

South Texas Manufacturers Association  
McAllen, Texas  
April 2023

# OSHA Update

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**Marianne McGee**

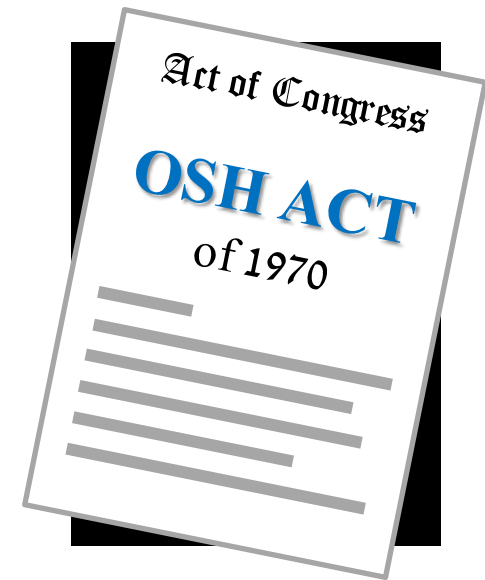
**Compliance Assistance Specialist  
Occupational Safety and Health Administration**

# Disclaimer

- This information has been developed by an OSHA Compliance Assistance Specialist and is intended to assist employers, workers, and others as they strive to improve workplace health and safety. While we attempt to thoroughly address specific topics [or hazards], it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in a presentation of this nature. Thus, this information must be understood as a tool for addressing workplace hazards, rather than an exhaustive statement of an employer's legal obligations, which are defined by statute, regulations, and standards. Likewise, to the extent that this information references practices or procedures that may enhance health or safety, but which are not required by a statute, regulation, or standard, it cannot, and does not, create additional legal obligations. Finally, over time, OSHA may modify rules and interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, or to review information on a wide range of occupational safety and health topics, you can visit OSHA's website at [www.osha.gov](http://www.osha.gov).

# What is OSHA's Mission?

- To ensure that every worker has a safe and healthful workplace free from recognized hazards.



