

# FY16 Update

***Kimberly Stille***  
***Regional Administrator***  
***Region 1 – New England***



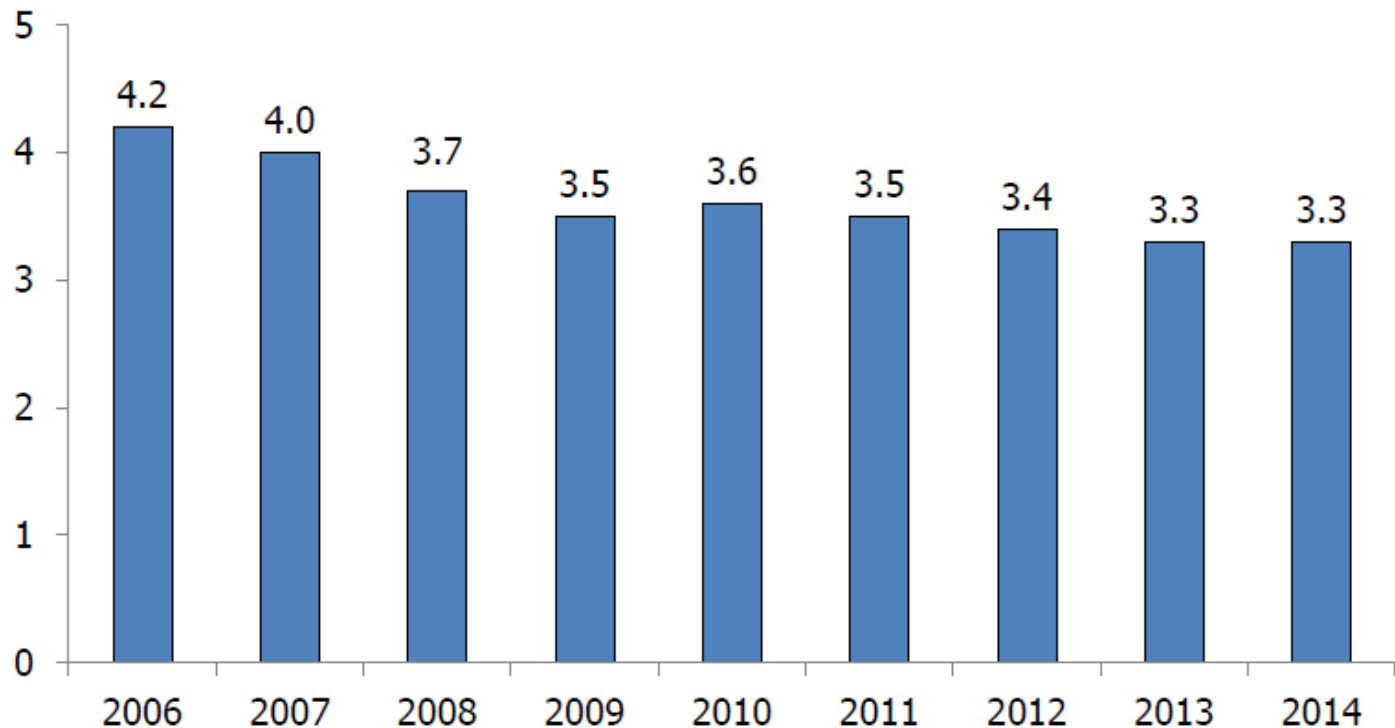


# Directorate of Construction



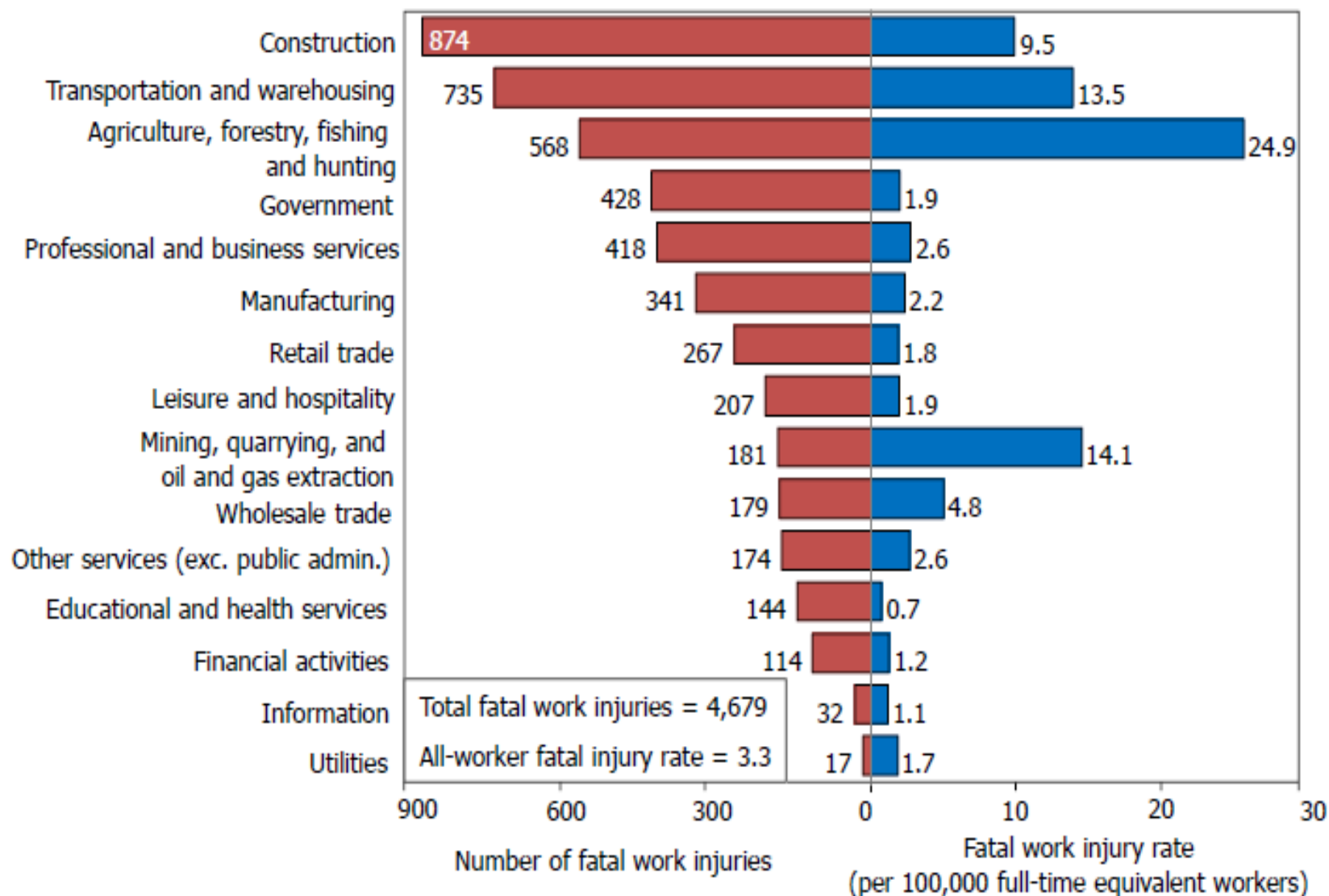
# Workplace Fatality Rates 2006- 2014

Fatal work injury rate  
(per 100,000 full-time equivalent workers)



Both the preliminary rate of fatal work injuries in 2014 and the final rate in 2013 were 3.3 fatal work injuries per 100,000 full-time equivalent workers.

# Number & rate of fatal occupational injuries



\*Data for 2014 are preliminary.

