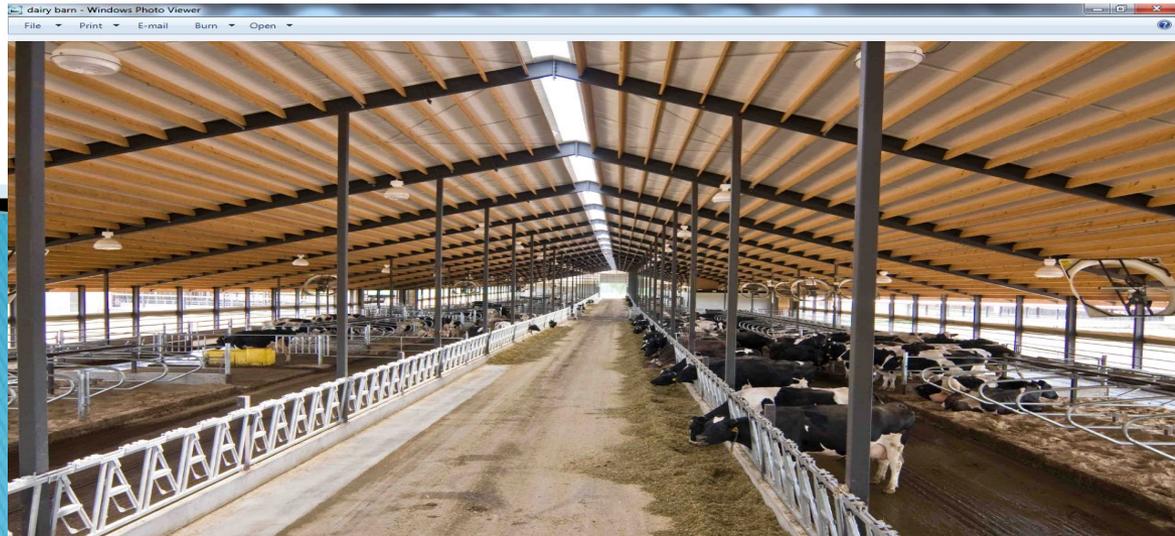




# Understanding OSHA's Region 2 Dairy Farm Emphasis Program

USDOL/OSHA  
Nick Donofrio – Region 2 Compliance  
Assistance Specialist  
130 S. Elmwood Avenue, Suite 500  
Buffalo, NY 14202  
716-796-0803



# OSHA Compliance Assistance

One tool in your  
Safety and  
Health tool box



# Occupational Safety & Health Act (OSH Act)

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- Signed  
**December 29, 1970**
- OSHA opened its doors  
**April 28, 1971**



# OSHA's Balanced Approach

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- **Enforcement**
- **Compliance Assistance**
- **Consultative Services**

# OSHA On-Site Consultation

- ▶ Confidential occupational safety and health services at [No Cost](#) to employers.
- ▶ Available to all small and medium-sized businesses
- ▶ Priority for high hazard industries
- ▶ Consultation programs in [all 50 states, District of Columbia, and several territories](#)
- ▶ Consultation programs are operated from within [state agencies or universities](#)
- ▶ Separate from OSHA's enforcement efforts – [focus on compliance assistance](#)



[osha.gov/consultation](https://www.osha.gov/consultation)

# NYS Safety Consultative Services

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*The services offered include:*

- ▶ On-site consultation surveys to identify safety hazards,
- ▶ Industrial hygiene surveys to determine air contaminants, noise exposure levels, and other health hazards, and
- ▶ Suggestions for mitigation, controlling or eliminating these safety and health hazards.

Training Programs available for Businesses after completion of an initial hazard survey include:

- Accident Investigation
- Hazard Communication
- Recordkeeping Rule
- Fall Protection
- Safety for Workers in the Hospitality and Tourism Industries
- Confined Space Entry
- Many more

# NYS Safety Consultative Services

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Albany	(518) 457-2810
Binghamton	(607) 721-8019
Buffalo	(716) 847-7166
Garden City	(516) 228-3959
New York City	(212) 775-3526
Rochester	(716) 847-7166
Syracuse	(315) 479-3205
Utica	(315) 793-2319
White Plains	(914) 997-9511

# Objectives

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- ▶ Discuss the OSHA Dairy Farm Local Emphasis Program
  - Review Dairy Dozen
- ▶ Frequent OSHA Dairy Farm Violations
  - Hazards – Confine Space, Guarding, Haz Com, LOTO, Incident Reporting
- ▶ OSHA Area Directors
  - Mike Scime, Buffalo    Jeff Prebish, Syracuse
    - Expanding Inspections
    - Employer Right's and Responsibilities
    - What to expect after on site inspection

# OSHA Region 2 Dairy LEP 10/01/18 – 09/30/23



## OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 2019-03	EFFECTIVE DATE: 10/1/2018
SUBJECT: Local Emphasis Program – Dairy Farm Operations	
REGIONAL IDENTIFIER: Region 2	

### ABSTRACT

**Purpose:** This instruction continues the implementation of the Local Emphasis Program (LEP) for programmed inspection of the dairy farming industry.

**References:** CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, 11/13/2018; CPL 02-00-160, Field Operations Manual, 8/2/2016; CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, 5/28/1998; CPL 02-00-025, Scheduling System for Programmed Inspections, 1/4/1995.

**Cancellations:** This instruction cancels the Local Emphasis Program for Dairy Farm Operations, 2018-03 (CPL2).

**Expiration:** This instruction expires on September 30, 2023.  
Exception: Any inspection begun prior to September 30, 2023 may continue until its conclusion.