# Why is OSHA Necessary?

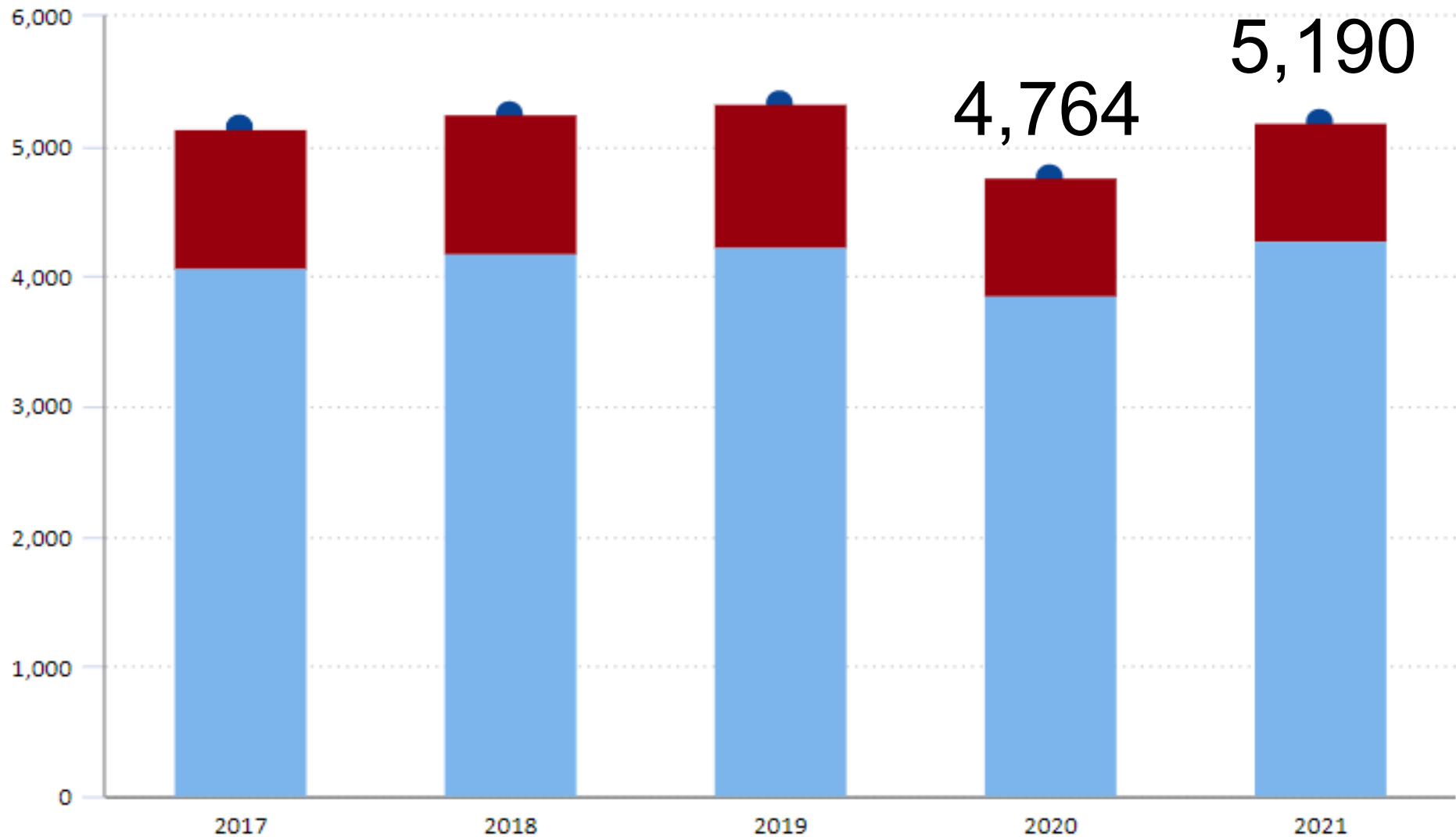
- In 2021, there were **5,190** workplace fatalities.
- **2.6 million** nonfatal workplace injuries and illnesses.



