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OSHA Compliance in the Telecommunications Industry

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International Telecommunications Safety Conference

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Scope

- Overview of OSHA inspection process
- OSHA inspection statistics/trends in the Telecom Industry
- OSHA multi-employer policy
- Focus areas of OSHA Telecom inspections

Objective

- Gain better understanding of OSHA enforcement process
- Help audience prepare for an OSHA inspection

OSHA Inspection Priorities

- **Imminent Danger**
 - Any condition that can be expected to cause death or serious physical harm immediately
- **Fatalities / Catastrophes**
 - Catastrophe - Three or more employees hospitalized
- **Employee Complaints**
- **Referrals**
- **Programmed Inspections**
- **Follow-up**

Inspection Scheduling

- Programmed
 - Site Specific Targeting (SST)- High injury rate, 40 or more employees
 - Construction- Dodge, ARRA
 - Emphasis program examples:
 - Fall hazards
 - Trenching, excavation
 - Workzones
 - Amputations

Inspection Scope

- **Comprehensive**
 - Complete and thorough inspection of all hazardous areas
 - Ex: SST, some emphasis programs
- **Partial**
 - Limited to area of concern (i.e. complaint, area of emphasis, equipment, etc.)
 - CSHO may expand (plain view, info. from records, etc.)

The OSHA Inspection Process

- Opening Conference
- Walkthrough
- Closing Conference
- Citations and Penalties
- Informal Conference
- Notice of Contest



Opening Conference



- Inspector asks for an employer representative to accompany them during the inspection
- Inspector explains the purpose and scope of the visit
- Provides complaint (if applicable)
- Request for records and programs

Walkthrough

- Inspector proceeds through the worksite to identify safety and health hazards (inspection may cover part or all of the worksite)
- Inspector takes photos/videotapes, measurements, samples, etc.
- Inspector talks privately with employees
- Inspector points out unsafe or unhealthful conditions and discusses feasible corrective action

Closing Conference



- Inspector reviews all observed unsafe and unhealthful conditions
- Inspector indicates violations for which a citation and penalty may be issued
- Explains employer's rights and responsibilities

Citations

- Citations may be issued for violations
- Employer will receive citations and notices by certified mail
- Employer must post a copy of each citation at or near the place the violation occurred for 3 days or until it is abated

Informal Conference

- Employer may request an informal conference with the Area Director (15 work days)
- Area Director is authorized to enter into settlement agreements
- Area Director may revise citations and penalties to avoid prolonged legal disputes for speedier hazard abatement

Notice of Contest

- Employer has 15 working days to contest the citation, penalty, or abatement period
- Must be in writing
- Hearing with OSHRC scheduled near the employer's workplace

OSHA Violations

- Other-than-serious (up to \$7000)
- Serious (up to \$7000)
- Willful (up to \$70,000)
- Repeat (up to \$70,000)
- Failure-to-abate (daily)
- New penalty structure
 - Higher penalties
 - New assessment for history, size, repeat



Telecommunications Inspections by SIC- Federal OSHA

(*from OSHA frequently cited standards search by SIC)

- SIC 4813-Telephone (Oct 08-Sept 09) 17 Federal inspections, 30 citations issued, \$29,850 total penalties
- SIC 4812-Radiotelephone (Oct 08-Sept 09) 2 Federal inspections, 4 citations issued, \$2000
- Most common standard cited, 29 CFR 1910.268 (12 citations)

OSHA Accident Investigations (8/2007-8/2010) (*from OSHA 170 form search by SIC)

- SIC 4813- 28 inspections, 7 fatalities
- SIC 4812- 6 inspections, 3 fatalities
- Majority are falls from ladders, poles, towers
- Struck-by vehicles
- Structural collapse
- Electrical

Federal OSHA Inspections (Oct-08- Sept 09)

Construction (*from OSHA frequently cited standards by SIC)