**Action Offices:** Buffalo, Syracuse, and Albany Area Offices – Region II

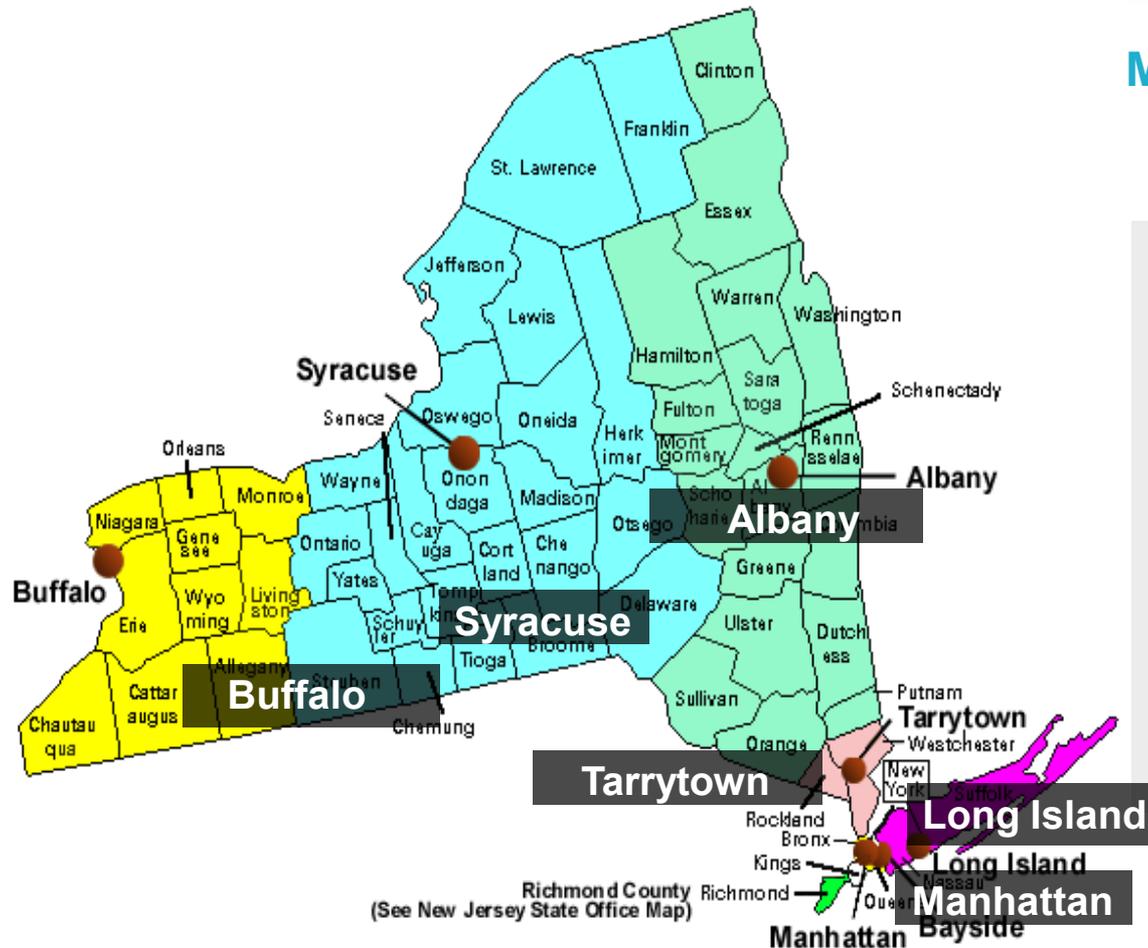
**Originating Office:** Syracuse Area Office

**Contact:** Office of the Regional Administrator  
201 Varick Street, Rm.670  
New York, NY 10014

By and Under the Authority of

For Robert D. Kulick  
Regional Administrator

# OSHA Area Offices – NYS



**Main OSHA Number:**  
1-800-321-OSHA,  
1-800-321-6742

**Buffalo Area Office**  
(716) 551-3053

**Syracuse Area Office**  
(315) 451-0808

**Albany Area Office**  
(518) 464-4338

**Tarrytown Area Office**  
(914) 524-7510

**Manhattan Area Office**  
(212) 620-3200

**Long Island Area Office**  
(516) 334-3344

# Enforcement Exemptions and Limitations under the Appropriations Act – CPL 2-0.51J

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- ▶ OSHA rules apply to employee/employer relationships.
- ▶ A farming operation is **exempt** from all OSHA activities if it:
  - Employs 10 or fewer employees currently and *at all times* during the last 12 months; and
  - Has not had an active temporary labor camp during the preceding 12 months.

Family members of farm employers are not counted when determining the number of employees.

A part-time employee is counted as “1” employee

# Key Definitions

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- **Farming operation** means any operation involved in the growing or harvesting of crops, the raising of livestock or poultry, or related activities conducted by a farmer on sites such as farms, ranches, orchards, **dairy farms** or similar farming operations.
- **Agricultural employer** means any person engaged in agricultural activity employing one or more employees. Members of the immediate family of the farm employer are not regarded as employees.
- **Immediate family member** means those in **direct relation** to the farm employer, such as a **parent, spouse, or child**. Step-children, foster children, step-parents and foster parents will also be considered as immediate family members. Other relatives, even when living permanently in the same household as the employer, will not be considered to be part of the immediate family. Reference: Fair Labor Standards Act, 29 CFR 780.308 “Definition of immediate family” regarding exemptions under minimum wage and overtime provisions.

# Key Definitions (con't)

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- **Temporary**: The term “temporary” in OSHA’s regulation for temporary labor camps (29 CFR 1910.142) refers to employees who enter into an employment relationship for a discrete or defined time period. The term “temporary” refers to the length of employment, and not to the physical structures housing employees.
- **Temporary labor camp** means farm housing directly related to the seasonal or temporary employment of farm workers.
  - Housing includes both permanent and temporary structures located on or off the property of any employer who meets the definition of a “farming operation.”
  - Temporary labor camp housing means required employer–provided housing that, due to company policy or practice, necessarily renders such housing a term or condition of employment.

# Major Employer Responsibilities



- Provide a workplace free from recognized hazards
- Comply with OSHA standards and regulations
- Be familiar with standards applicable to their workplace

# Immigration Status

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- ▶ ALL WORKERS, **EVEN UNDOCUMENTED WORKERS**, HAVE A RIGHT TO A SAFE AND HEALTHY WORKPLACE.
- ▶ OSHA DOES NOT IMPOSE PENALTIES FOR UNDOCUMENTED WORKERS.
- ▶ *Health and safety laws protect all employees regardless of their immigration status.* Therefore, undocumented workers have the same rights to as every other worker in every workplace in America.

OSHA WILL NOT  
INQUIRE ABOUT  
IMMIGRATION STATUS



# Employee Rights

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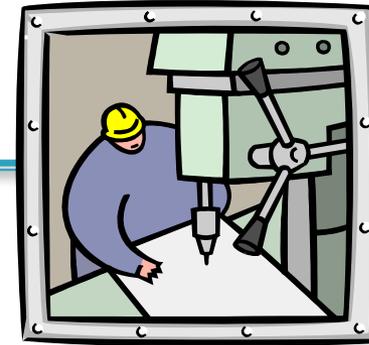
- ▶ Request OSHA investigation
- ▶ Name withheld from employer & complaint
- ▶ Talk with compliance officers privately
- ▶ Participate in inspection and after inspection action
- ▶ Offered Whistleblower Protection 11(c)
- ▶ Right to see OSHA citations issued to employer
- ▶ Right to access & obtain medical records

# Employee Rights

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- ▶ Review OSHA standards, rules and regulations available in the workplace.
- ▶ Request information from employer on S&H hazards, precautions, & emergency procedures
- ▶ Receive adequate training and information
- ▶ Receive PPE appropriate for the hazard