# Construction Industry Fatalities\*

Years	2007	2008	2009	2010	2011	2012	2013	2014
Total Fatalities All Construction	<b>1204</b>	<b>975</b>	<b>834</b>	<b>774</b>	<b>738</b>	<b>806</b>	<b>828</b>	<b>874</b>
Fatality Rates All Construction	<b>10.8</b>	<b>9.7</b>	<b>9.9</b>	<b>9.8</b>	<b>9.1</b>	<b>9.9</b>	<b>9.7</b>	<b>9.5</b>

Source: BLS CFOI Data  
2014



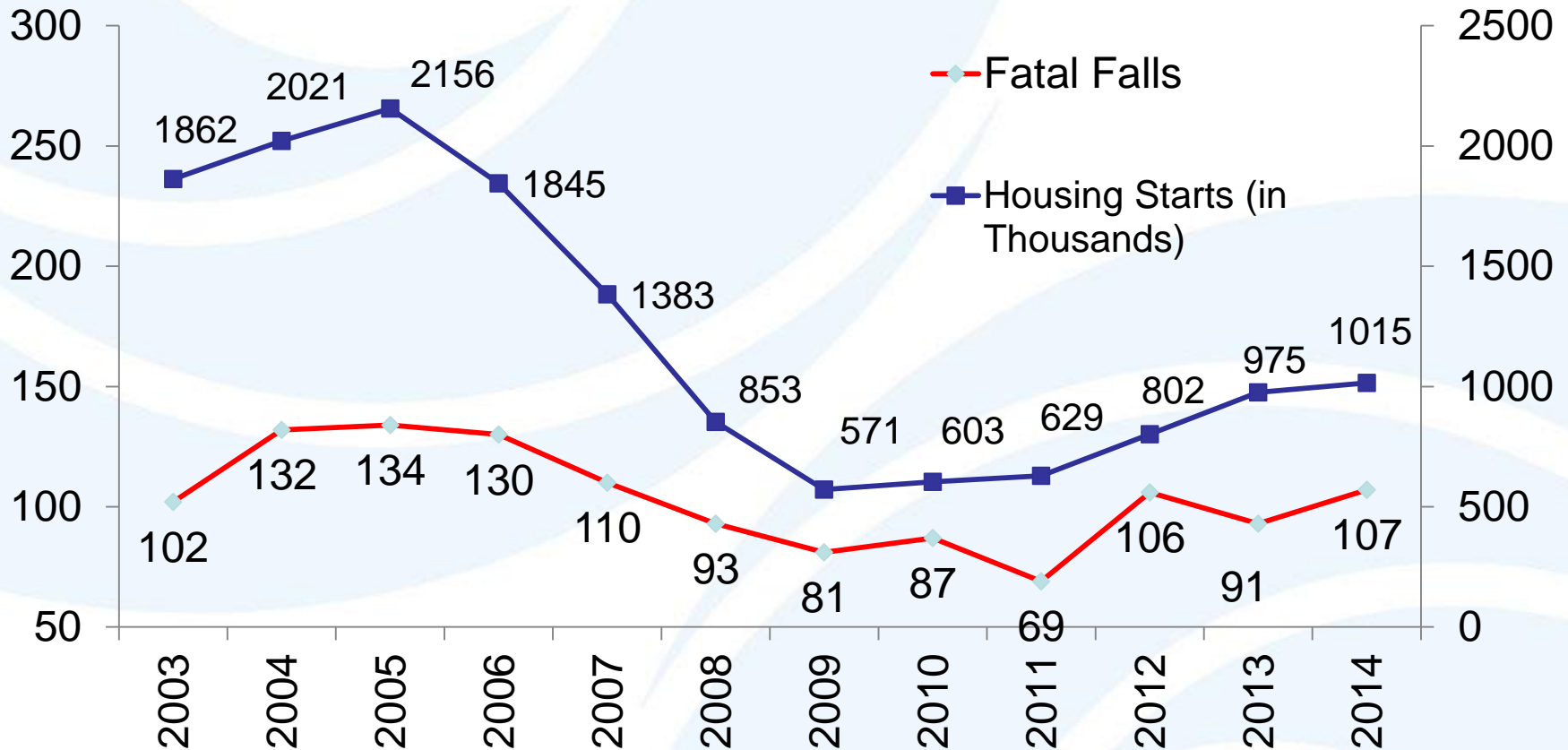
# Residential Construction Fatalities\*

Years	2007	2008	2009	2010	2011	2012	2013	2014
Fatalities For Residential Construction	267	196	187	182	154	205	203	227

\* Source: BLS CFOI Data  
2014



# Fatal Falls in Residential Construction 2003 - 2014



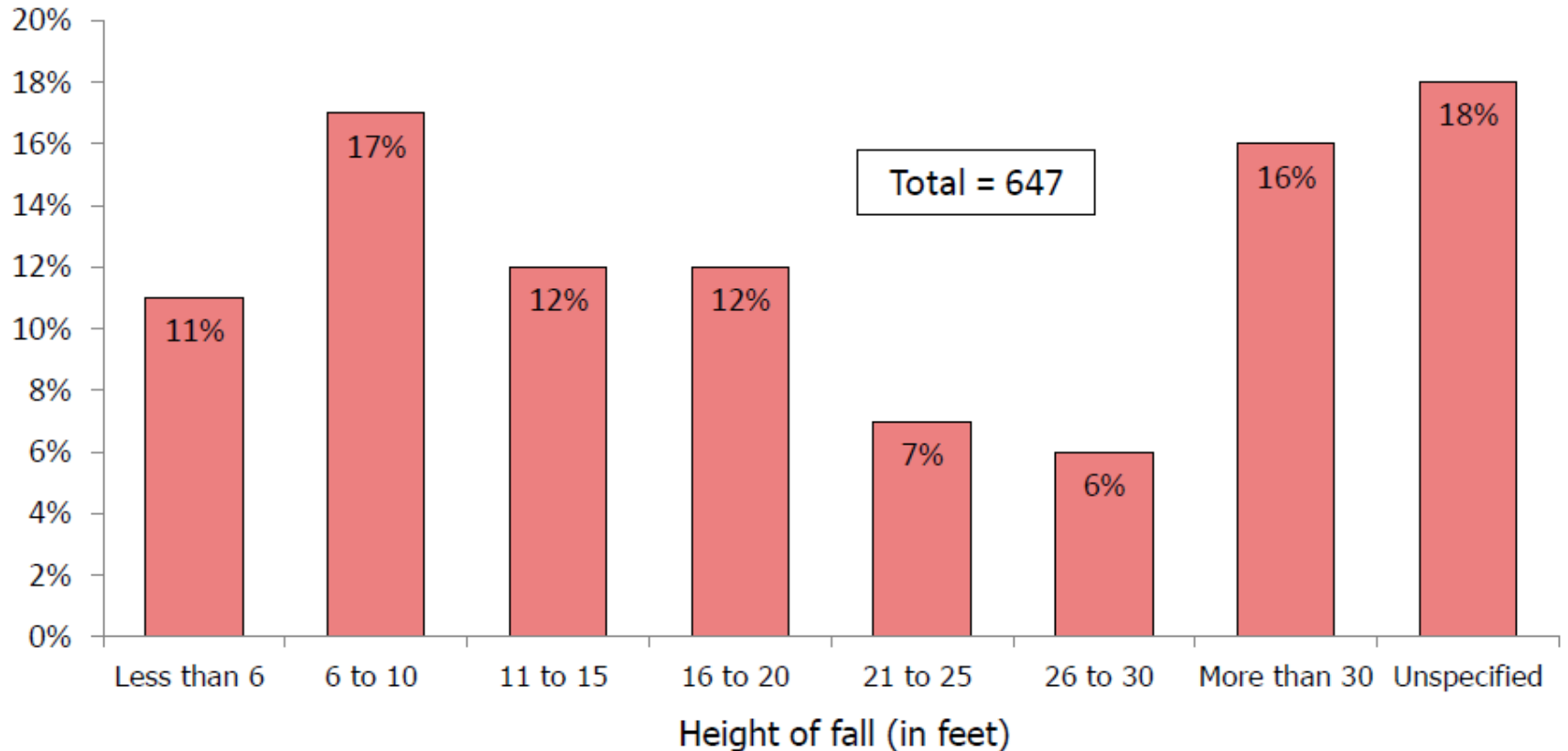
Source of fatality data: Bureau of Labor Statistics

