee. However, the proposed legislation deals with more than just safety in the mining industry. The legislation will also significantly increase OSHA's ability to help protect workers, according to David Michaels, Assistant Secretary of Labor Occupational Safety and Health.

In his testimony before the House of Representatives, Michaels stated that "Title VII of the Miner Safety and Health Act provides critical amendments to the OSH Act that would increase OSHA's civil and criminal penalties, enhance whistleblower protections and victims' rights, and give OSHA the authority to require abatement of serious hazards even if and while the employer contests citations issued for them."

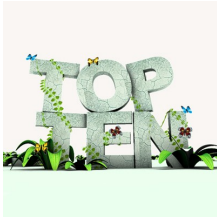
According to Michaels, since OSHA can visit only a limited number of workplaces each year, the agency needs a stronger OSH Act to leverage resources to encourage compliance by employers. "We need to make employers who ignore real hazards to their workers' safety and health think again. Federal OSHA and state plans combined have just over 2,200 inspectors, which translates to about one compliance officer for every 60,000 workers," said Michaels. "OSHA needs more modern tools to ensure that employers are safeguarding the safety and health in our country's almost 9 million workplaces."

In terms of impact on the mining industry, the Mine Safety and Health Act would revamp the criteria for 'pattern of violations' sanctions to ensure that dangerous mine operations fix chronic problems. MSHA would have authority to close down the mine once a 'pattern of violations' status is triggered, and in order to reopen, mine operators have to comply with a remediation plan and be subject to more mine inspections and additional reporting requirements.

The legislation also responds to a number of recent deadly explosions at refineries, power plants and food processing facilities. It would extend similar worker protections to all workplaces in order to hold employers accountable if they knowingly put their workers in danger.

OSHA General Industry Top Ten Violations

Listed below are the "top ten" cited violations found during Federal OSHA general industry inspections from October 2008 through September 2009.



Rank	Standard	Hazard
1.	29 CFR 1910.147	The Control of Hazardous Energy
2.	29 CFR 1910.1200	Hazard Communication
3.	29 CFR 1910.134	Respiratory Protection
4.	29 CFR 1910.212	General Requirements for All Machines
5.	29 CFR 1910.305	Wiring Methods, Components, and Equipment for General Use
6.	29 CFR 1910.178	Powered Industrial Trucks
7.	29 CFR 1910.303	General Electrical Requirements
8.	29 CFR 1910.119	Process Safety Management of Highly Hazardous Chemicals
9.	29 CFR 1910.219	Mechanical Power-Transmission Apparatus
10.	29 CFR 1910.215	Abrasive Wheel Machinery

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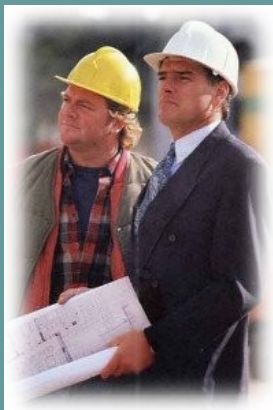
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"It's All About You"

Congress releases summary of major safety reforms

Leading members of the U.S. Senate and House of Representatives released a summary and discussion draft of major reforms responding to serious health and safety concerns raised by workers and their families since Upper Big Branch Mine tragedy and other recent workplace accidents.

The reforms are designed to provide stronger oversight to ensure that employers comply with the law, empower workers to speak up about safety concerns and give the Department of Labor the tools it needs to ensure that all workers go home safely at the end of the day.

"In mines around the country and in other workplaces as well, worker safety has not been a priority. Bad actors have put profits ahead of people. As a consequence, workers have lost vital protections, suffered significant injuries and, in too many cases, lost their lives," said Senator Tom Harkin (D-IA), chair of the Senate Health, Education, Labor and Pensions Committee. "We are determined to put sharper teeth in our workplace safety laws and to step up federal enforcement. We look forward to working with members on both sides of the aisle to find bipartisan solutions for workers. These policy ideals start that dialogue."

The proposed legislative changes to protect the safety of all workers and prevent future disasters include:

Making mines with serious and repeated violations safe – Criteria for 'pattern of violations' sanctions would be revamped to ensure that the nation's most dangerous mine operations improve safety dramatically.

Ensuring irresponsible operators are held accountable – Maximum criminal and civil penalties would be increased and operators would be required to pay penalties in a timely manner.

Giving MSHA better enforcement tools – MSHA would be given the authority to subpoena documents and testimony. The agency could seek a court order to close a mine when there is a continuing threat to the health and safety of miners. MSHA could require more training of miners in unsafe mines. Increased rock dusting would be required to prevent coal dust explosions.