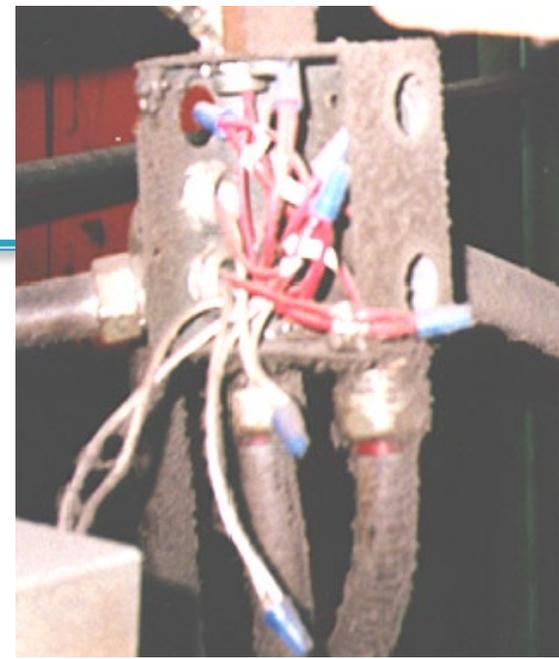
# Section 11(c)



Discrimination can include:

- Firing or laying off
- Blacklisting
- Demoting
- Denying overtime or promotion
- Disciplining
- Denial of benefits
- Failure to hire or rehire
- Intimidation
- Reassignment affecting future promotions
- Reducing pay or hours

# Is there a need for OSHA ?



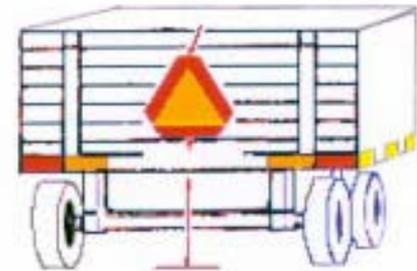
# OSHA Standards

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- ▶ 29 CFR 1910: General Industry
- ▶ 29 CFR 1926 : Construction
- ▶ 29 CFR 1915, 1917, 1918 : Maritime
- ▶ 29 CFR 1928: Agriculture
  - As Referenced

# General Industry When Referenced in 1928.21(a)

- ▶ **1928.21(b)** Except to the extent specified in paragraph (a) of this section, the standards contained in Subparts B through T and Subpart Z of part 1910 of this title do not apply to agricultural operations.
- ▶ **1928.21(a)**: The following standards in part 1910 of this Chapter shall apply to agricultural operations:
  - ▶ **1928.21(a)(1)**: Temporary labor camps – 1910.142; – may refer to Wage and Hour
  - ▶ **1928.110** – Field Sanitation – may refer to Wage and Hour
  - ▶ **1928.21(a)(2)**: Storage and handling of anhydrous ammonia – 1910.111(a) and (b);
  - ▶ **1928.21(a)(3)**: Logging Operations – 1910.266;
  - ▶ **1928.21(a)(4)**: Slow-moving vehicles – 1910.145
  - ▶ **1928.21(a)(5)**: Hazard communication – 1910.1200
  - ▶ **1928.21(a)(6)**: Cadmium – 1910.1027
  - ▶ **1928.21(a)(7)**: Retention of DOT markings, placards and labels – 1910.1201



# General Duty Clause

- ▶ Section 5(a)(1) of the Act

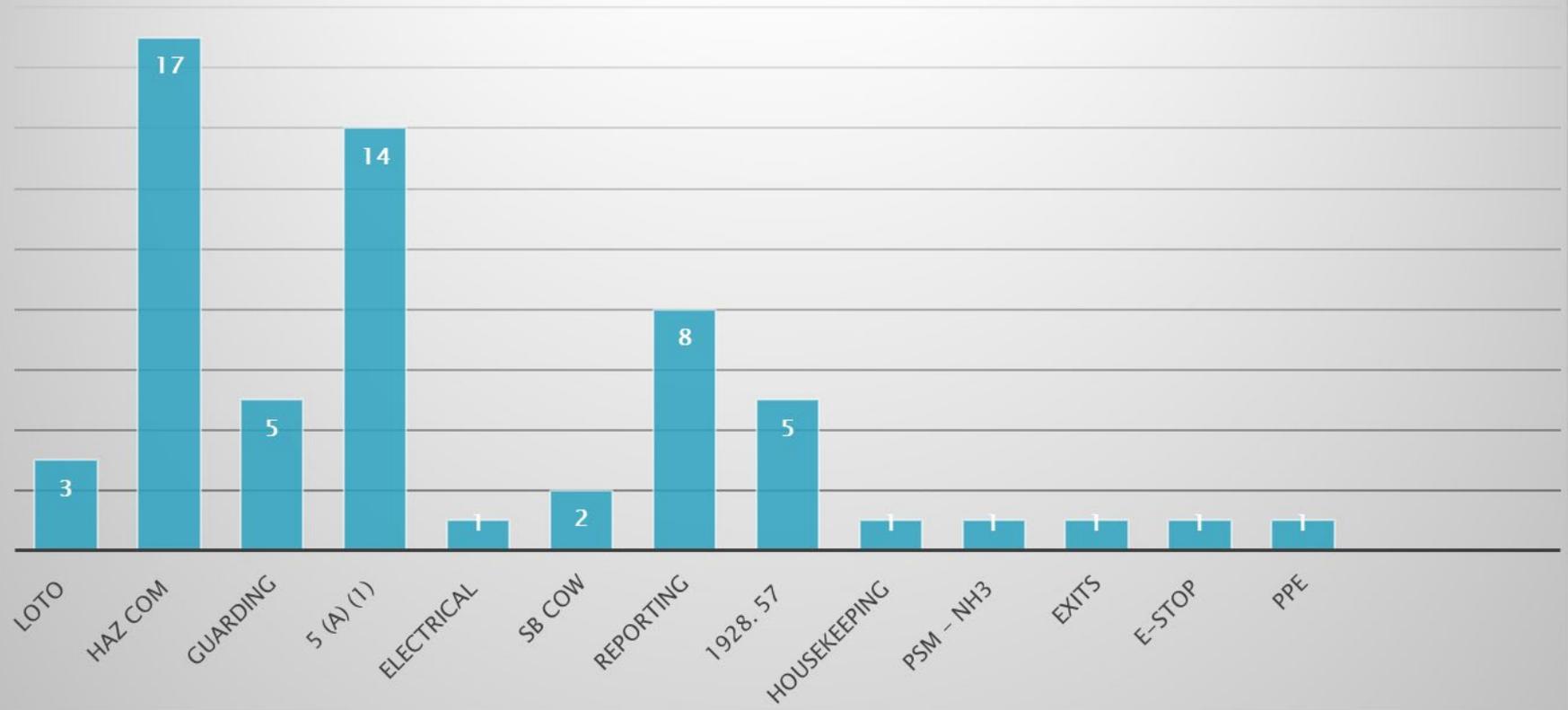
“Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.”

