

SAFETY FOCUS

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OSHA Update – OSHA According to Dr. Michaels

Dr. David Michaels, Assistant Secretary of Labor for OSHA, testified before the Subcommittee on Workforce Protections and his comments provide a glimpse into the direction he will lead OSHA. The text of his entire testimony can be found on the OSHA website at:

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=TESTIMONIES&p_id=1062

TESTIMONY OF DAVID MICHAELS
ASSISTANT SECRETARY
FOR OCCUPATIONAL SAFETY AND HEALTH
U.S. DEPARTMENT OF LABOR
BEFORE
THE SUBCOMMITTEE ON WORKFORCE PROTECTIONS
THE COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
MARCH 16, 2010

Several highlights of his testimony include:

" Good jobs are safe jobs, and American workers still face unacceptable hazards. More than 5,000 workers are killed on the job in America each year, more than 4 million are injured, and thousands more will become ill in later years from present occupational exposures. Moreover, the workplaces of 2010 are not those of 1970: the law must change as our workplaces have changed."

" Because OSHA can visit only a limited number of workplaces each year we need a stronger OSH Act to leverage our resources to encourage compliance by employers. We need to make employers who ignore real hazards to their workers' safety and health think again. We need to bring OSHA into the 21st century."

" Monetary penalties for violations of the OSH Act have been increased only once in 40 years despite inflation during that period. Unscrupulous employers often consider it more cost effective to pay the minimal OSHA penalty and continue to operate an unsafe workplace than to correct the underlying health and safety problem. The current penalties do not provide an adequate deterrent. This is apparent when compared to penalties that other agencies are allowed to assess."

Two programs of focus for the "New OSHA" will be severe violators and increased penalties. Below is a link to a Press Release with more details.

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=17544

The following link is embedded in the Press Release and it provides interesting information on increased fines.

<http://www.osha.gov/dep/penalty-change-memo.pdf>

Some of the highlights are:

- Expect average penalties to go from \$1,000 to \$3,000 to \$4,000
- History Reduction – no longer 3 years, but 5 year history
- History Increase – If cited in last 5 years for high gravity serious, willful, repeat or failure-to-abate violation; a 10% increase in their penalty
- Repeat Violations – Increase from 3 to 5 year history
- Informal Conference Considerations – any reduction over 30% will have to be approved by the Regional Administrator
- New Penalty Reduction Structure for the size of the company
- No more 10% good faith reduction for employers in a strategic partnership

For more information on OSHA, contact the SMACNA Safety and Health Department at mmccullion@smacna.org.

Update on the OSHA Hexavalent Chromium Standard

SMACNA contractors who conduct welding on stainless steel and other high chrome metals should be aware of recent issues regarding hexavalent chromium (hexchrome) and the OSHA standard.

One requirement of the OSHA standard is for employers to conduct workplace evaluations to identify areas with elevated hexchrome exposure levels to workers including possible personal air monitoring. In March 2010, OSHA issued a direct rule requiring employers to notify workers of all exposure level monitoring results, even if they are below the permissible exposure level (PEL).

Welding is listed as one of processes that OSHA inspectors will pay close attention to when they conduct workplace inspections and they will also check for elevated levels of lead, manganese, nickel, cadmium and other contaminants associated with hexchrome and welding.

In a related issue, on April 1, 2010, OSHA announced a national emphasis program (NEP) on hexavalent chromium that will target industries with high exposure levels to hexchrome. The NEP will require OSHA inspectors to follow a

written directive including a list of work activities in construction likely to result in elevated levels of hexchrome such as welding and thermal cutting, and a sample hazard determination table for the inspectors to follow when conducting inspections.

A copy of the directive can be found at this link:

http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-02-076.pdf

In most cases, administrative controls such as signs and training along with adequate point of operation ventilation and/or respiratory protection is appropriate to control hexchrome levels in most sheet metal shops. However, if significant workplace engineering controls are required to resolve elevated levels of hexchrome, those engineering controls are required by May 31, 2010.

SMACNA members looking for further information on hexchrome are encouraged to visit the SMACNA Safety Webpage at www.smacna.org/safety or contact the SMACNA safety department at mmccullion@smacna.org.

OSHA Plans New Construction Industry Pilot Program

That “inspector” looking for safety hazards may not be who you think it is. OSHA is planning to launch a construction industry pilot program similar to the cross-training program they conducted with EPA inspectors several years ago.

Announced by Labor Secretary Hilda Solis at the National Action Summit for Latino Worker Health & Safety, this “pilot program” would be conducted in eleven cities using municipal building inspectors to work jointly with OSHA and be trained to notify the agency when they observe unsafe work conditions during the course of their building inspection work.

The cities targeted for this program include Atlanta, Georgia; Austin, Texas; Boise, Idaho; Cincinnati, Ohio; Concord, New York.; Greenwood Village, Colorado.; City of Madison, Mississippi.; Newark, New Jersey; Oakland, California; Washington, D.C.; and, Wichita, Kansas.

