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Workplace Safety & Health: Washington Update

Prepared for
International Telecommunications Safety Conference
September 2003

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A dark blue world map is centered in the background of the slide. The map shows the outlines of continents and oceans in a lighter shade of blue.

The Mood at OSHA

Shrinking Regulatory Agendas

16 items eliminated in December 2001

4 eliminated in Spring 2002

3 items eliminated in December 2002

2 withdrawn in May 2003

**Few items added – i.e., ionizing
radiation**

Only ~ 30 items on agenda at present

Increasing Emphasis on Voluntary & Information Efforts

Voluntary Protection Programs

Alliances and Partnerships

Guidelines instead of Standards

Information and Outreach

Cross-referencing of Government

Agency Information Sources

Voluntary Protection Program

Congress has pushed for 25% growth in VPP at sites under federal jurisdiction

OSHA recently announced new initiatives:

- **VPP Challenge**
- **VPP Corporate**
- **VPP Construction**

OSHA currently at 1000 VPP sites

New programs could push numbers to 4000

Alliances

Short-term, few rules

Focus:

- **Training and education**
- **Outreach and communication**
- **Promoting national dialogue on worker H&S**

~35 national -- ~16 ergonomics

~73 regional

~ 5 in state plan states

Partnerships

- **Extended, voluntary, cooperative relationship with groups of employers, employees, and employee representatives**
- **To encourage, assist, and recognize their efforts to eliminate serious hazards and achieve a high level of worker safety and health**
- **Sometimes includes other stakeholders**
- **Sometimes involving only one employer**

Guidelines and More Guidelines

- **Ergonomics**
- **Emergency Preparedness**
- **Evacuation Planning Matrix**
- **Infectious Diseases**
- **Anthrax**
- **Bioterrorism**

Information Dissemination

- **E-Tools:**
 - **Ergonomics Solutions for Electrical Contractors**
 - **Machine Guarding**
 - **Computer Workstations**
 - **Teen Worker Safety in Restaurants**
 - **Youth in Agriculture**
 - **Baggage Handling**

Cross-Referencing Agency Info

- **Centers for Disease Control**
- **NIOSH Tools and Guidance**
- **References to EPA Sources of Information**
- **Homeland Security**

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Recent Developments

Hazard Communication

New guidance documents to be issued:

- **Guidance for Hazard Determination**
 - Explains process for evaluating evidence
 - Aimed at chemical manufacturers and importers
- **Guidance for Preparation of MSDSs**
 - How to write clear, consistent and complete MSDS
 - Recommended format
 - Instructions for composing individual sections
- **Model Training for Hazard Communication**
 - To assist employers in developing training programs

Hazard Communication

- **Draft guidance documents will be made available for public comment in “near future”**
- **OSHA plans to issue before the end of the year**

Hazard Communication

Globally Harmonized System of Classification and Labelling of Chemicals

- OSHA comparing GHS with HCS
- Preparing document summarizing GHS

Working with Society for Chemical Hazard Communication

- To develop a course for instructing individuals responsible for preparing MSDS
- Targeted to small business
- Presented in various US locations

Ergonomics: Guidelines

Nursing Homes – final March 13, 2003

Proposed:

- **Retail Grocery – draft available**
- **Poultry Processing – draft available**
- **Shipyards – coming soon**

Much concern over how guidelines are used

What enforcement is based upon

Ergonomics: Guidelines

Recent citations against companies that had ergonomics programs in place despite prior assurances that companies with programs needn't worry about citations

NCE and US Chamber comments call for OSHA to publish its instructions and guidance for compliance officers and other staff concerning how ergo citations are issued

Ergonomics: ANSI

NSC has announced that it is getting out of the “consensus standards” business

- **Cites “philosophical” changes**
- **More important: financial and litigation concerns**
- **Z365 effort still in dispute**

Ergonomics: NACE

**National Advisory Committee will hold
3rd Meeting on September 23-24.**

- **Work groups will meet on 9/23**
 - Research
 - Guidelines
 - Outreach
- **Full Committee hears work group and other reports on 9/24**

MSDs and Recordkeeping

June 30, 2003 – OSHA decides not to modify the OSHA Form 300 log to include a separate column for MSDs

- OSHA deletes §1904.12 and related provisions
 - Eliminates MSD column
 - Eliminates MSD definition
 - Eliminates the special privacy concern requirements for MSD cases
- **Result** – there are **no special rules** for the recording of MSDs
- Definition for MSDs not final

MSDs and Recordkeeping

Severity Threshold

No special recording criteria!