- ▶ Applies when there is no specific standard



# Results of OSHA Dairy Inspections

Fed Violation Types  
Dairy Farms FY 18-20



# Initial Penalties per OSHA inspections



# Hazards Identified on Dairy Farms ("Dairy Dozen")

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1. Manure Storage and Collection Structures
2. Dairy Bull and Cow Behavior / Worker Positioning
3. Electrical Systems
4. Skid Steer Operation
5. Tractor Operation
6. Guarding of Power Take-Offs (PTOs)
7. Machine Guarding: Field and Farmstead Equipment
8. Lockout – Unexpected Energy Release
9. Hazard Communication
10. Confined Spaces
11. Horizontal Bunker Silos
12. Noise



# 1. Manure Storage Facilities and Collection Structures [Section 5(a)(1)]

Fatal or serious **drowning hazards** may exist where farm vehicles such as tractors, manure spreading trucks, manure pumps/agitators, and skid-steers are operated in near proximity to waste storage impoundments and structures without the benefit of **control measures**, such as

- 1) **safety stops and/or gates** at manure push-off ramps and load-out areas to prevent accidental entry of machinery; and

Guidance document

American Society of Agricultural and Biological Engineers **ASABE EP 470.1**

**Manure Storage Safety**

*6.1.5 All push off platforms or piers for open, below-ground manure storage structures need a barrier strong enough to stop a slow moving tractor or skid loader.*



# Manure Tanker in Pit



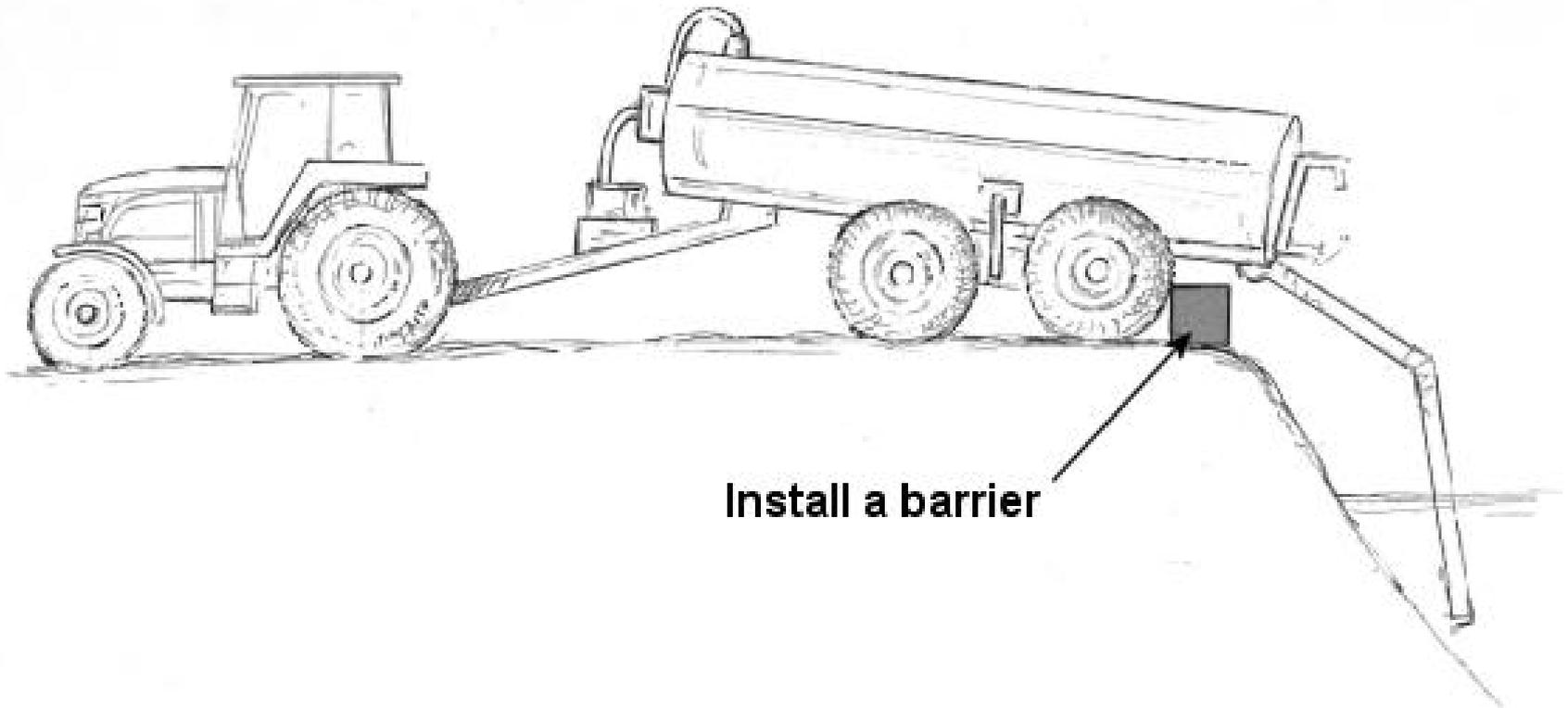
# Worker Exits Tractor w/Tires Turning

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# Barrier Required Firm Foundation to Support Weight of a Filled Trailer

---



**Install a barrier**

# Longer Pumping System



# Guarding Access / Prevent Backing into Lagoon: Agitating



No ROP  
on this  
tractor

PTO Shaft  
Unguarded

# Manure Storage Facilities and Collection Structures

2) **warning signs, fences, ladders, ropes, bars, rails and other devices** to restrict the accidental passage of vehicles and personnel across outdoor earthen manure storages.

Guidance document

## ASABE EP 470.1 Manure Storage Safety

6.1.6 Open storages should be *fenced* in unless they are aboveground tanks. Warning signs should be posted.

8.5 Warning sign contents and safe management suggestions

8.5.3 Earthen storages. Warning sign(s) should be located on the fence near the entry gate that prohibit entry to the storage should be posted.

e.g. Do Not Enter, Drowning Hazard.

8.5.3.1 “Danger Manure Storage”, “Danger Keep Out”, “Danger Keep Away”



# Fence –Barriers Around Lagoon

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# 10. Confined Spaces [Section 5(a)(1)]

## **Confined Spaces:**

Serious or fatal chemical asphyxiation, oxygen (O<sub>2</sub>) deficiency, inhalation, engulfment, or caught-in hazards may exist where there is entry into grain storage bins, vertical silos, hoppers, manure storage vessels, milk vessels, below grade manure collection systems, etc.



## **Guidance document:**

ANSI/ASSE Z117.1–2009: Safety Requirements for Confined Spaces

- Evaluate the confined space
- Decide whether employees will enter
- Signage = Warning
- Train employees for your confined spaces
- Create a Policy
  - Authorized Personnel Only
  - Do Not Enter
- Multi-Employer Worksite Citation Policy

# Manure Storage Facilities and Collection Structures

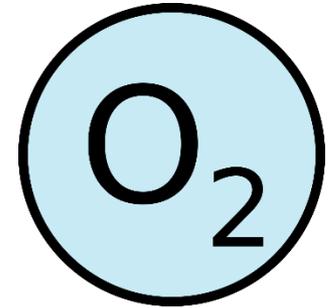
Fatal or serious **inhalation hazards** of **gases** including hydrogen sulfide ( $H_2S$ ), carbon dioxide ( $CO_2$ ), methane ( $CH_4$ ), and ammonia ( $NH_3$ ) may exist where manure gases are generated through the handling of liquid or semi-solid manure through activities such as pumping, mixing, agitating, spreading, or cleaning-out. **Oxygen ( $O_2$ ) deficiency hazards** are an additional related concern.