Source of housing starts: McGraw-Hill Construction



## Fatal falls to lower level by height of fall, 2014\*

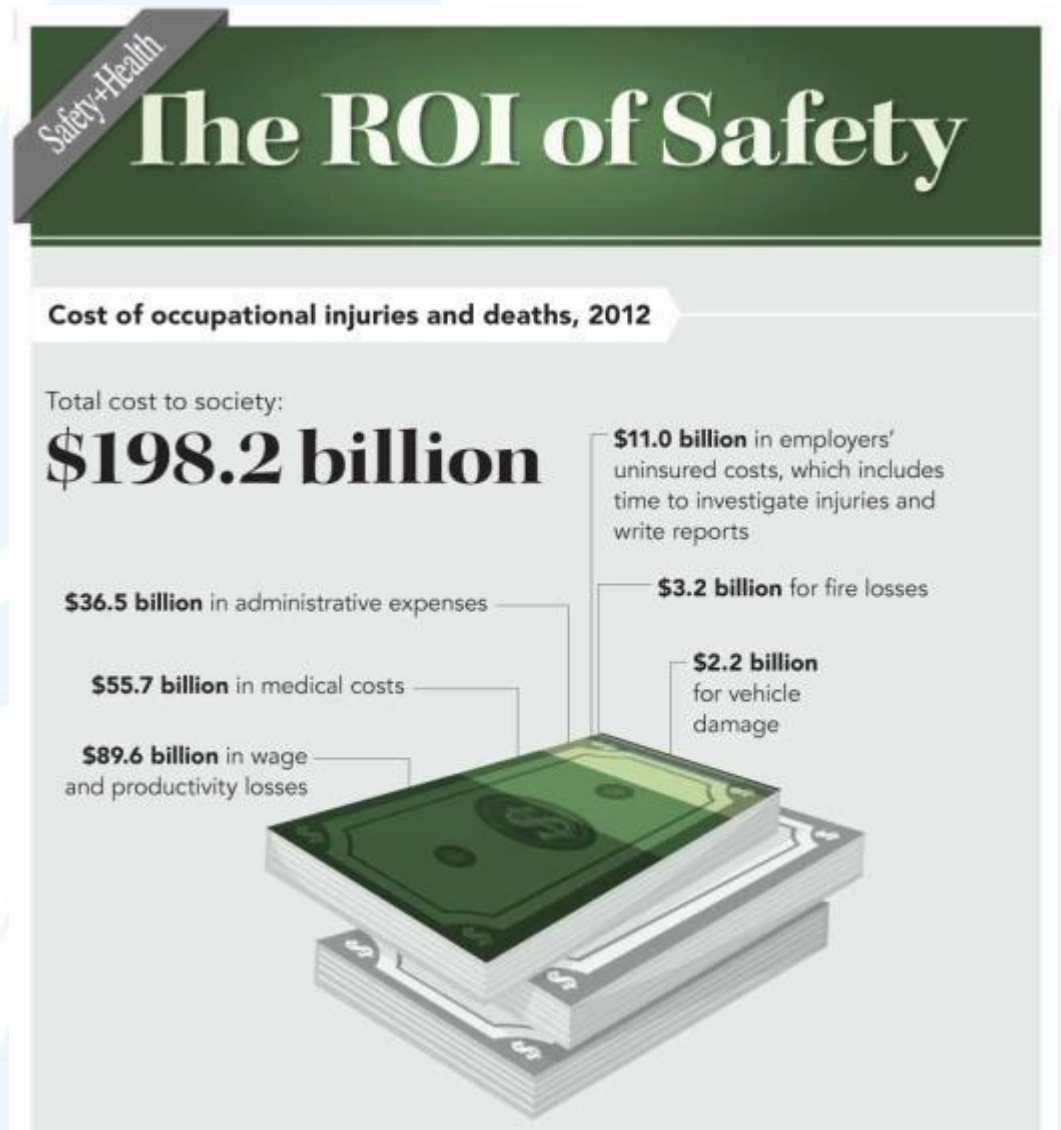
Percent of fatal falls to lower level



In 2014, the preliminary total for falls to lower level was 647 fatal work injuries, up 9 percent from the final count for 2013. Of the cases where height of fall was known (532 cases), about 2 out of every 3 were falls of 20 feet or less. One in five cases with a known height involved falls from more than 30 feet.

Workplace injuries and fatalities  
cost our economy  
**\$198.2 billion**  
a year.

— National Safety Council  
“Injury Facts” 2014



# Confined Spaces in Construction

- Publish Date: May 4, 2015
- Effective Date: August 3, 2015\*
- Closely aligned with General Industry Rule
- Find more info at <http://osha.gov/confinedspaces/index.html>



# Confined Spaces Outreach

- Webinars to CSHOs, AGC, ABC, NAHB, AIHA
- Fact sheets
- Web page
- Small entity guide
- Rescue fact sheet
- Outreach to fire chiefs
- FAQ already on webpage



# Enforcement Situation

- Delayed until October 2
- Directive
  - Plan is to work with DEP to incorporate the construction rule into the General Industry directive.

# Legal Situation

- Seven Parties involved in litigation
  - Texas Builders Association
  - National Association of Home Builders
  - Building Construction Trade Division of the AFL-CIO
  - National COSH
  - Southwestern Bell
  - Verizon

APR.13.2015 2:00PM

## Mountain Lion Trapped Under House

LOS FELIZ



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# Crane Operator Qualification

- OSHA's final construction crane standard in 2010 relied exclusively on third-party certification of crane operators
- After publication, stakeholders in the crane and construction industries advised that certification alone is not sufficient to ensure operator qualification



# Crane Operator Qualification

- ACCSH meeting on March 31<sup>st</sup>
  - OSHA presented a draft proposed standard to define “qualification” and require employers to qualify crane operators



# Crane Amendments

- Proposed revisions to the final construction crane standard, include:
  - clarifying applicability to multi-purpose machines and forklifts
  - revising requirements for insulating links and proximity detectors near power lines
  - re-considering the feasibility of a requirement for instruments for stabilizers on small articulating cranes

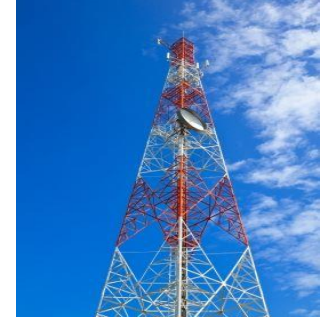
# Communication Towers



- Increased Number Fatal Accidents
  - 12 Fatalities in 2014
  - 13 Fatalities in 2013
  - Not just about falls
  - Two thirds of tower fatalities are related to rigging or collapse.
- OSHA continues addressing hazardous conditions through outreach and enforcement.
- OSHA Office of Engineering
  - Several investigations ongoing
  - Three investigations posted on OSHA's Webpage



# Communication Towers



- Letter Project with FCC permits
  - Writing hazard alert letters to companies building or modifying communication towers.
  - Letters are being sent to company located in federal OSHA states.
  - Working W/DCSP to facilitate sending to state plan states.

# Standards Improvement Project IV

- Updates 18 individual and unrelated provisions. Examples include:
  - MUTCD (construction)
  - Digital x-rays
  - Decompression table (construction)
  - LOTO “unexpected”

# Letters of Interpretation

- DOC conducting reviews of all construction letters of interpretation.
- Look for outdated or inconsistent letters.
- Make sure letters of interpretation reflect current policies.