## Number of fatal work injuries by employee status

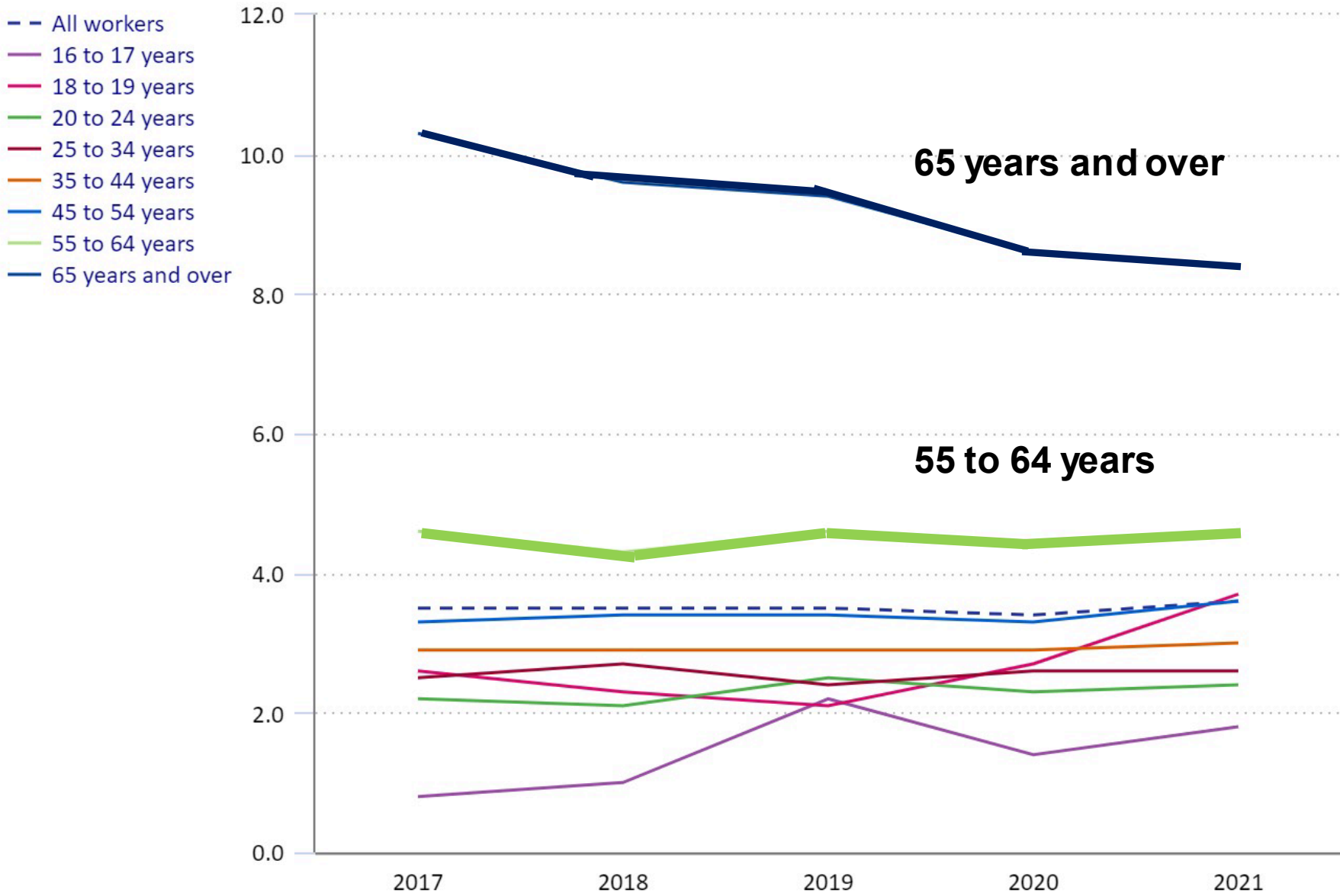
# 2021

- Total
- Self-employed
- Wage and salary



Source: BLS, Census of Fatal Occupational Injuries

Rate of fatal work injuries per 100,000 full-time equivalent workers by age group

