

OSHA Regulatory Update



August 2021



OSHA OKLAHOMA CITY AREA OFFICE

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AREA OFFICE STAFF

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- Meghan Christie, AAD
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- Jorge Delucca, CAS, VPP Coordinator
- Renato Uribe, Whistleblower Investigator
- 13 CSHO's

COOPERATIVE PROGRAMS

ALLIANCES

- Oklahoma Safety Council
- American Society of Safety Professionals (ASSP, Tulsa and OKC Chapters)
- MCEPS (Mid-Continent Exploration and Production Safety Network)
- Francis Tuttle Technology Center
- Oklahoma Section of the American Industrial Hygiene Association
- Mexican Consulate in Little Rock, AR



COOPERATIVE PROGRAMS

- **Alliances**

- Oklahoma Municipal Contractors Assoc.
- The Associated General Contractors of Oklahoma
- Latino Community Development Agency
- Associated Builders & Contractors of Oklahoma



ENFORCEMENT PROGRAMS

REGIONAL EMPHASIS PROGRAMS

- Falls in Construction & General Industry
- Cranes in Construction
- Upstream Oil & Gas Industry
- Fabricated Metal Products
- Construction
- Grain Handling Facilities
- High Noise in Manufacturing Industries
- Health Hazards in Healthcare Facilities
- Heat Illnesses
- Poultry Processing Facilities
- Fertilizer Grade Ammonium Nitrate (FGAN)
- Transportation Tank Cleaning (New July 2021 with outreach till mid October)



ENFORCEMENT PROGRAMS

NATIONAL EMPHASIS PROGRAMS

- Trenching and Excavation
- Hexavalent Chromium
- Lead
- PSM Covered Chemical Facilities
 - Category 1 – Petroleum Refineries
 - Category 2 – Ammonia facilities
 - Category 3 – Chemical Manufacturers
 - Category 4 – Facilities likely to be PSM covered not in Cat 1, 2, or 3.
- Primary Metal Industries
- Ship Breaking
- Combustible Dust
- Hazardous Machinery/Amputations



Top Ten Violations

Most frequently cited
OSHA standards
during FY 2020
inspections

1. Fall Protection ([29 CFR 1926.501](#))
2. Hazard Communication
3. Respiratory Protection, ([29 CFR 1910.134](#))
4. Scaffolding, ([29 CFR 1926.451](#))]
5. Ladders, ([29 CFR 1926.1053](#))
6. Control of Hazardous Energy (lockout/tagout), ([29 CFR 1910.147](#))]
7. Powered Industrial Trucks, ([29 CFR 1910.178](#))
8. Fall Protection–Training ([29 CFR 1926.503](#))]
9. Eye and Face Protection ([29 CFR 1926.102](#))
10. Machinery and Machine Guarding, ([29 CFR 1910.212](#))

Totals	Region 6 FY21 YTD	6056	4877	26	283
Standard		Total	Ser Vio(s)	Will Vio(s)	Rep Vio(s)
1926.501(b)(13)	Residential fall protection	834	727	1	98
1926.102(a)(1)	Eye and Face Protection	399	370	0	21
1926.1053(b)(1)	Portable ladders extend 3 ft.	294	266	0	19
1926.503(a)(1)	Fall Protection Training	237	113	0	7
1926.100(a)	Hard Hats	217	201	1	12
1926.501(b)(1)	Fall Protection for Unprotected Side or Edge	197	177	0	11
1926.453(b)(2)(v)	Fall Protection in Aerial Lift	181	168	0	7
1926.451(e)(1)	Access onto a scaffold platform	109	100	0	7
(5)(a)(1)	General Duty Clause	85	74	9	2
1904.39(a)(2)	Reporting a Workplace Injury	75	1	0	1

FY 2020 Fatalities in Oklahoma

- 28 Fatality Events
- 29 Worker Deaths

- 14 General Industry
- 14 Construction



FY 2020 Fatality Event Types

- 9 Fall from Height
- 8 Struck by or Crushed by
- 1 Fire
- 1 Electrical Shock
- 1 Confined Space
- 3 Work Place Violence
- 2 Covid Related
- 1 Work Zone
- 1 Natural Causes
- 1 Heat related

FY 2021 Fatalities in Oklahoma

- 35 Fatality Event
- 36 Worker Deaths

- 22 General Industry
- 8 Construction
- 5 Oil and Gas



FY 2021 Fatality Event Types

- 1 Fall from Low Level
- 3 Fall from Height
- 12 Struck by or Crushed by
- 8 Covid Related
- 2 Natural Causes (Under investigation)
- 4 Fire and Explosion
- 3 Electrocutation
- 1 Asphyxiation
- 1 Heat Related

Fatalities FY 2021

- October 05, An employee picking up a roll off dumpster was struck by the winch cable when it was not released from a storage pin used for transport.
- October 15, An employee picking up trash along a public roadway collapsed of a suspected heart attack. Investigation pending ME report.