# Construction Guidance Documents

- Protecting Roofing workers OSHA 3755
- Fall protection in construction OSHA 3146
- Revised OSHA 2226 Excavation



  
*back to* **CONSTRUCTION INDUSTRY**

# Preventing BACKOVERS



## Vehicles Causing the Most Backover Fatalities 2005-2010\*

Dump Truck	67
Semi/Tractor Trailer	40
Truck	30
Forklift	21
Garbage Truck	20
Pick-up Truck	16

\*OSHA Integrated Management  
Information System data

### Regulations



### Standard Interpretations



### Backing Safety Solutions



### Other Resources



## HIGHLIGHTS

### Related Topics

[Preventing Backovers](#). Safety Clearinghouses. Provides links to information relating to backover incidents in highway work zones.

[Motor Vehicle Safety](#). OSHA Safety and Health Topics Page.

[Prevention Video \(v-Tool\): Struck-by Accidents in Construction](#). OSHA Video.

A backover incident occurs when a backing vehicle strikes a worker who is standing, walking, or kneeling behind the vehicle. These incidents can be prevented. According to the Bureau of Labor Statistics, over 70 workers died from backover incidents in 2011. These kinds of incidents can occur in different ways. For example:

On [June 18, 2009](#), an employee was working inside a work zone wearing his reflective safety vest. A dump truck operating in the work zone backed up and struck the employee with the rear passenger side wheels. The employee was killed. The dump truck had an audible back up alarm and operating lights. (OSHA Inspection Number 313225377)

On [June 9, 2010](#), an employee was standing on the ground in front of a loading dock facing into the building while

# Top 10 Violations in Construction - FY 2015

Standards Cited FY2014	Number of Citations	Brief Description of Standard
<u>1926.501</u>	7,225	Duty to have fall protection.
<u>1926.451</u>	4,610	General scaffold requirements.
<u>1926.1053</u>	2,651	Ladders.
<u>1926.503</u>	1,601	Fall protection training requirements.
<u>1926.102</u>	1,358	Eye and face protection.
<u>1926.100</u>	1,160	Head protection.
1910.1200	1,046	Hazard Communication
<u>1926.20</u>	933	General safety and health provisions.
<u>1926.453</u>	853	Aerial lifts.
<u>1926.502</u>	726	Fall Protection Systems Criteria Requirements. and Practices

# **Directorate of Standards and Guidance**



# DSG Standards Work

- Beryllium – Published for comment
- Silica final rule – lots of work, many sections in SOL clearance

# DSG Standards Work

- Eye and Face Protection proposal to update consensus standards (general industry, construction and maritime)
- General Industry Walking Working Surfaces final rule – in OMB clearance

# Recordkeeping Revisions

- Maintenance requirement update (Volks) published for comment
- Records modernization nearing OMB clearance



# OSHA Compliance Assistance ✓

- ✓ **20,000,000** visitors annually to OSHA's website
- ✓ **213,200** responses to OSHA 1-800 calls for help
- ✓ **19,300** Spanish-speaking callers helped
- ✓ **22,500** e-mail requests for assistance answered
- ✓ **1,320,500** educational materials distributed
- ✓ **26,700** visits to small & medium-sized businesses through OSHA's free On-Site Consultation Program
- ✓ **100,000** subscribers to QuickTakes newsletter

2014 data



# 2015 National Safety Stand-Down



# Online Resources

- **Updated Spanish home page**

<http://www.osha.gov/spanish>.

- **New webpage on high penalty enforcement cases by state**

<http://www.osha.gov/topcases/bystate.html>



# **Directorate of Enforcement Programs**



# DEP Products

- Hazard Communication Directive –  
Published – July 20, 2015
- TB Directive- Published – July 13, 2015
- Amputation NEP – August 13, 2015
- FOM Update



# DEP Products

- Temporary Worker Directive – Draft
- Workplace Violence Directive – In Process
- Wind Turbines- Draft
- Subpart V Directive- Draft
- Confined Spaces Directive- Draft



# Ergonomics Enforcement

**OSHA continues to enforce ergonomics in all industries utilizing the general duty clause.**

**Overall (2001 – May 2015) ergonomic inspection data:**

- Federal OSHA has issued forty-five 5(a)(1) citations to 36 companies, plus two Notices of Unsafe or Unhealthful Working Conditions (Federal Agency equivalent)
- Approximately 1052 EHAs to employers



# Workplace Violence

- OSHA enforce workplace violence in all industries utilizing the general duty clause. Focusing on industries with high WPV rates, namely healthcare, late night retail and correctional facilities
- FY 2014 & 2015 Enforcement Analysis
  - 2014 - Total of 42 WPV cases investigated, with 4-5(a)(1)s issued – all in the healthcare setting
  - 2015 (to date) Total of 30 WPV cases –16 ongoing & 10 HALs (2 closed with nothing)
- Currently Updating the WPV directive



# Severe Injury Reporting Rule

- Employers must report all hospitalizations, amputations, and loss of an eye within 24 hours
- Existing requirements for employers to report work-related fatalities within 8 hours has not changed
- Rule went into effect January 1, 2015

# Severe Injury Reporting Implementation

- Determine agency course of action based on employer reports:
  - Inspections
  - Rapid Response Investigations (RRI)
  - No action due to lack of coverage under reporting rule
- Goal is to identify the primary cause of the injury, determine how employer addressed the hazard(s) and confirm abatement



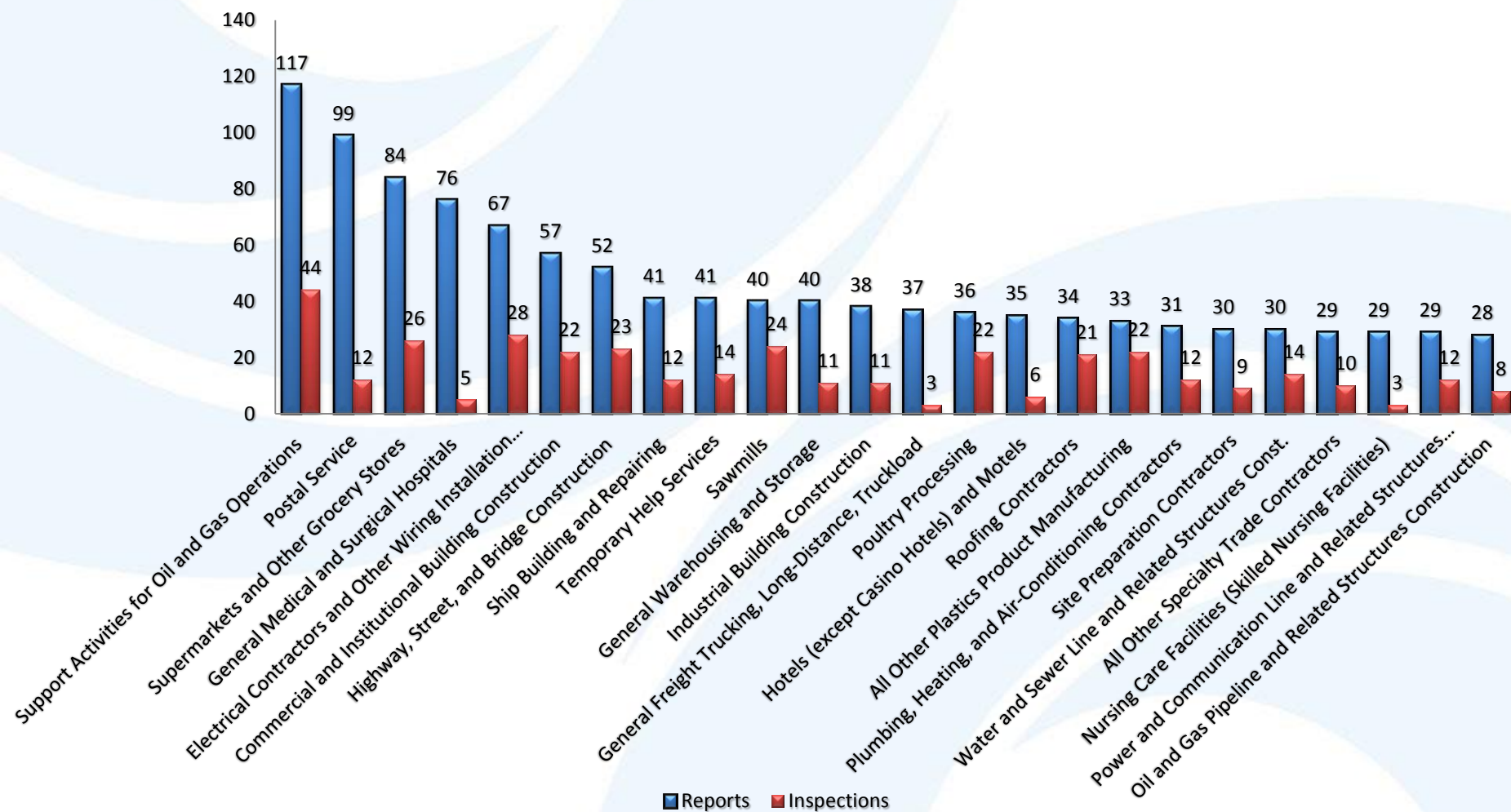
I'm going to need a little more for  
root cause than "whoda thunk?"