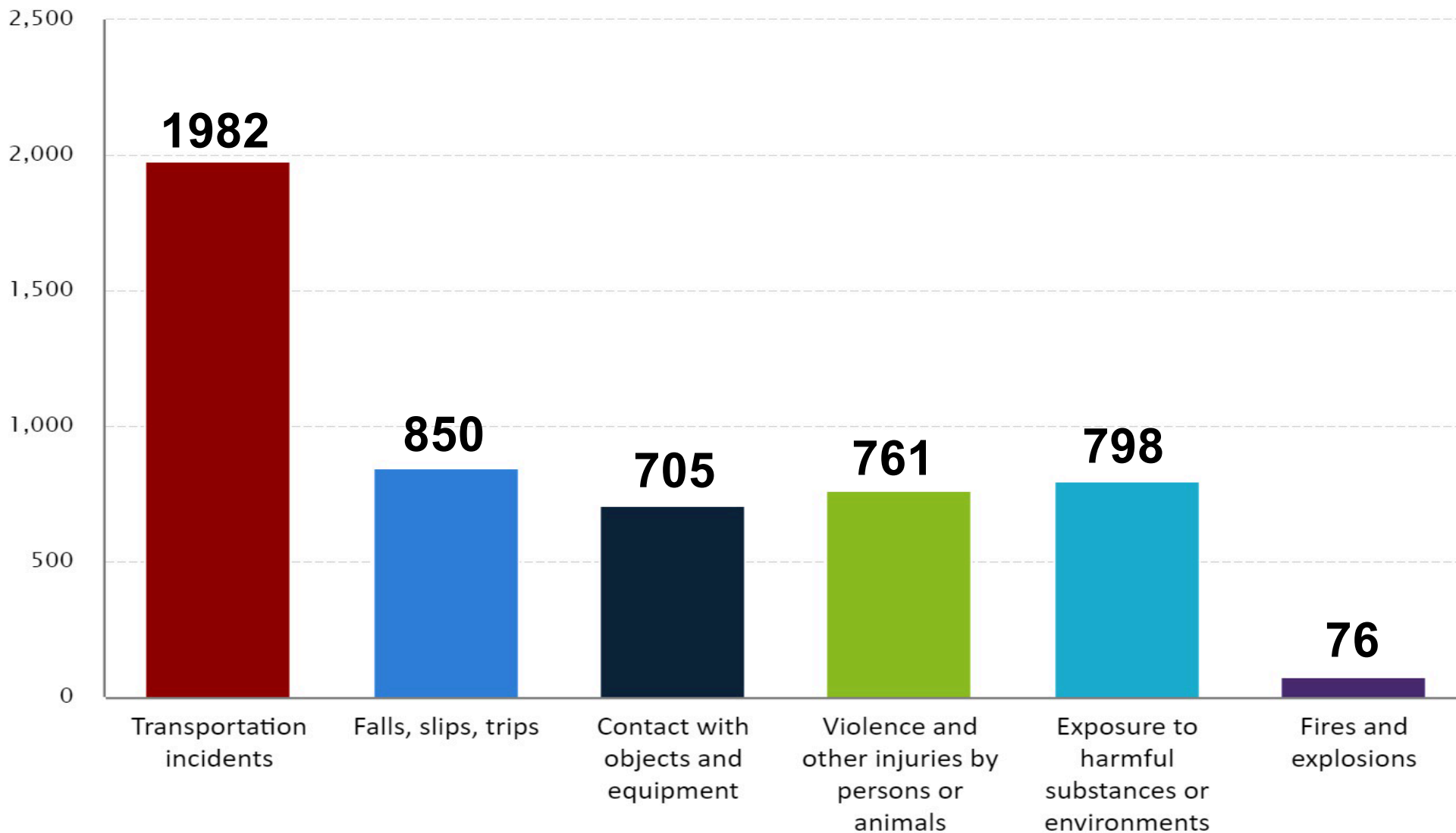


Source: U.S. Bureau of Labor Statistics.



# Fatal occupational injuries by event or exposure, 2021

Major categories



# April 28, 2023

## **WORKERS MEMORIAL DAY CEREMONY**

**Every Worker Is More Than A Number.**

Join us in-person or virtually  
**4/27/2023 | 1 p.m. ET**

[www.osha.gov/workers-memorial](http://www.osha.gov/workers-memorial)

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# OSHA Inspection Priorities

- **Imminent danger**
- **Fatalities and Catastrophes (Hospitalizations)**
- **Complaints and Referrals**
- **Programmed Inspections (emphasis programs)**

# National Emphasis Programs

- **Amputations in manufacturing**
- **Heat - outdoor and indoor**
- **Primary metal industries**
- **Lead, Silica, and Hexavalent Chromium**
- **Combustible dust**

# Amputations in Manufacturing

- **NAICS (Including but not limited to:)**
  - **3118 Bakeries and Tortilla Manufacturing**
  - **311991(9) Perishable and Misc. food mfg.**
  - **32221 – Converted paper products**
  - **32733 – Concrete brick, block and pipe**
  - **33122 – Iron/steel pipe, tubes, wire**

# Amputations in Manufacturing

- **NAICS**
  - **332322 – Sheet metal work**
  - **3327 – Machine shops, turned products, bolts, nuts,**
  - **3329 – Ball and roller bearings, small arms, ammunition, fab. pipe/fitting**

# Amputations in Manufacturing

## Focus on:

- Machine guarding
- Power Tools
- Lockout/Tagout

# Heat – Outdoor and Indoor

- **Onsite inspection for complaints/referrals and employer-reported hospitalizations**
- **Heat priority days (heat index >80 degrees)**
  - **Heat illness program**
  - **Water, rest, shade**
  - **Acclimatization**

# Regional Emphasis Programs

- Falls in non-construction
- Noise in manufacturing industries
- Fabricated metal products
- Heat illnesses

# Falls in Non-construction (plain view)

- **Ladders**
- **Scaffolding**
- **Aerial equipment**
- **Roofs,**
- **Elevated work platforms**