**Confined Spaces (1910.146) need:**

- Written Program
    - How will you test for gases?
    - How will you prevent employee exposure?
  - Training exercise
    - Everyone knows their responsibilities
    - Practice with equipment
    - Discuss additional risks identified in practice
- Rescue Plan
- Calling 911 isn't enough

# Entry Concern



# 1910.146 or 1910.272: Permit Required Confined Spaces [Section 5(a)(1)]

---

- ▶ Identify all permit-required confined spaces in the workplace
- ▶ Prohibit unauthorized entry
  - training & education
- ▶ Develop written program
- ▶ Establish entry procedures
  - Written entry permit
  - Atmospheric testing
- ▶ Rescue planning



# 9. Hazard Communication

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Serious **chemical ingestion, absorption, splash, fire, or other hazards** may exist where hazardous chemicals such as teat dips, hoof care products, sanitization products, etc. are stored, dispensed, and used **without appropriate training and information** including the availability of Safety Data Sheets (SDSs).

1928.21(a)(5) Hazard Communication – 1910.1200

## **1910.1200(a)(1)**

The purpose of this section is to ensure that the **hazards of all chemicals produced or imported** are evaluated, and that information concerning their hazards is **transmitted to employers and employees**. This transmittal of information is to be accomplished by means of **comprehensive hazard communication programs**, which are to include **container labeling and other forms of warning, safety data sheets and employee training**.



# Hazard Communication

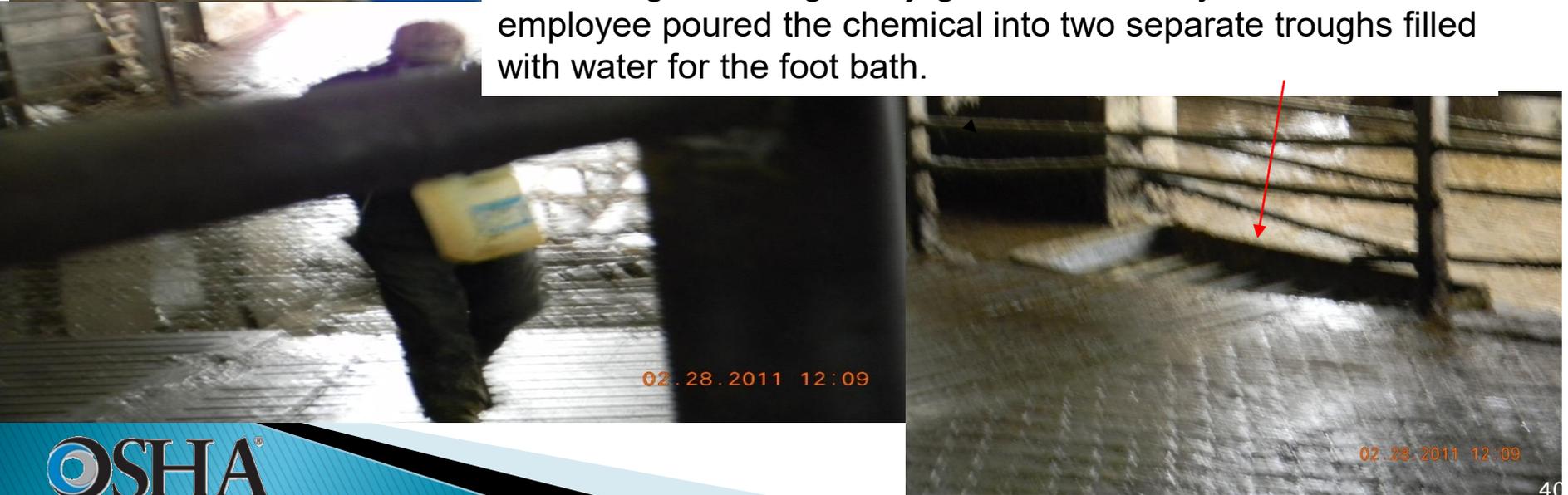
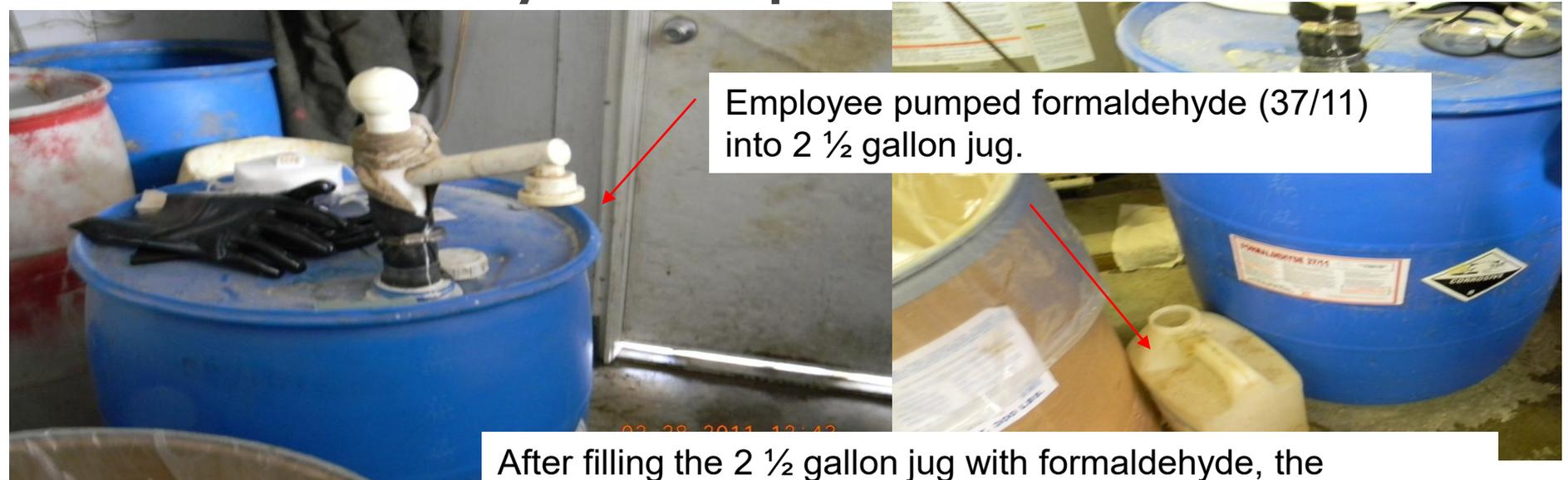
## Comprehensive written hazard communication program

- What's the hazard and the exposure to the hazard?
- PPE (Personal Protective Equipment)
- Are SDS available? Keep SDS for 30 years
- New hazard introduced – training (inform of hazard)



What's in  
your  
footbath?