**Record only work related
MSDs that involve:**

- Days away from work
- Restricted work or job transfer
- Medical treatment beyond first aid

Other Recordkeeping Issues

Recent Interpretations:

- **Results of an MRI do NOT negate recordability of physician's recommendation**
- **Recording criteria for temporary/leased employees**
- **Work-relatedness exception clarification**

West Nile Virus

“Workplace Precautions Against West Nile Virus”

- **Safety and Health Information Bulletin issued Aug 29**
- ***www.osha.gov/dts/shib/WestNileVirus_8-29-03.html***
 - Basic information on the disease
 - Discussion of occupations at risk
 - Steps employers can take to protect workers
 - Advice on employee training and personal protective equipment
 - Steps that workers can take to protect themselves
 - Links to other sources of information

West Nile Virus



General Recommendations:

- Reduce or eliminate mosquito populations by disrupting mosquito breeding grounds
- Cover as much of the skin as possible - wear shirts with long sleeves, long pants and socks whenever possible.
- Use insect repellents containing DEET (N, N-diethyl-m-toluamide or N, N-diethyl-3-methylbenzamide).

West Nile Virus: NIOSH



NIOSH has excellent materials on line for WNV: www.cdc.gov/niosh/topics/westnile/

- Attractive Fact Sheets
- Specifics on using DEET
- Questions & Answers on WNV
- Many links to other sources of information
- Information on safety of DEET and other insect repellents

Update of Electrical Standards

- Update of 1910, Subpart S regarding electrical system design and installations
- Using NFPA 70E “Electrical Safety Requirements for Employee Workplaces” (2000 Edition) as guidance
- No “Direct Final Rule”
- Have missed announced NPRM deadline
- NPRM likely in early 2004

Update of Electrical Standards

- Recent Questions about Electrical Protective clothing – what's required and who pays -- are being dealt with in another rulemaking dealing with construction of electric power generation, transmission, and distribution systems
- It is likely that decisions made for this rule will affect the general industry standard

Payment for PPE

1999 proposal for employer payment for all PPE except:

- safety toe shoes
- prescription eyewear
- logging boots

No action since public hearing

April 3 - Congressional Hispanic Caucus asks Secretary of Labor to issue final rule

Payment for PPE

April 10 - UFCW and several labor unions petition for final rule

Continuing pressure to move rule forward based on:

- OSHA's announced outreach to Hispanic workers,
- Issues involving protective clothing in soon-to-be proposed electrical safety standards
- Recent House Appropriations Committee report expressing disappointment in OSHA's failure to act

BUT WILL IT RESULT IN FINAL RULE ???

Walking/Working Surfaces

- Rulemaking record reopened – May 2
- Specific issues identified – comments requested
- ORC has asked that additional issues be considered and that new proposal be issued
- Next steps: OSHA conducts new regulatory analysis
- May propose new standard – but don't look for it this year

Cranes & Derricks

Appointment of 23-member Rulemaking Advisory Committee announced in July

- Has met twice
- Plans to meet monthly

OSHA has asked for work completion within 12 months

Currently limiting definition of “crane” to equipment with lifting capacities = one ton

- Includes side boom tractors

DOT Hours of Service Rules

- New rules published April 28
 - Replace rules in effect since 1939
 - Changes become effective January 2004
- Prohibits driving after 14th hour of “on-duty” time
- Aimed at long-haul truckers
 - Goal: Reduce highway accidents due to driver fatigue
- Covers all vehicles = 10,000 lbs GVW
- Problem for utility companies responding to emergency service calls

DOT Hours of Service Rules

- Utilities immediately petitioned FMCSA to except “utility service vehicles”
 - Petition denied August 28
- Legislative relief sought on two fronts:
 - Rider on FY2004 DOT Appropriations prohibiting any funds to be expended for enforcement of HOS rules on USV operators
 - Language in Transportation Bill to exempt USV operators from FMCSA HOS rules

New Name – New Look

New
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Member
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Occupational Safety and Health Group

For 30 years, ORC's Occupational Safety and Health Group has been a unique, ongoing network of key health and safety leaders from major, multinational corporations in a wide variety of industries. Members face the same challenge: to provide safe and healthful working conditions in their organizations, and to influence others—including employees, government agencies, and local communities—to work constructively toward a common safety and health objectives.

At quarterly meetings, members share information and benchmark best practices with each other, and connect with representatives of federal and state regulatory agencies, and invited experts from the occupational safety and health and related fields. The professional relationships forged at these meetings are maintained and strengthened between meetings through unlimited telephone consulting with ORC expert, and through ORC's website and interactive bulletin board.

ORC fosters members' interests with on going contacts at all levels of the regulatory agencies, effective advocacy of responsible industry positions on regulatory and policy issues, and linkages with voluntart standards organizations, safety and health professional groups, and major associations.

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If you are responsible for your organization's safety and health issues, consider the benefits of joining the multi-industry and innovative Occupational Safety and Health Group. For more information, contact Frank A. White at (202)-293-2980.

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Questions?

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