# Noise in Manufacturing

- **NAICS**
  - **321 Wood Product Containers**
  - **326 Misc. Plastic and Rubber products**
  - **3261 Concrete, Gypsum, Plaster products**
  - **327 Nonmetallic Mineral products**
  - **327 Cut Stone and Stone products**

# Fabricated Metal Products

## NAISC 322

- Hazardous chemicals
- Silica, Lead, Cadmium
- Unguarded machinery
- Confined space
- Power tools
- Welding fumes
- Electrical hazards
- Flammable liquids,
- Lockout/tagout
- Powered industrial trucks
- Noise

# Area of Interest

- **Warehousing**
  - **Powered Industrial Trucks - Forklifts**
  - **Materials handling**
  - **Hazard communication**
  - **Ergonomics**
  - **Slips/trips/falls**

# Top 5 Violations in General Industry

## Most frequently cited OSHA standards during FY 2022

1. Hazard Communication (1910.1200)
2. Respiratory Protection (1910.134)
3. Lockout/Tagout (1910.147)
4. Powered Industrial Trucks (1910.178)
5. Machine Guarding (1910.212)

# Hazard Communication

## 1910.1200

1. Having written program
2. Providing employees with effective information and training on hazardous chemicals in work area
3. Maintaining copies of Safety Data Sheets in the workplace and ensuring they are available to employees
4. Having SDSs for each hazardous chemical
5. Written program must include list of all hazardous chemicals present using identifiers on SDSs



More than 2,500 violations

# Respiratory Protection

## 1910.134



- 1. Written respiratory protection program**
- 2. Employee medical evaluation for respirator use**
- 3. Fit testing prior to initial use of the respirator**
- 4. Ensuring employees using tight-fitting facepiece respirators pass a fit test**
- 5. Employees with facial hair to not permitted to use tight-fitting facepieces if it interferes with seal or valve function**

# Lockout/Tagout

## 1910.147



1. Establishing an energy control program
2. Developing, documenting, and utilizing energy control procedures
3. Elements of lockout/tagout procedures
4. Training on energy control program including hazard recognition, magnitude/type of energy and methods/means for isolation and control
5. Periodic inspection of energy control procedure at least annually

# Powered Industrial Trucks

## 1910.178



- 1. Ensure operator is competent to operate**
- 2. Certify that each operator has been trained and evaluated (site specific)**
- 3. Ensure that each operator has successfully completed required training prior to operating**
- 4. Evaluate operator's performance at least every three years**
- 5. Take out of service, PITs that need repair, defective, or in any way unsafe**



# Machine Guarding

## 1910.212



1. Providing one or more methods of machine guarding
2. Affixing guards to the machine
3. Point of operations guarding: guarding device
4. Point of operation guarding: special hand tools for placing and removing material
5. Anchoring fixed equipment

# OSHA Penalty Levels: 2023

Type of Violation	New Maximum
Serious and Other-Than-Serious Posting Requirements	<b>\$15,625 per violation</b>
Willful or Repeated	<b>\$156,259 per violation</b>
Failure to Abate	<b>\$15,625 per day</b> beyond the abatement date

# Reporting Fatalities, Hospitalization, etc.

- Work-related **fatalities** must be reported within **8** hours
- In-patient **hospitalizations** must be reported within **24** hours
- **Amputations** must be reported within **24** hours
- **Loss of an eye** must be reported within **24** hours

# How to Report Fatalities, Hospitalization, etc.

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

## TAKE ACTION

[File a Complaint](#)

[Find Calendar of Events](#)

[Report a Fatality or Severe Injury](#)

[Submit 2022 Injury and Illness Data](#)

## To Make a Report

- Call the nearest [OSHA office](#).
- Call the OSHA 24-hour hotline at [1-800-321-6742](tel:1-800-321-6742) (OSHA).
- [Report online](#)

Be prepared to supply: Business name; names of employees affected; location and time of the incident, brief description of the incident; contact person and phone number.