USEPA Lead Based Paint Program Applies to Renovation Work

A new regulation from the United States Environmental Protection Agency (USEPA) requires that contractors take certain actions if they “disturb” lead based paint (LBP) in older buildings. The Lead-Based Paint Renovation, Repair and Painting Program is a federal regulatory program that provides compliance assistance and applies to renovation and demolition activities in residential houses, apartments, and child-occupied facilities such as schools and day-care centers built before 1978.

You may have to comply with the regulation if you conduct any activity that disturbs painted surfaces in old buildings (pre 1978) and includes most repair, remodeling, and maintenance activities, including window replacement. The term “disturbs” generally means sanding, grinding, or other activities that may cause paint dust, chips, or debris.

Firms are required to be certified, their employees must be trained in use of lead-safe work practices, and lead-safe work practices that minimize occupants’ exposure to lead hazards must be followed.

Certification, training, and work practice requirements became effective April 22, 2010.

The following exemptions to the rule likely affect the type of work conducted by most sheet metal and HVAC contractors during typical renovation projects. The exemptions are:

- Housing built in 1978 or later.
- Housing for elderly or disabled persons, unless children under 6 reside or are expected to reside there.
- Zero-bedroom dwellings (studio apartments, dormitories, etc.).
- Housing or components declared lead-free by a certified inspector or risk assessor.
- Minor repair and maintenance activities that disturb 6 square feet or less of paint per room inside, or 20 square feet or less on the exterior of a home or building. Note: minor repair and maintenance activities do not include window replacement and projects involving demolition or prohibited practices.

Further information on the program can be found at <http://www.epa.gov/lead/pubs/renovation.htm> and a very good booklet for small businesses can be found at <http://www.epa.gov/lead/pubs/sbcomplianceguide.pdf>.

For further information on lead based paint and this regulation, contact Mike McCullion, director of safety and health for SMACNA, at 703-995-4027 or mmccullion@smacna.org.

Working in Hot Environments – Heat Stress Card Available

With the coming summer months, SMACNA contractors are encouraged to provide workers with information and training on the hazards associated with working in hot environments. Overexposure to heat causes heat stress that can lead to more serious heat illnesses such as:

- Heat Cramps – painful muscle cramps, usually in the abdomen or legs.
- Heat Syncope – fainting due to low blood pressure.
- Heat Exhaustion – heavy sweating, dizziness, blurred vision, confusion, headache, nausea, vomiting.
- Heat Stroke – very dangerous – nausea; no sweating; red, hot and dry skin; throbbing headache; unconsciousness – can lead to death if not treated immediately.

The key to preventing excessive heat stress is educating supervisors and workers on the hazards of working in heat and the benefits of implementing proper controls and work practices. Contractors should establish a program designed to acclimatize workers who must be exposed to hot environments and provide necessary work-rest cycles and water to minimize heat stress.

SMACNA has developed a Heat Stress and Heat Illness Tip Card to be used in providing training to employees on the hazards of heat exposure. The purpose of the tip card is to supplement training on the subject of heat stress. Several states, including California and Washington, recently passed new or revised regulations regarding heat exposure.

The cards have a theme, PAT – Prevention, Awareness, and Treatment, as a way to emphasize the various aspects of heat exposure. Prevention discusses drinking plenty of fluids, wearing proper clothing, and taking breaks in the shade or ventilated areas. Awareness centers on the main types of heat illness. Treatment focuses on notifying the supervisor and seeking medical attention if needed.

For more information or to order copies of the heat stress cards, send an email to Mike McCullion, SMACNA's director of safety and health at mmccullion@smacna.org. Please include the number of cards needed, your name, company name and SHIPPING address, telephone number, and UPS code for shipping and handling charges.

Identification of Personal Protective Equipment Hazards

Hazard identification is an ongoing process that is a critical component of any health and safety program. A basic safety management equation will include three principles – 1) identification, 2) evaluation, and 3) control of employee exposures to workplace hazards. Without the first step, identification, how can you know where to place your safety program efforts?

An example of the importance of hazard identification is a requirement in OSHA’s General Industry Standard for personal protective equipment (PPE), 29 CFR 1910.132. A key requirement of the OSHA standard is to complete and document a “hazard assessment” of the workplace to IDENTIFY the need for personal protective equipment. To address the “evaluation” and “control” aspects of the basic safety equation, the General Industry standard further states:

If such hazards are present, or likely to be present, the employer shall:

- Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;
- Communicate selection decisions to each affected employee; and
- Select PPE that properly fits each affected employee.

A useful guide for accomplishing this assessment is Appendix B of the General Industry Standard. Appendix B is a set of non-mandatory compliance guidelines that can be used to perform a hazard assessment in any workplace. The guidelines can be found on the Federal OSHA website at www.osha.gov.

Several other good resources related to personal protective equipment are:

The SMACNA Personal Protective Equipment Manual
<http://www.smacna.org/bookstore/>

Assessing the Need for Personal Protective Equipment: A Guide for Small Business Employers
<http://www.osha.gov/Publications/osha3151.pdf>

Questions on PPE or Hazard Identification?

SMACNA members can contact Mike McCullion in the SMACNA Safety and Health Department at 703-995-4027 or email to mmccullion@smacna.org.

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