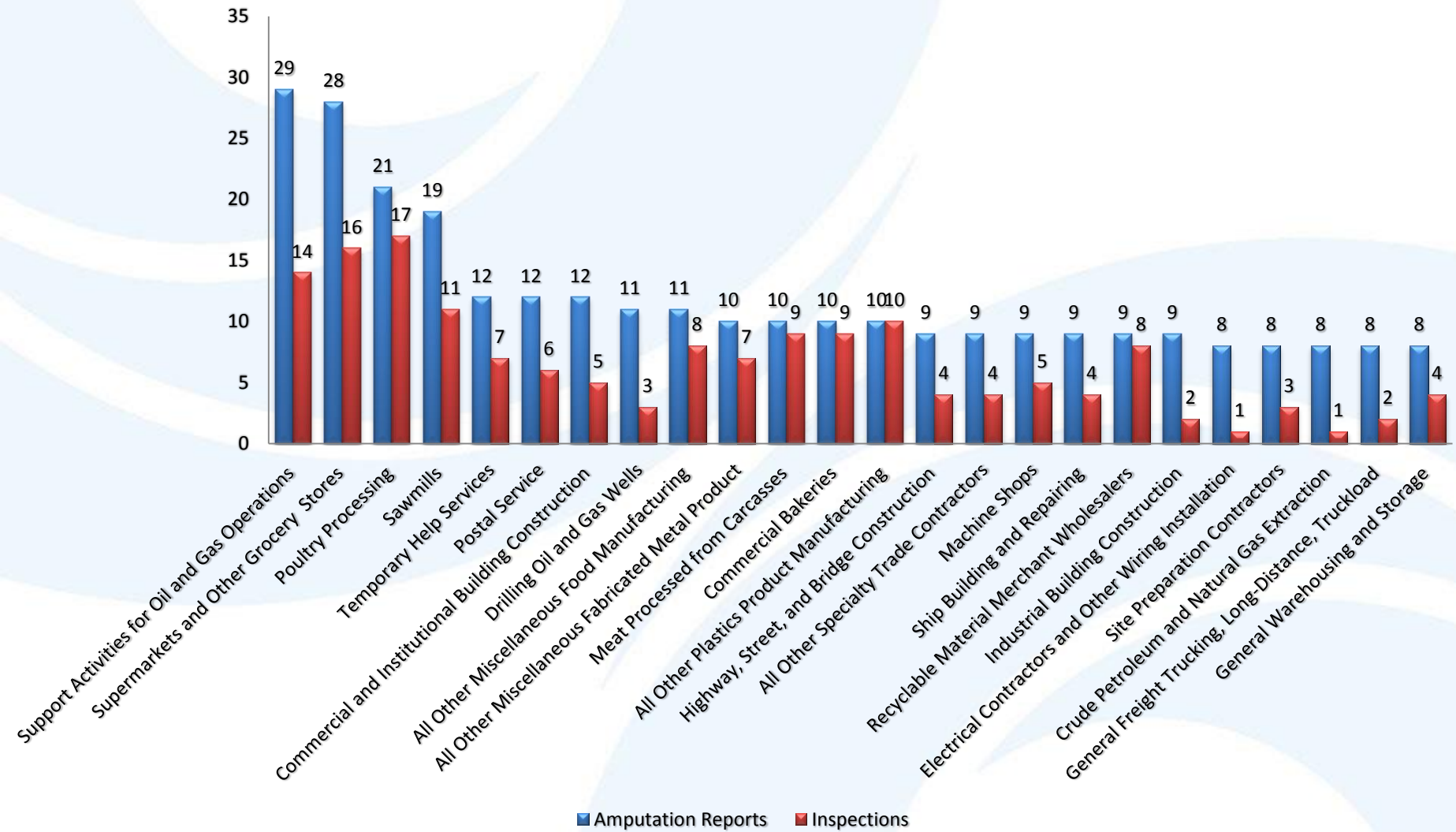
# Severe Injury Reporting Rule

- Currently, receiving between 200 and 250 reports a week
  - May result in 12,000 reports annually
- 35 - 40% of reports have resulted in inspections
  - May result in 5,000 inspections annually
- Remainder of reports resulted in RRIIs or were determined NOT to be work-related

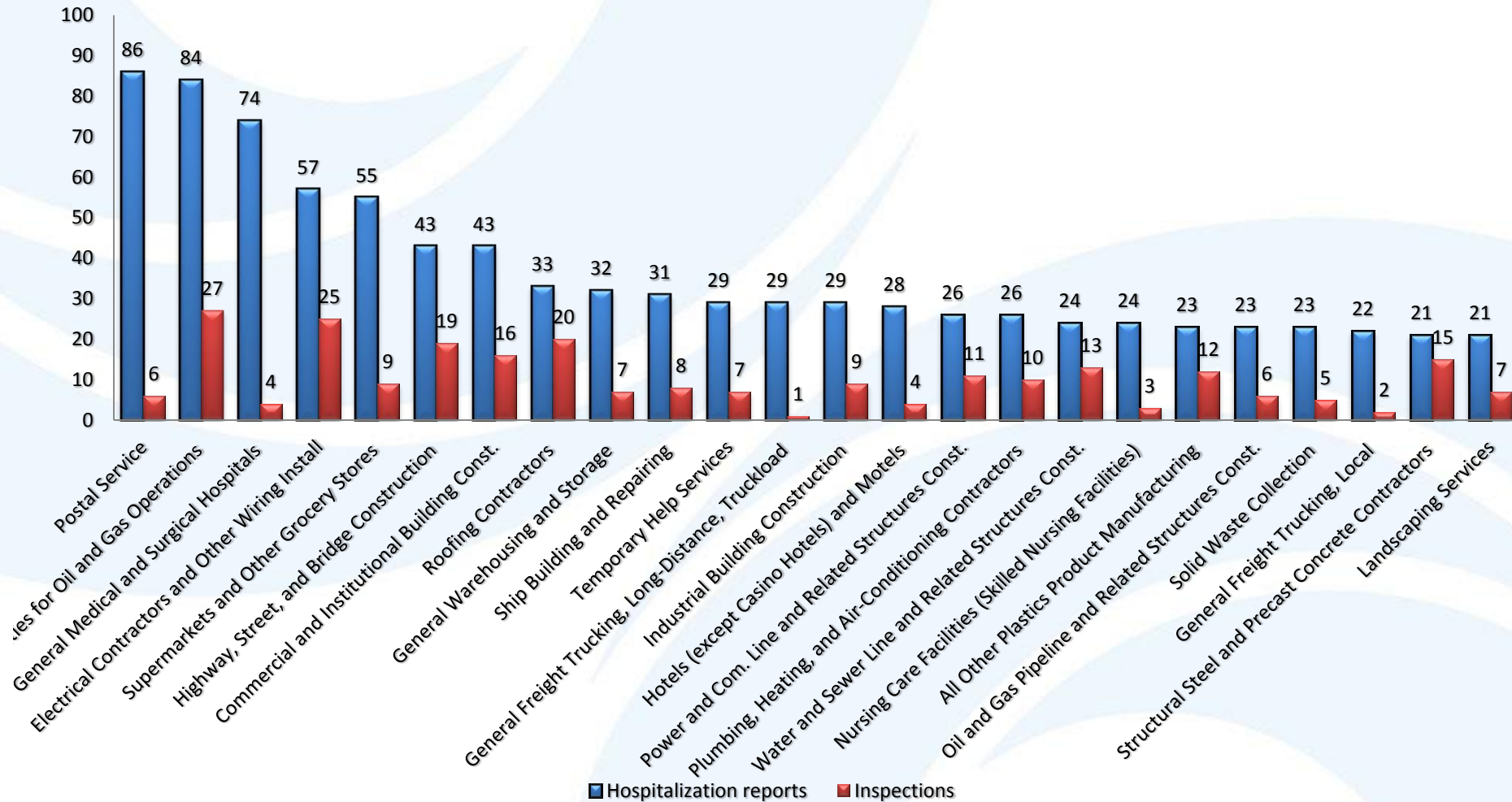
# SIR Data Top 25 Industries: Overall Count