# Formaldehyde Exposure



# Hoof Dip

- ▶ Formaldehyde
- ▶ Copper Sulfate
- ▶ Hydrogen Peroxide acid mixture



Health	3
Fire	2
Reactivity	0
Personal Protection	G

## Material Safety Data Sheet Formaldehyde 37% solution MSDS

Section 1: Chemical Product and Company Identification	
<b>Product Name:</b> Formaldehyde 37% solution <b>Catalog Codes:</b> SLF1426 <b>CAS#:</b> Mixture. <b>RTECS:</b> LP8925000 <b>TSCA:</b> TSCA 8(b) Inventory: Formaldehyde; Methyl alcohol; Water <b>CI#:</b> Not applicable. <b>Synonym:</b> Formalin <b>Chemical Name:</b> Formaldehyde <b>Chemical Formula:</b> HCHO	<b>Contact Information:</b> Sciencelab.com, Inc. 14025 Smith Rd. Houston, Texas 77396 US Sales: 1-800-901-7247 International Sales: 1-281-441-4400 Order Online: <a href="http://ScienceLab.com">ScienceLab.com</a> <b>CHEMTREC (24HR Emergency Telephone), call:</b> 1-800-424-9300 <b>International CHEMTREC, call:</b> 1-703-527-3887 <b>For non-emergency assistance, call:</b> 1-281-441-4400

Section 2: Composition and Information on Ingredients		
<b>Composition:</b>		
Name	CAS #	% by Weight
Formaldehyde	50-00-0	36.5-38
Methyl alcohol	67-56-1	10-15
Water	7732-18-5	47-53.5
<b>Toxicological Data on Ingredients:</b> Formaldehyde: ORAL (LD50): Acute: 100 mg/kg [Rat]. 42 mg/kg [Mouse]. 260 mg/kg [Guinea pig]. MIST (LC50): Acute: 454000 mg/m 4 hours [Mouse]. Methyl alcohol: ORAL (LD50): Acute: 5628 mg/kg [Rat]. DERMAL (LD50): Acute: 15800 mg/kg [Rabbit]. VAPOR (LC50): Acute: 64000 ppm 4 hours [Rat].		

### Potential Chronic Health Effects:

Hazardous in case of skin contact (sensitizer). **CARCINOGENIC EFFECTS: Classified A2 (Suspected for human.)**

### Potential Acute Health Effects:

Very hazardous in case of eye contact (irritant), of ingestion, . Hazardous in case of skin contact (irritant, sensitizer, permeator), of eye contact (corrosive). Slightly hazardous in case of skin contact (corrosive). Severe over-exposure can result in death. Inflammation of the eye is characterized by redness, watering, and itching.



# 1910.1200

## Hazard Communication

- ▶ Can use existing labeling system
  - Meets requirements of 1994
  - Health and hazard information
  - Use other sources of information
- ▶ Labeling
  - Product Identifier ( name, # or code )
  - Signal word ( Danger or Warning )
  - Hazard Statement ( nature of hazard )
  - Pictogram ( symbols )
  - Precautionary statement ( prevent exposure )



<b>Health Hazard</b>  • Carcinogen • Mutagenicity • Reproductive Toxicity • Respiratory Sensitizer • Target Organ Toxicity • Aspiration Toxicity	<b>Flame</b>  • Flammables • Pyrophorics • Self-Heating • Emits Flammable Gas • Self-Reactives • Organic Peroxides	<b>Exclamation Mark</b>  • Irritant (skin and eye) • Skin Sensitizer • Acute Toxicity (harmful) • Narcotic Effects • Respiratory Tract Irritant • Hazardous to Ozone Layer (Non-Mandatory)
<b>Gas Cylinder</b>  • Gases Under Pressure	<b>Corrosion</b>  • Skin Corrosion/ Burns • Eye Damage • Corrosive to Metals	<b>Exploding Bomb</b>  • Explosives • Self-Reactives • Organic Peroxides
<b>Flame Over Circle</b>  • Oxidizers	<b>Environment (Non-Mandatory)</b>  • Aquatic Toxicity	<b>Skull and Crossbones</b>  • Acute Toxicity (fatal or toxic)

# 6. Guarding of Power Take-Offs (PTO)

Fatal or serious

**entanglement or amputation hazards**

may exist where **power take-off shafts** and **other related components** on farm field and farmstead equipment are not **properly guarded**.



Guarding of farm field equipment:

*29 CFR 1928.57(a)(6):* Train EE's at initial assignment and annually ... safe operation & servicing ...all equipment ... which involved.

*29 CFR 1928.57(b)(1)(i) through (iii)*<sup>11</sup>

1928.57(b)(1)(i) All power take-off shafts, including rear, mid-or side – mounted shafts, shall be guarded either by a master shield, as provided in paragraph (b)(1)(ii) of this section , or by other protective guarding.

# Protecting against moving parts

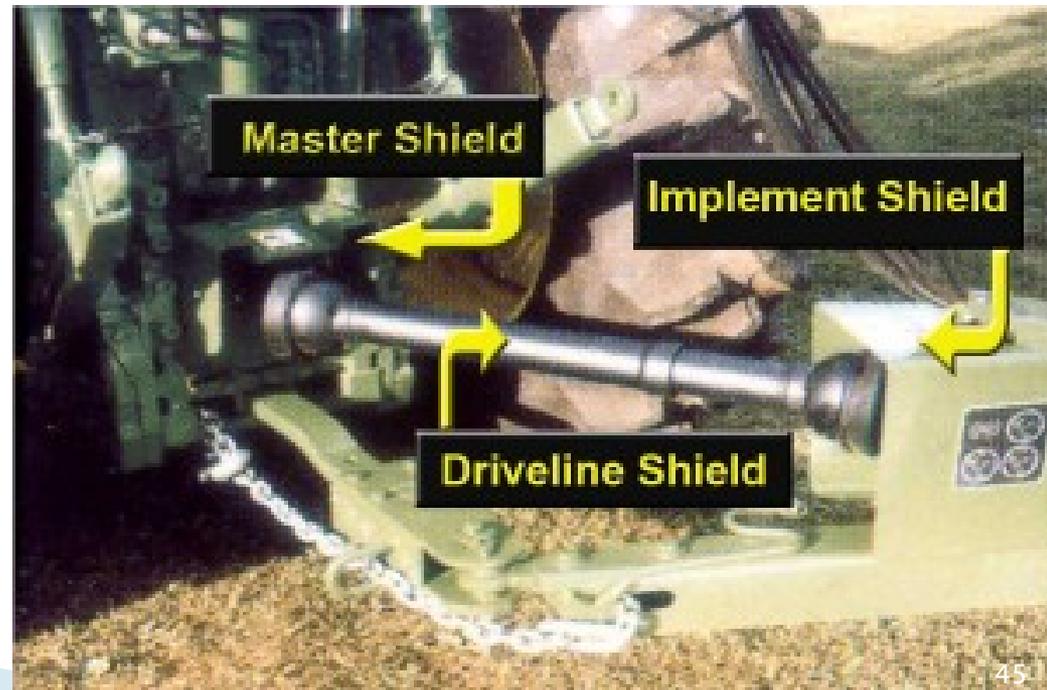
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- ▶ Guarding ( barrier, location, device )
  - Sturdy ( 250# individual ), guardrail or fence
  - No inadvertent contact or unforeseeable event
  - Shuts off device and operable
- ▶ Service must take place while equipment is operating –
  - ER shall instruct on ALL steps for safe service



# Power Take OFFS (PTO)

- ▶ Most incidences involve clothing becoming caught
- ▶ PTO at 540 rpm travels 2 yards per second



# PTO Shafts

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# Power Take-Off (PTO) Shield Retrofit Kits

New York Center for Agriculture Medicine And Health has developed a PTO Retrofit Program to replace damaged or missing PTO shields.