# For All Things Recordkeeping

[www.osha.gov](http://www.osha.gov) → Topics → Recordkeeping Requirements and Forms



UNITED STATES  
DEPARTMENT OF LABOR



Occupational Safety and Health Administration

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SEARCH OSHA

Plan ahead and set up your new, more secure Injury Tracking Application (ITA) login with Login.gov

[Learn More](#)

[Watch Video](#)

**OSHA**<sup>®</sup> Occupational  
Safety and Health  
Administration



# OSHA Injury and Illness Recordkeeping and Reporting Requirements

## Electronic Submission of Records

The **Injury Tracking Application (ITA)** is accessible from the **ITA launch page**, where you can provide the Agency your OSHA Form 300A information. The date by which certain employers are required to submit to OSHA the information from their completed Form 300A is March 2nd of the year after the calendar year covered by the form.

## Recordkeeping Requirements

Many employers with more than 10 employees are required to keep a record of serious work-related injuries and illnesses. (Certain low-risk industries are exempted.) Minor injuries requiring first aid only do not need to be recorded.

- How does OSHA define a recordable injury or illness?
- How does OSHA define first aid?

This information helps employers, workers and OSHA evaluate the safety of a workplace, understand industry hazards, and implement worker protections to reduce and eliminate hazards - preventing future workplace injuries and illnesses.

For information on recording cases of work-related COVID-19 during the COVID-19 Pandemic, see OSHA's COVID-19 Regulations page or OSHA's COVID-19 page.

## Maintaining and Posting Records

The records must be maintained at the worksite for at least five years. Each February through April, employers must post a summary of the injuries and illnesses recorded the previous year. Also, if requested, copies of the records must be provided to current and former employees, or their representatives.

- Get recordkeeping forms 300, 300A, 301, and additional instructions
- Read the full OSHA Recordkeeping regulation (29 CFR 1904)

## Severe Injury Reporting

Employers must report any worker fatality within 8 hours and any amputation, loss of an eye, or hospitalization of a worker within 24 hours.

- Learn details and how to report online or by phone

## Improve Tracking of Workplace Injuries and Illnesses

OSHA published a proposed rule, **Improve Tracking of Workplace Injuries and Illnesses** on March 30, 2022 that would require:

- Establishments with 20 or more employees, in certain high-hazard industries, continue to electronically submit Form 300A Annual Summary information once a year to OSHA.
- Establishments with 100 or more employees in the highest-hazard industries to submit Form 300 Log and Form 301 Incident Report information once a year to OSHA. These establishments would continue to be required to electronically submit information from their Form 300A Annual Summary.

In addition, under the proposal, establishments with 250 or more employees, not in designated high-hazard industries, would no longer be required to electronically submit recordkeeping information to OSHA.

The proposal was based on OSHA's preliminary determination that the electronic submission of establishment-specific and case-specific information from the Forms 300 and 301 will improve workplace safety and health by:

- Allowing OSHA to use its resources more effectively by better enabling the Agency to identify workplaces where workers are at greatest risk from specific hazards, and to target its compliance assistance and enforcement efforts accordingly,
- Improving the ability of employers to compare their own injury and illness data on hazards with the data from similar establishments in the same industry,
- Improving the ability of stakeholders to make more informed decisions using recent establishment-specific, case-specific, injury/illness information, and
- Improving research on occupational safety and health.

The comment period for the proposed rule has closed. Read the proposed rule and the comments submitted by members of the public including workers and worker groups, affected industries, and other interested parties. In addition, you may examine all supporting materials for the proposed rule on this site.

The next step in this rulemaking project will be development of the final rule.