# SIR Data Top 25 Industries: Amputations



# SIR Data Top 25 Industries: Hospitalizations



# SVEP Cumulative Summary

Period of review: 6/18/2010 – 7/30/2015

- **507 SVEP cases**

- 133 (26%) of the 507 SVEP cases were **fatalities**
- 35 (7 %) of 507 SVEP cases were **egregious**, 5 of which were also fatalities
- 338 (67 %) of the 507 SVEP cases were **Non-fatality/Catastrophe Criterion Related to a High-Emphasis Hazard.**

# SVEP Cumulative Summary

Period of review: 6/18/2010 – 7/30/2015

- **507 SVEP cases**

- 5 (1%) of the 507 SVEP cases were **Non-fatality/Catastrophe for Hazards Due to the Potential Release of a Highly Hazardous Chemical (Process Safety Management)**
- 304 (60 %) of the 507 SVEP cases were in **construction**
- 48 (16 %) of the 304 SVEP **construction** cases were **fatalities**

# Increasing OSHA's Visibility and Impact

- OSHA Coverage
  - 2,200 inspectors
  - 130 million workers
  - 8 million worksites
  - Translates into 1 inspector/59,000 workers; 1 inspector/3,636 worksites



# Increasing OSHA's Visibility and Impact

- Fatalities (2014)
  - 4,679 fatalities
  - Translates into 90/wk or 13/day
- Construction Fatalities (2014) = 20.5%
  - 1 in 5 worker deaths were in construction
  - 39.9% due to falls

# Increasing OSHA's Visibility and Impact

- Press Releases
- Significant/Egregious Cases
- Criminal Referrals



# Criminal Liability

- OSHA's most common enforcement tool is the civil penalty. OSHA inspects and issues violations with a penalty determined by the number and type of violations found.
- The OSH Act also contains a few criminal provisions.



# Criminal Provisions in the OSH Act

- Willful violation of a standard causing fatality, fine up to \$10,000 or imprisonment up to six months, or both; \$20,000 or one year, or both for repeat prosecution.
- Advance notice of an inspection, up to \$1,000 or six months imprisonment, or both.
- Knowingly making false statement, representation, or certification in anything required by the Act, fine up to \$10,000, or imprisonment up to six months, or both.



# False Statements

- Making false statements to a Federal Official is illegal and an Attorney General can prosecute an employer.
  - Fabricating stories
  - Intentionally deceiving a Compliance Officer

# Examples

- A steel and roofing contractor charged with making false statements regarding incident at a jobsite in Alabama. Pleads guilty with 3 years of supervised probation and 30 days community service.
- Philadelphia roofing contractor indicted for making false statements to OSHA during a fatality investigation.

# Section 11(b) of the Act

- Section 11(b) of the OSH Act allows OSHA to petition the court for enforcement of any Final order of the Review Commission. The Court may decree that an employer must comply, abate and / or pay the penalties assessed.
- Failure to do so may result in contempt of court proceedings, arrest or incarceration.

# Examples

- Guillermo Perez and Elma Maldonado, owners of GP roofing found in contempt for failure to abate and pay penalties. Arrested by U.S. Marshals, incarcerated for two weeks until hearing.
- Mike Nery arrested by U.S. Marshals, jailed for 3 weeks. Released after selling backhoe and agreeing to get out of the trenching business.

# Other Criminal Issues

- Falsifying evidence
- Witness tampering
- Prosecution by local authorities

# The Next Level - Local Authorities

- Manhattan DA manslaughter charges
  - Wilmer Cueva – Sky Materials
  - Alfonso Persia – Harsco Construction
- Philadelphia murder charges,
  - Griffin Campbell, Campbell Construction
  - Sean Benschtop, S & R contracting