- Most Telecom-related would likely fall under SIC 1731 (electrical work), 1799 (misc. special trade), 1623 (water, sewer, pipeline, and communications and powerline const.)
- SIC 1731- 878 inspections, 1839 citations, ~\$1.5 million in fines
- SIC 1623- 658 inspections, 1923 citations, ~\$3.1 million in fines
- Falls, electrical, excavations

Construction Inspections

- Telecom construction sites more likely to fall under OSHA emphasis programs
 - Fall hazard emphasis
 - Other construction emphasis (excavation, general construction, roadwork, etc.)
- OSHA Multi-employer policy may apply

Multi-Employer Policy

- More than one employer may be cited
- Citations may be issued to:
 - Controlling employer
 - Exposing employer
 - Creating employer
 - Correcting employer

Multi-Employer Policy

- Two step process:
 - Determine role of employer
 - Determine if employer's actions are sufficient
 - Extent of actions varies based on role
 - Did the employer exercise reasonable care?
 - Ex: Controlling ER responsibilities less than exposing in most cases

Multi-Employer Policy

- Directive CPL-02-00-124
- Standard-specific multi-employer examples:
 - Hazard Communication
 - Confined space entry
 - Lockout/tagout
 - Asbestos

Multi-Employer Examples

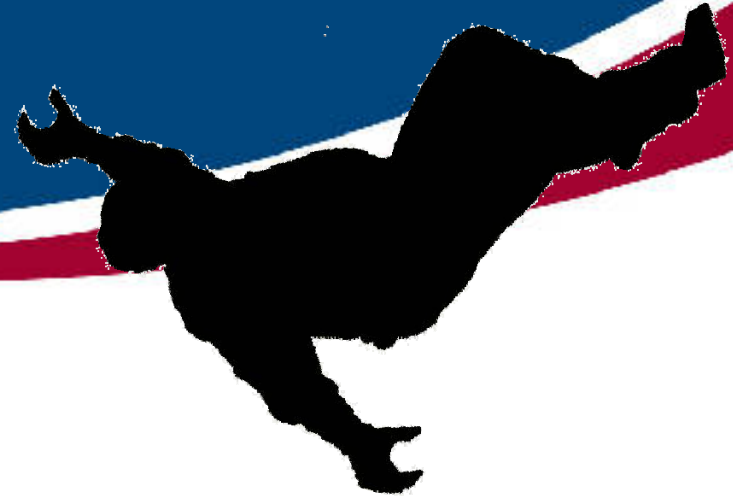
Company A hires company B to maintain batteries at telecom facility. Who is responsible for MSDS, program, training, etc.?

Company A hires company B to install new antennas on a tower. CSHO determines employee exposed to fall hazard. Who is responsible?