### Forms

- Injury & Illness Recordkeeping Forms 300, 300A, 301



### Requirements

- Regulatory Text
- Detailed Guidance for Recordkeeping Rule
- Q & A Search
- Letters of Interpretation



### Related Documents and Information

- News Releases
- Federal Registers
- Employer Safety Incentive and Disincentive Policies and Practices
- Compliance Directive (CPL 2-00-



### Training

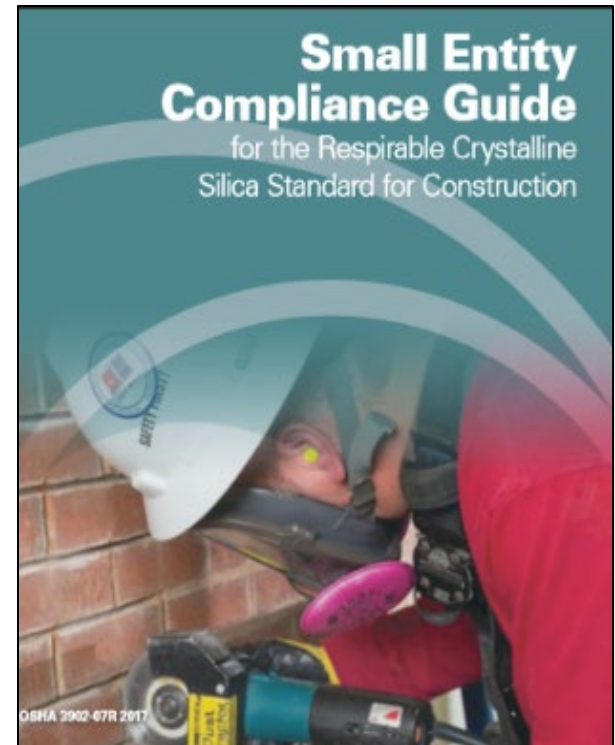
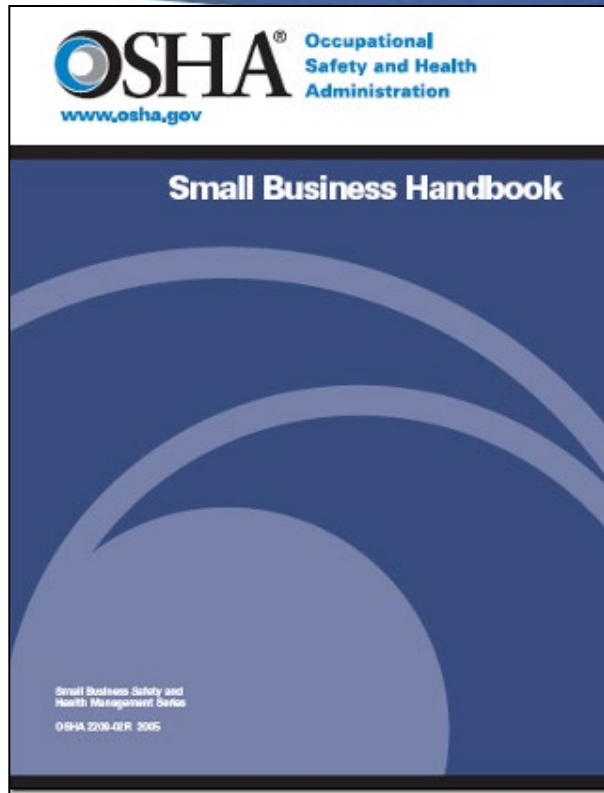
- Training Module
- Training Presentations
- Does OSHA provide training for the general public on recordkeeping requirements?

# OSHA Publications





# Help for Small Businesses: Publications





# Independent Contractor Wage and Hour

- Notice of Proposed Rulemaking 10/13/22
- **Employee** vs. **Independent Contractor**
  - Working for someone else's business
  - Paid hourly, salary or by piece
  - Uses ER's materials, tools, equipment
  - Typically works for one employer
  - Continuing relationship
  - ER decides how and when work is performed
- Running their own business
- Paid upon completion of project
- Provides own materials, tools and equipment
- Works with multiple clients
- Temporary relationship
- Decides how and when work will be performed

# Contact Us

- Toll-free hotline: 1-800-321-OSHA (6742)
- Submit email questions through OSHA's website at [www.osha.gov](http://www.osha.gov)
- Contact your local OSHA Area Office



[Mcgee.Marianne@dol.gov](mailto:Mcgee.Marianne@dol.gov)

[OSHACorpusChristi@dol.gov](mailto:OSHACorpusChristi@dol.gov)

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