Fatalities FY 2021

- November 16, An employee of a metal manufacturing facility was standing on the step of a forklift as a rider when he lost his balance and was crushed by the forklift.
- November 16, A employee at a valve and fitting manufacturer was standing on a pipe at a pressure test station. He fell striking his head on the wall and a protruding steel anchor bolt.

Fatalities FY 2021

- November 17, A service technician for a paving company was adding air to the tire of a loader at a worksite when the tire failed. The employee was struck by the tire and suffered fatal injuries.
- November 24, A healthcare worker at a juvenile behavioral care facility passed away from Covid related complications. The employee was quarantining following exposure to a co-worker who had tested positive.

Fatalities FY 2021

- November 29, an employee at a steel mill fell approximately 40 feet from the access to the control cab of an overhead crane.
- December 4, A respiratory therapist working on the covid wing of a regional hospital for three weeks prior became ill on November 28th. They passed away from related illness Dec. 4th.

Fatalities FY 2021

- December 09, While manipulating a valve on the trailer air brakes of bottom dump trailer the employee was crushed between the frame and tire.
- December 17, An employees attempting to unfreeze a water line connection on a tank truck with a propane torch was struck by the hatch when the contents of a tank truck exploded.

Fatalities FY 2021

- January 01, An employee installing fiber optic cable on a power pole contacted an energized line.
- January 04, An employee locating a gas pipeline by hand was found unresponsive in the excavation. Potential natural causes still to be determined.

Fatalities FY 2021

- January 6, An employee in an office setting passed away from covid related illness following suspected exposure from a cluster of cases at the work location.
- January 07, The intake screener at a residential care and rehabilitation center died from covid related complications.

Fatalities FY 2021

- January 18, an nurse working at a residential care facility passed away from Covid related illness.
- January 21, An employee fell from a concrete form scaffold that was lacking all the needed fall protection.

Fatalities FY 2021

- January 28, The owner for an Oil and Gas Support company was crushed by a tank when it rolled off a trailer.
- January 29, A hospice employee who visits patients in home died from Covid related illness. The death occurred on Jan 14th and was reported late.

Fatalities FY 2021

- January 29, A supervisory employee at a hospice care company died from Covid related complications on October 28, 2020. It was a non reported death.
- February 16, A tank truck driver for an Oil and Gas support company was overcome when he entered the truck while it was parked at his home.

Fatalities FY 2021

- March 19, A driver of trash truck was at a location and exited his truck. He moved to the front of the vehicle and was pinned between it and the dumpster when the truck rolled forward.
- April 7, An employee was caught in the grapppler of a soil conditioner mounted to a skid steer loader

Fatalities FY 2021

- April 7, An employee in a manufacturing facility was struck by a lifting fixture used with an overhead crane as it was being loaded.
- April 16, An employee working at a construction site with a multistory building fell from the 11th floor.

Fatalities FY 2021

- April 17, A truck driver was struck by a sheet of glass as was he was checking / adjusting the tie downs on the load.
- April 22, A worker trimming trees from a basket truck contacted a power line was electrocuted.

Fatalities FY 2021

- May 13, Two employees drilling core samples in an inspection shaft at Kerr Dam were killed when an explosion occurred. Initial evidence indicates there was a build up of methane gas.
- May 7, an employee was working in the derrick of a servicing rig when a support cable failed. The cable supporting the rod string caught on his fall protection pinning him to the guardrails and rods

Fatalities FY 2021

- May 20, An employee working in the head house of a grain elevator was overcome by excessive heat.
- June 30, An employee operating a rough terrain forklift at a construction site became unbalanced and tipped over. He was not wearing a seat belt and was crushed by the lift. This was also a late reporting by the employer.

Fatalities FY 2021

- July 7, A lineman transferring existing energized line from an old power pole to a new pole when he contacted the line and was electrocuted.
- July 16, A tow truck driver working a service call with a disabled vehicle along Turner Turnpike was struck by another motorist who drove onto the shoulder of the highway.

Fatalities FY 2021

- July 16, A welder was working at a tank farm for a facility that does separation for produced water and crude. He was caught in an explosion and subsequent fire at the location.
- July 25, An service tech on a road side service call had raised an RV on jacks to change a tire when the RV became unstable. The RV then fell from the jacks striking the employee.