Protecting workers who speak out on unsafe conditions – Miners would be granted the right to refuse to work in unsafe conditions. Protections for workers who speak out about unsafe conditions would be strengthened, and miners would not lose pay for safety-related closures. In addition, miners would receive protections so they can speak freely during investigations.

Increasing MSHA's accountability – The legislative outline provides for an independent investigation of the most serious accidents. It would require that mine personnel are well-qualified, and ensure that inspections are comprehensive and well-targeted. Additionally, it requires pre-shift reviews of mine conditions and communication to ensure that appropriate safety information is transmitted.

Guaranteeing basic protections in all other workplaces – To ensure that all workplaces have basic protections, whistleblower protections would be strengthened, criminal and civil penalties would be increased, and hazard abatement would be sped up. In addition, victims of accidents and their family members would be provided greater rights during investigations and enforcement actions.

For more information, visit <http://edlabor.house.gov/documents/111/pdf/publications/20100629MinerSafetyActFivePageOverview.pdf>

MSHA releases three information bulletins

The Mine Safety and Health Administration last week issued several program information bulletins. One [bulletin](#), reissued on July 8, provides a training guide and sample lesson plan for complying with miner training regulations for diesel particulate matter.

Another [bulletin](#) contains guidance on fall protection consisting of safety belts, lines and life jackets for people working on barges at river loading facilities where coal is mined.

A July 13 [bulletin](#) addresses hazards related to rubber-tired and track-mounted excavators at surface coal and metal and nonmetal mines.



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"It's All About You"

OSHA: Language Requirements for Training Will be Checked

Federal OSHA has issued an [enforcement memorandum](#) directed at protecting Latino and other non-English speaking workers from workplace hazards. It directs compliance officers to ensure they check and verify that workers are receiving OSHA required training in a language and vocabulary they understand.

Hexavalent chromium rule sets new employer requirements for worker protection

OSHA's [final rule](#) requiring employers to notify their workers of all hexavalent chromium exposures goes into effect June 15. The rule revises a provision in OSHA's Hexavalent Chromium standard that required workers be notified only when they experienced exposures exceeding established safe limits. Workers exposed to this toxic chemical are at greater risk for lung cancer and damage to the nose, throat, eyes, skin and respiratory tract. Occupational exposures to hexavalent chromium can occur among workers handling pigments, spray paints and coatings. See the [news release](#) for more information and visit OSHA's Safety and Health Topics page on [hexavalent chromium](#) to learn about protecting workers from exposure to this chemical.

OSHA launches newly redesigned Small Business Web page

The new [Small Business page](#) of OSHA's Web site provides links to numerous OSHA resources and information designed specifically for smaller employers, including the free [On-site Consultation Program](#), safety and health tools and publications, easy-to-follow guides for specific OSHA standards, and descriptions of benefits that small businesses receive from OSHA. The page also includes information on the Safety and Health Achievement Recognition Program (SHARP), which recognizes small employers who operate an exemplary safety and health management system.

New OSHA proposal to improve worker protection from injury and death on walking-working surfaces

OSHA has proposed a revision of the current Walking-Working Surfaces standard to require employers to provide their workers with fall protection devices such as self-retracting lanyards and ladder safety and rope descent systems. Trips, slips and falls are a leading cause of workplace injuries and death and the revisions to this standard will help prevent an estimated annual 20 workplace fatalities and more than 3,500 injuries serious enough to cause people to miss work. Current Walking-Working Surfaces regulations allow employers to provide outdated and dangerous fall protection equipment such as lanyards and body belts that can result in workers suffering greater injury from falls. OSHA is seeking public comment on the new proposal. See the [news release](#) for more information.

Enforcement program targeting employers who repeatedly endanger workers' lives takes effect

OSHA's new Severe Violator Enforcement Program directive went into effect June 18. The directive establishes procedures and enforcement actions for the severe violator program, including increased inspections, such as mandatory follow-up inspections and inspections of other worksites of the same company where similar hazards or deficiencies may be present.

The directive explains that the SVEP is intended to focus enforcement efforts on employers who have demonstrated recalcitrance or indifference to their OSH Act obligations by committing willful, repeated or failure-to-abate violations in one or more of the following circumstances: a fatality or catastrophe situation; in industry operations or processes that expose workers to severe occupational hazards; exposing workers to hazards related to the potential releases of highly hazardous chemicals; and all egregious enforcement actions. Visit the [Severe Violator Enforcement Program directive](#) for more details.