[New York Center for Agricultural Medicine and Health  
https://www.nycamh.org/programs-and-services/pto-shield.php](https://www.nycamh.org/programs-and-services/pto-shield.php)



Try out the new, affordable PTO shield. It's easier than farming without limbs.

Don't let an accident take down you or your farm. Order a new, easy-to-install, universal fit PTO shield starting at \$59. Our toll-free number makes it easy to order. Call 1-800-343-7527 or visit [www.nycamh.com](http://www.nycamh.com) to learn more.

Visit [www.nycamh.com](http://www.nycamh.com) to see how to install your shield in under ten minutes!

Starting at \$59

# 7. Guarding of other power transmission and functional components

---

Exposed belts, pulleys, gears, chains, sheaves, sprockets and projections on shafts such as bolts, keys or set screws shall be guarded on all farm field and farmstead equipment.

- Augers and Conveyors
- Barn scraper
- Ventilation Fans
- TMR mixers

## **Farm field equipment:**

*29 CFR 1928.57(b)(2)(i) through (iii)*

*29 CFR 1928.57(b)(3)*

*29 CFR 1928.57(b)(4)(i) and (ii)*

## **Farmstead equipment:**

*29 CFR 1928.57(c)(2)(i) and (ii)*

*29 CFR 1928.57(c)(3)(i) through (iii)*

*29 CFR 1928.57(c)(4)(ii)*



# Farmstead equipment

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- ▶ **Augers**



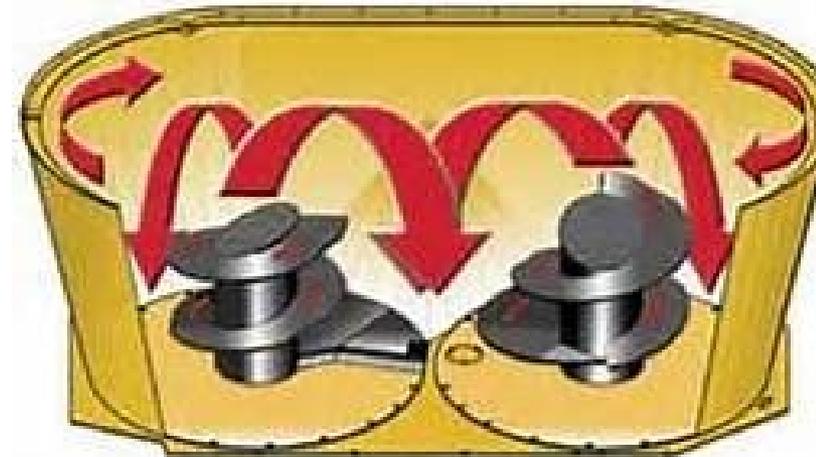
- ▶ **Scraper**



- ▶ **Sweep arm mechanisms**



# Machine Guarding: 1928.57



## 8. 1928.57(a)(6)(ii) – Hazardous energy control while performing servicing and maintenance on equipment

Fatal or serious crushed-by, struck-by, caught in between, entanglement, or amputation hazards may exist where employees **perform maintenance and servicing** on farm field, farmstead, or other equipment without a means of immediate and **exclusive control** of hazardous energy sources by the employee or the employees maintaining or servicing equipment.

### Guidance documents

- Manufacturer's manual and instructions
- AEM Safety Manuals for tractors and skid steers, wheel loaders

### Consider:

- How to lockout?
- Stored energy – e.g hydraulics
- Right tool for the job
- Lone worker



# Recommend follow 1910.147: LOTO Control of Hazardous Energy – Best Practice

- ▶ Written LOTO Procedures
  - Individual Employee Protection (Locks)
  - Exclusive Control
- ▶ Employee Training
  - Document
- ▶ Annual Audit/Evaluation



# 1904.2 – Recordkeeping

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- ▶ All industries in agriculture, construction, manufacturing, transportation, utilities and wholesale trade sectors are covered
- ▶ 1904.1 – Size Exemption:
  - If your company had 10 or fewer employees at all times during the last calendar year, you do not need to keep the injury and illness records unless surveyed by OSHA or BLS



# Recordkeeping

- Employers of 11 or more employees must maintain records of occupational injuries and illnesses

OSHA's Form 300 (Rev. 10/2004) Log of Work-Related Injuries and Illnesses

This form is used to record and summarize work-related injuries and illnesses that result in lost work time or restricted activity or loss of consciousness. It is used to track the number of cases, the number of days lost, and the number of days of restricted activity or loss of consciousness. The form is used to calculate the OSHA recordable injury and illness rate for the establishment.

**OSHA's Form 300 (Rev. 10/2004) Summary of Work-Related Injuries and Illnesses**

This form is used to summarize the information recorded on OSHA Form 300. It is used to calculate the OSHA recordable injury and illness rate for the establishment. The form is used to track the number of cases, the number of days lost, and the number of days of restricted activity or loss of consciousness.

Number of Cases	
Total number of cases	0

Number of Days	
Total number of days lost	0
Total number of days of restricted activity or loss of consciousness	0

Injury and Illness Types	
Total number of ...	0
(A) Sprains	(B) Fractures
(C) Skin disorders	(D) Hearing loss
(E) Respiratory conditions	(F) All other illnesses

**Employment Information**

For additional cases: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Establishment (e.g., location, year and address): \_\_\_\_\_

OSHA recordable injury and illness rate for the establishment: \_\_\_\_\_

Total number of employees: \_\_\_\_\_

OSHA Form 300 (Rev. 10/2004)

# Fatality / Catastrophe

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- ▶ **Fatality:** One or more
  - Report within 8 hours
- ▶ **Catastrophe:**
  - In patient hospitalization of 1 or more employees due to a singular event
  - Amputation
  - Loss of an eye

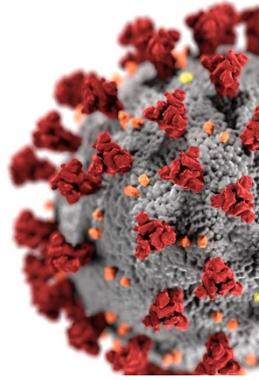
Employer must report to OSHA within 24 hrs

OSHA Hotline: 1-800-321-OSHA  
(6742)



# COVID - 19

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- ▶ OSHA has been responding to the complaints and issuing guidance since the pandemic began
- ▶ President Biden's Executive Order January 21<sup>st</sup> directs OSHA to:
  - Issued revised guidance on workplace safety
  - Consider need for Emergency Temporary Standard
    - March 15<sup>th</sup>
  - Engaged with stakeholders to inform workers of their rights

SECOND GEN  
BIG SHIFT  
WATERING DOWN EFFECT

- 1 OPENING CONFERENCE
- 2 WALK AROUND
- 3 CLOSING

DIFFERENT CATEGORIES OF VIOLATIONS  
DIFFERENT LEVELS

YOU HAVE THE RIGHT TO CONTEST 15 DAYS

OUR EMPLOYEES ARE SAFE!  
WE ARE MAINTAINING ADEQUATE CONTROLS  
FREE OF RECOGNIZABLE HAZARDS  
WORKPLACE

ACTUAL COST MORE THAN OSHA CITATION COST  
IT'S A DAY-TO-DAY THING...  
WHAT IS FREQUENT... WHAT IS REGULAR?