Expanded reporting requirements

- **Method of reporting:**
 - By telephone to the [nearest OSHA Area Office](#) during normal business hours.
 - By telephone to the 24-hour OSHA hotline (1-800-321-OSHA or 1-800-321-6742).
 - Electronically through OSHA's website.
- Fatality reporting remains unchanged at 8 hours of the employer becoming aware



How This Works:



Report the incident if the amputation, loss of eye, hospitalization occurred within 24 hrs. of the workplace incident

FY 2019 Severe Injury Reports in OK

- **244 Total Severe Injury Reports**
 - 183 Hospitalizations
 - 61 Amputations
- **188 Rapid Response Investigations**
- **56 Onsite Inspections**
 - 16 amputations (26%)
 - 40 hospitalizations (22%)



FY 2020 Severe Injury Reports in OK

- **202 Total Severe Injury Reports**
 - 150 Hospitalizations
 - 52 Amputations
- **144 Rapid Response Investigations**
- **49 Onsite Inspections**
 - 7 amputations (13 % of reported)
 - 42 hospitalizations (28% of reported)



FY 2021 year to date Severe Injury Reports in OK

- **204 Total Severe Injury Reports**
 - 165 Hospitalizations
 - 39 Amputations
- **162 Rapid Response Investigations**
- **Onsite Inspections**
 - 36 hospitalizations (22% of reported)
 - 6 amputations (15 % of reported)

OSHA Inspection Priority

Priority

Category of Inspection

1st

Imminent Danger: Reasonable certainty an immediate danger exists

2nd

Fatality / Catastrophe/Severe Injury:
Reported to OSHA; inspected ASAP

3rd

Complaints/ Referrals: Worker or worker representative can file a complaint about a safety or health hazard.

4th

Programmed Inspections: Cover industries and employers with high injury and illness rates, specific hazards, or other exposures.



Citations and Penalties

VIOLATION TYPE

WILLFUL: A violation that the employer intentionally and knowingly commits or a violation that the employer commits with plain indifference to the law.

OSHA may propose penalties of up to **\$136,532** for each willful violation.

SERIOUS: A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard.

There is a mandatory penalty for serious violations which may be up to \$13,653.



Citations and Penalties

VIOLATION TYPE

OTHER-THAN-SERIOUS: A violation that has a direct relationship to safety and health, but probably would not cause death or serious physical harm.

OSHA may propose a penalty of up to \$13,653 for each other-than-serious violation.

REPEATED: A violation that is the same or similar to a previous violation.

Penalties based on the same criteria as SERIOUS or OTHER-THAN-SERIOUS with multipliers ranging from x2 to x10



NEW PENALTY STRUCTURE

Adjustment Factor for Size of Employer

Employees	Percent Reduction
1 – 10	70
11 - 25	60
26 - 100	30
101 – 250	10
251 or more	None

Employees Have the Right to:

- **A safe and healthful workplace**
- **Know about hazardous chemicals**
- **Information about injuries and illnesses in your workplace**
- **Complain or request hazard correction from employer**
- **Training**
- **Hazard exposure and medical records**
- **File a complaint with OSHA**
- **Participate in an OSHA inspection**
- **Be free from retaliation for exercising safety and health rights**



OSHA COMPLAINTS

- **Non-Formal / Phone & Fax**
 - Not signed
 - Ex-employee
 - Not an employee
 - Anonymous
 - Processed within one (1) day
 - Employer has five (5) days to respond
 - Can be elevated to on-site inspection
- **Formal**
 - Signed by a current employee or their representative
 - On-sight inspection within five (5) days



How Are Inspections Conducted?

The OSH Act authorizes OSHA compliance safety and health officers (CSHOs) to conduct workplace inspections at reasonable times.

OSHA conducts inspections without advance notice, except in rare circumstances (e.g. Imminent Danger)

In fact, anyone who tells an employer about an OSHA inspection in advance can receive fines and a jail term.



OSHA Inspection from Start to Finish

Opening Conference:

- ✓ **The compliance officer will present credentials and ask for most senior person on site.**
- ✓ **Introductions are made and the employer has the opportunity to gather whoever he wishes to include.**
 - If personnel are offsite we normally allow up to one hour for arrival.
- ✓ **The nature and scope of the inspection is presented.**
- ✓ **If a an organized labor union is present we afford them the opportunity for a separate opening conference.**



OSHA Inspection from Start to Finish

Walk Around and Interviews:

- ✓ **Physical inspection of the workplace or location proceeds with minimal delay.**
- ✓ **Photos and video are taken with the employer allowed to take their own photos and videos alongside the inspector.**
- ✓ **Employee interviews are conducted in a private and confidential setting.**
- ✓ **Union representation is allowed to accompany the physical walk around.**



OSHA Inspection from Start to Finish

Initial Closing:

- ✓ Before leaving the location the Compliance Officer will provide an initial closing that will detail how the remainder of the inspection will proceed.
- ✓ Documents requests may be made either verbally, in writing, by email, or thru subpoena.
- ✓ Additional interviews with employees and management can be scheduled to accommodate work schedules as long as they are in a timely manner.

OSHA Inspection from Start to Finish

Final Closing:

- ✓ **Within 6 months of the opening and include information about the violations being proposed.**
- ✓ **Citations are issued and may be delivered by mail (USPS), in person, or in some cases by other delivery services.**
- ✓ **Option for an informal settlement conference within 15 working days of receipt.**
 - May be in person at the Area Office or by phone
- ✓ **Contested citations are handled by our Solicitors office in Dallas.**



Questions??

THANK YOU