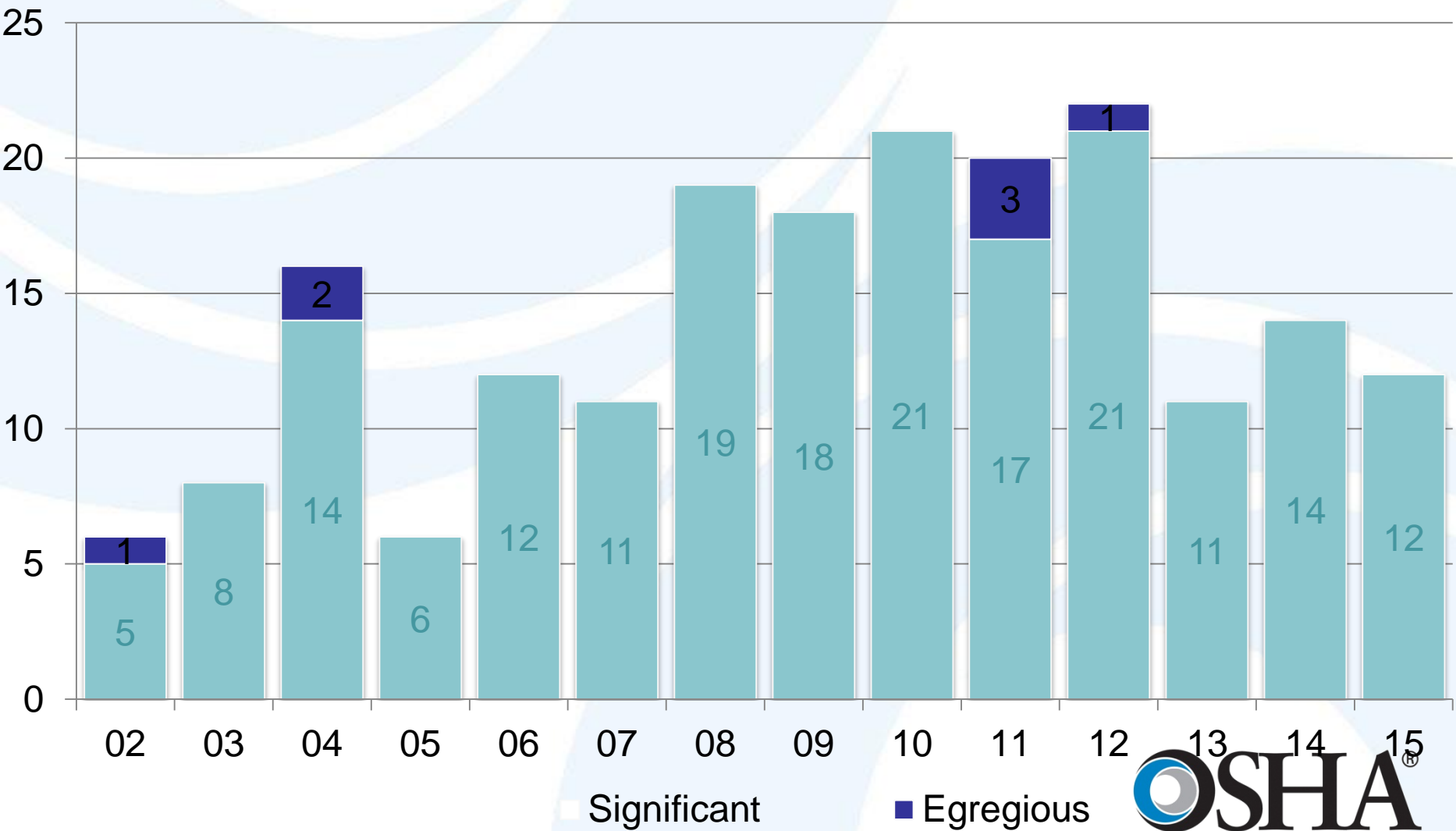
# REGION 1 SPECIFICS



# **SIGNIFICANT CASES**



# Significant Cases Issued



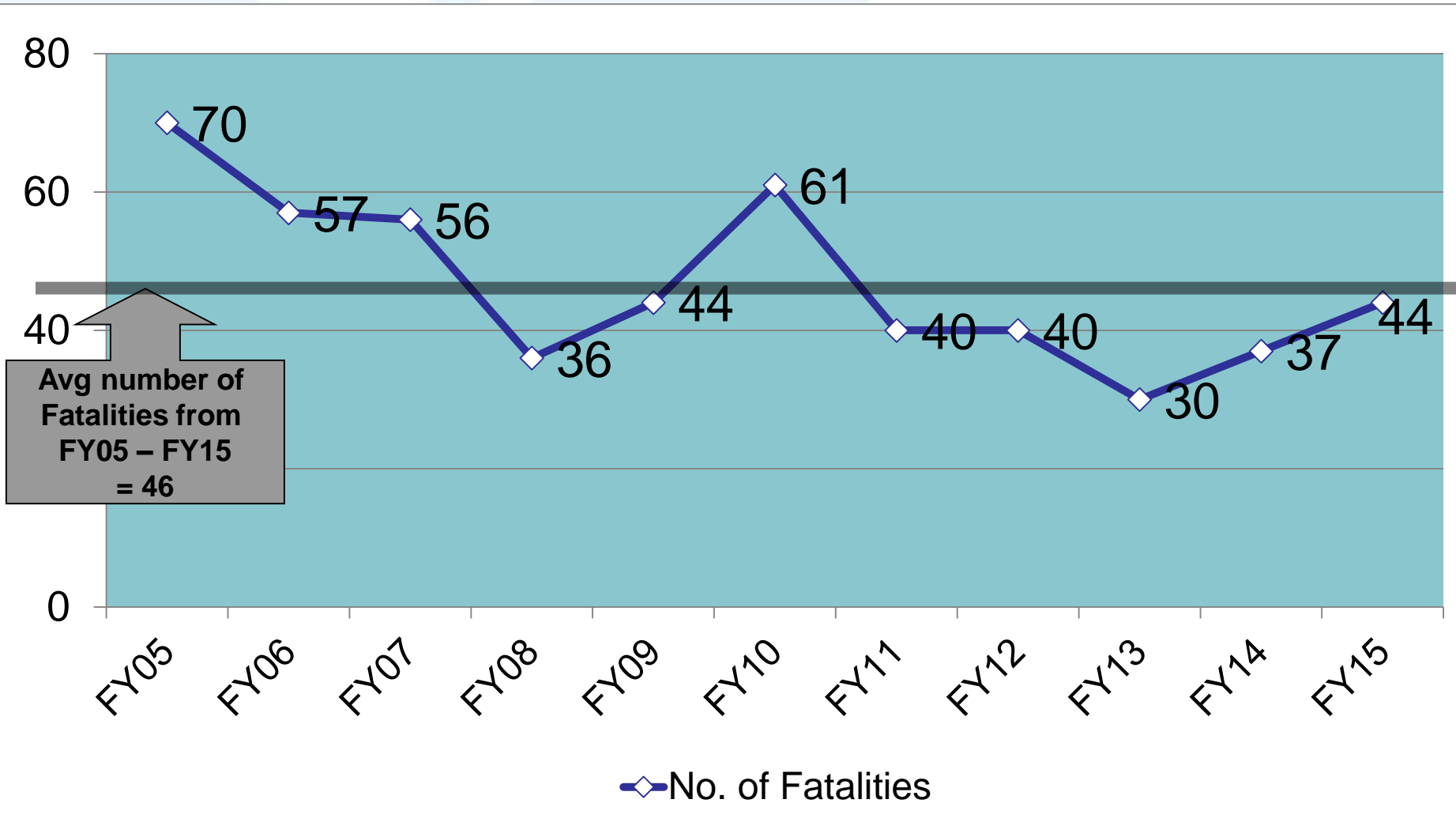
# Significant Cases Issued FY15

- 4 Construction, 8 GI
- 67% initiated by complaint
- 1 initiated by an employer reported hospitalization (Electrical contractor)
- 1 involved temporary workers
- Health driven sig cases (Construction)
  - Lead, falls, electrical
  - Hexavalent chromium, noise