WHO DO I CALL?  
WHO HAS THE AUTHORITY?  
• COMPLAINTS  
THE EMPLOYER WE HAVE THE RIGHT TO REFUSE

# UNDERSTANDING THE OSHA INSPECTION PROCESS

MULTI-EMPLOYER WORK SITE RULES

WHAT MEASURES NEED TO BE TAKEN?

DIFFERENT TYPES/PRIORITIES  
IMMINENT DANGER  
FATALITY/CATASTROPHE

UNDERSTANDING FROM BOTH SIDES...  
SERIOUS CITATIONS COMES WITH PENALTY  
RECORDS INSPECTION

HAZARD ASSESSMENT  
PEOPLE GETTING HURT  
OUCH

INSPECTION ANY TIME

REASON TO BE THERE  
DUST! CONSTRUCTION  
FOOD  
WHY OF THE VISIT  
CREDENTIALS

REPRESENTATION  
A RIGHT TO BE INTERVIEWED IN PRIVATE

UMM... I WAS IN CHARGE...  
DID THE EMPLOYER KNOW... WILLFULLY...  
CRIMINAL PENALTIES

HERE TO DO MY JOB...  
NOT TO INTERFERE

SECURITY... MEETING CRITERIA  
WHATEVER IS SEEN

TAKE PHOTOS

ALLEGED VIOLATION...  
CITATIONS MAY OR MAY NOT BE ISSUED

ALL FATALITIES & CATASTROPHES RESULT IN COMPREHENSIVE INSPECTION

SCOPE

YOU CAN HAVE A HAZARD UNTIL YOU HAVE EXPOSURE

WHAT HAPPENS IF YOU VIOLATE?  
COMPLIANCE  
I'M THE KING OF THE WORLD!

**What happens after OSHA Leaves ????**



# Types of Inspections

- ▶ Programmed – Proactive & Planned
  - Site specific Targeted Inspections ( SST )
  - National Emphasis Program ( NEP )
  - Regional Emphasis Programs ( REP )
  - Local Emphasis Program ( LEP )
- ▶ Unprogrammed – Reactive
- ▶ Fatalities
- ▶ Referrals
- ▶ Complaints
  - Formal & Non Formal



**Job Safety and Health**  
**It's the law!**

**OSHA**  
Occupational Safety and Health Administration  
U.S. Department of Labor

**EMPLOYEES:**

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthy conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the OSH Act.
- You have the right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.
- Your employer must correct workplace hazards by the date indicated on the citations and must certify that those hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the OSH Act that apply to your own actions and conduct on the job.

**EMPLOYERS:**

- You must furnish your employees a place of employment free from recognized hazards.
- You must comply with the occupational safety and health standards issued under the OSH Act.

This free poster available from OSHA –  
The Best Resource for Safety and Health

Free assistance in identifying and correcting hazards or complying with standards is available to employers, without citation or penalty, through OSHA-supported consultation programs in each state.

1-800-321-OSHA  
www.osha.gov

# CSHO

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- ▶ Compliance Safety and Health Officer
- ▶ Safety and/or Health Disciplines
- ▶ Authorized to Enter Workplace Without Advanced Notice
- ▶ Inspect & Investigation Conditions
- ▶ Question Privately Employees and Employer

# On-Site Inspections

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- ▶ Presentation of Credentials
- ▶ Opening Conference
- ▶ Records Review
- ▶ Program Review
- ▶ Walkaround/EE Interviews
- ▶ Closing Conference



# Expanding an OSHA Inspection

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- ▶ OSHA will explain the purpose and scope of the inspection
  - Generally OSHA inspections are limited in scope to the complaint, incident or referral
- ▶ Inspections can be expanded based on
  - Information gathered during inspection
    - Injury/illnesses records
    - EE interviews
    - Plain view observations
- ▶ OSHA will disclose what may seek to expand inspection.

# Post Inspection Element

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- Citation Issuance
  - Classification
  - Penalties
- Appeal Process
  - Informal Conference
  - Contest Rights
- Final Order
- Abatement Submission

# Abatement Process

- ▶ Citations for which there is agreement
  - Employer must notify Area Director appropriate corrective actions have been taken ( ABATED )
  - Timely and appropriate
- ▶ Abatement Certification / Documentation
  - OSHA will provide resources for questions about abatement
    - Compliance assistance
    - Publications, eTools, website
    - NYS Consultative Services



The screenshot displays the OSHA website header with the text "UNITED STATES DEPARTMENT OF LABOR" and "Occupational Safety and Health Administration". Below the header is a navigation menu with "OSHA", "STANDARDS", "TOPICS", and "HELP AND RESOURCES" dropdown menus, and a "SEARCH OSHA" search bar. The main content area is titled "eTools" and "Respiratory Protection eTool". It features a navigation bar with "Respirator Change Schedules", "Respirator Selection", "Exhaust Systems", and "Respirator Banks" buttons. The "Respirator Change Schedules" section is active, showing a heading "Respirator Change Schedules" and a sub-heading "Did you know that employers are required to provide a respirator cartridge change schedule? See the requirements for change schedules. Respirator cartridges don't last forever!". Below this is a paragraph explaining that a change schedule is part of a written respirator program and lists factors like environmental conditions, breathing rate, and cartridge capacity. It also mentions that employers should apply a safety factor. At the bottom, it lists "Three valid ways for you to estimate a cartridge's service life": 1. Conduct Experimental Tests, 2. Use the Manufacturer's Recommendation, and 3. Use a Math Model. An image of a person in a respirator is visible on the right side of the page.

# Abatement Process

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- ▶ Maximum abatement time period
  - 30 calendar days initially
  - Modification of Abatement period ( PMA )
    - Steps taken to achieve abatement
    - Why & How much additional time is need
    - Interim steps to protect employees
    - Certification PMA has been posted ( 10 days )
- ▶ Workers can object to PMA
  - Must be in writing within 10 days of posting



**Working Together, We Can Help**

[www.osha.gov](http://www.osha.gov)

**Nick Donofrio, [Donofrio.nick@dol.gov](mailto:Donofrio.nick@dol.gov) 716-796-0803**

**800-321-OSHA (6742)**