# FATALITIES

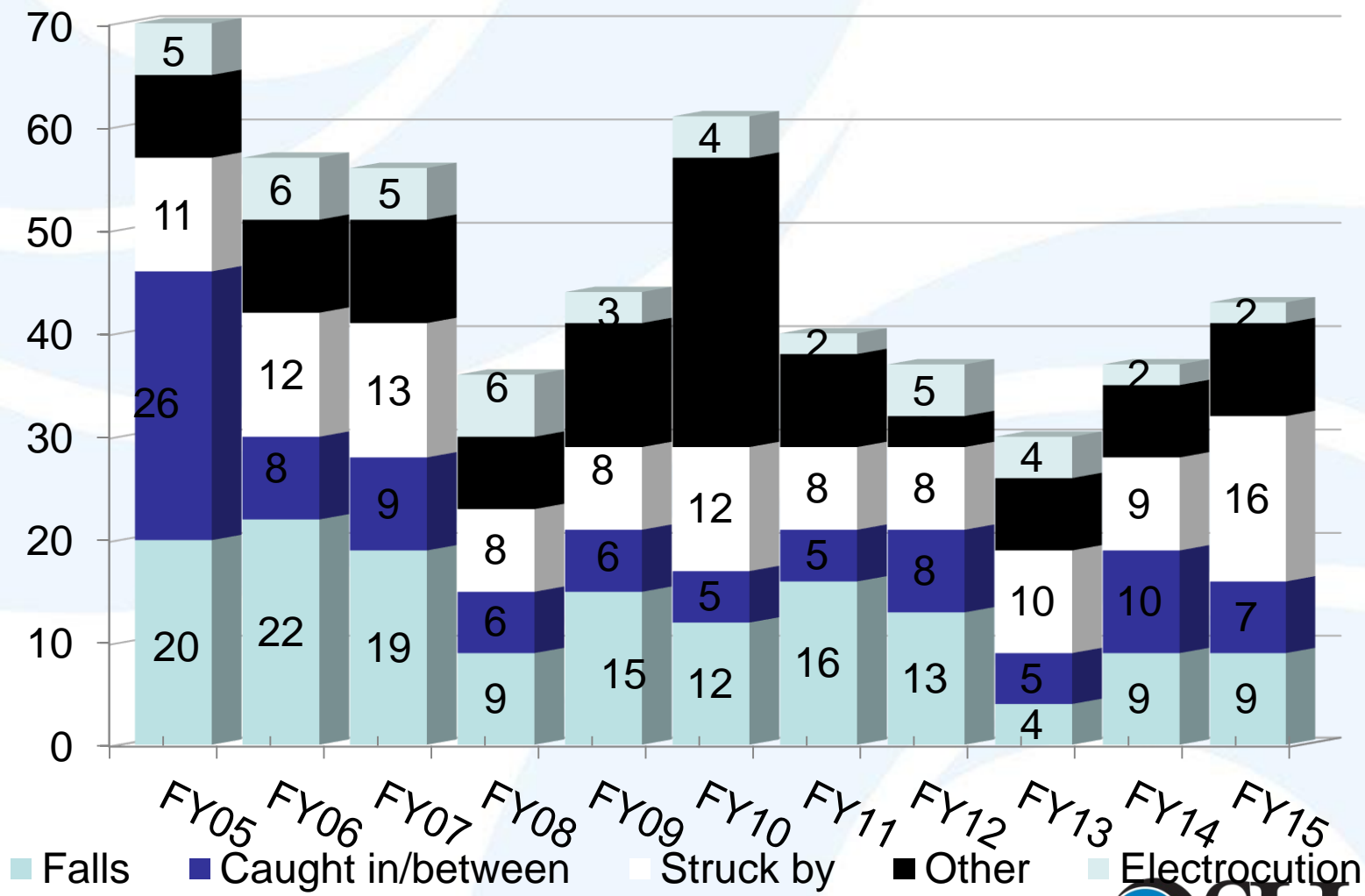


# By Fiscal Year



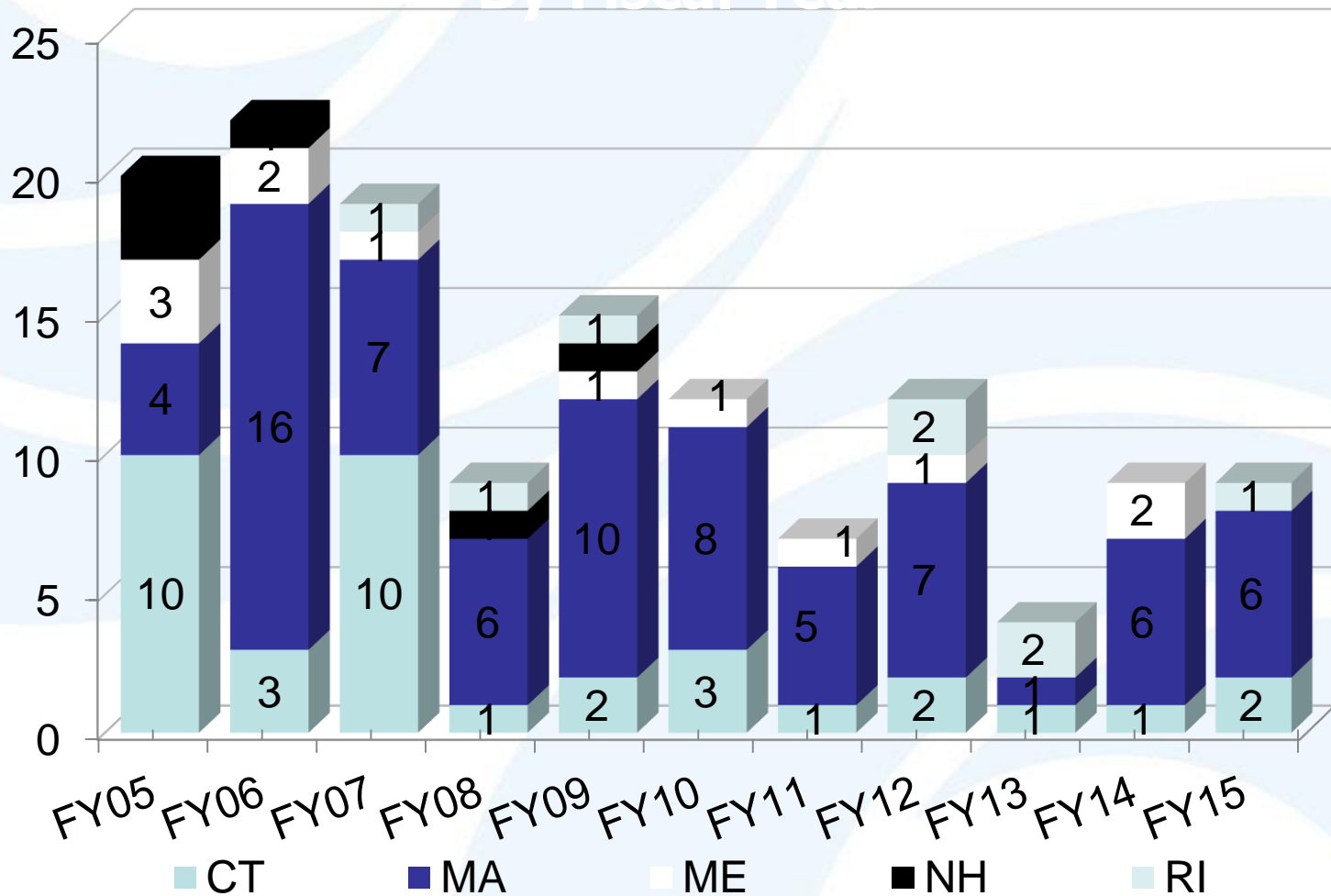
\*through 9-6-2015

# Fatalities by Event Type



# Fatal Falls in New England by State

By Fiscal Year



# Fatality Investigations

- Ensure expanding to comprehensive inspections
- Fatality trending to focus outreach and enforcement efforts
- Working on Regional policy

# Local Emphasis Programs

CPL Number	Local Emphasis Program
CPL 04-00-024A	LEP - Noise in the Workplace
CPL 04-00-002C	REP - Regional Emphasis Program For Fall Hazards
CPL 04-00-020D	LEP - Mast Climbing Work Platforms
CPL 04-00-0024C	LEP - Underground Construction and Tunneling Operations
CPL 04-00-16.3	REP - Crane Operation in Construction
CPL 04-00-23A	LEP - Powered Industrial Trucks
CPL 04-00.018C	REP - Residential Construction
CPL 04-00-021C	REP - Crystalline Silica Exposure in Construction
CPL 02-00-021A	LEP - Health High Hazard - Top 100
CPL 04-00-022A	REP - Scrap, Waste and Refuse Industries

# National Emphasis Programs

CPL Number	Local Emphasis Program
CPL 03-00-019	Amputations*
CPL 03-00-014	PSM Covered Chemical Facilities
CPL 02-02-076	Hexavalent Chromium*
CPL 03-00-008	Combustible Dust
CPL 03-00-017	Isocyanates*
CPL 03-00.009	Lead*
CPL 03-00-013	Primary Metals
CPL 02-00-069	Trenching and Excavations*
CPL 03-00-007	Silica*

# Inspection Statistics, FY15

- 3,504 Inspections
  - 62% Unprogrammed
  - 38% Programmed
  - 56% Construction
- 89.2% resulted in SWR citations
- Average of 2.41 viols/inspection
- Avg Penalty per Serious = \$9,767



# QUESTIONS?