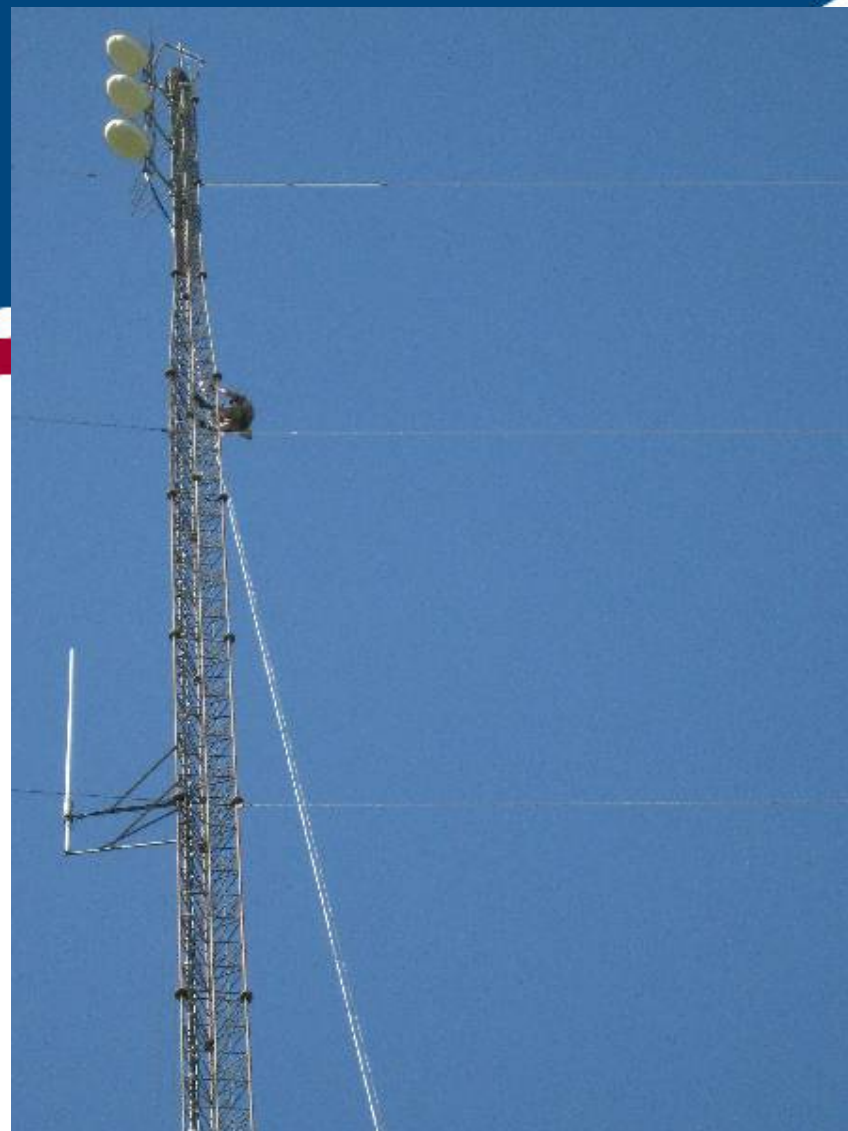
OSHA Inspections- Potential Hazard Focus Areas

- Fall hazards
- Electrical
- Confined space entry
- Traffic hazards/workzones
- Excavations
- Caught in/between
- Struck-by

Fall hazards

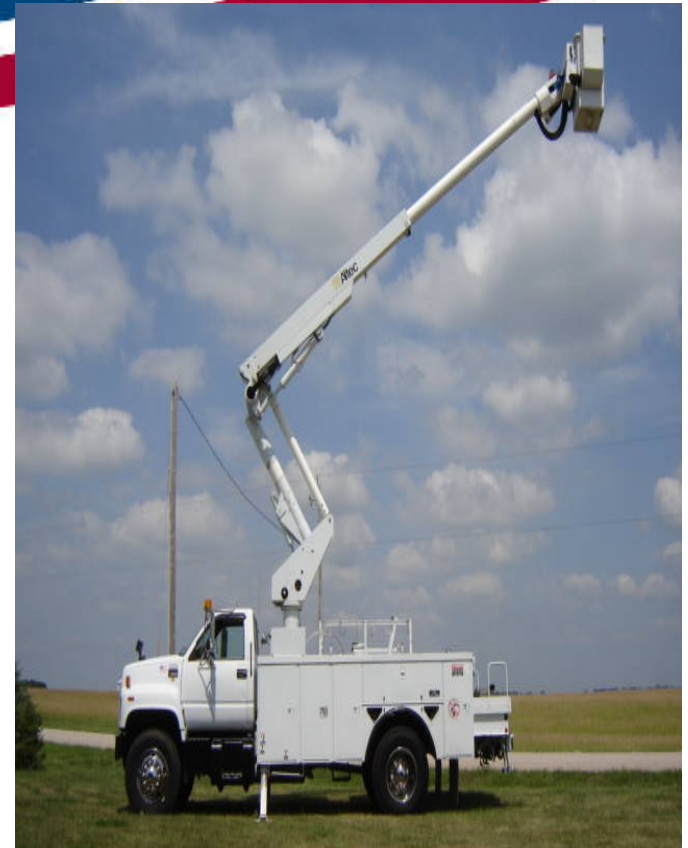


- Towers
- Poles
- Elevated surfaces (roofs, platforms)
- Holes/openings (skylights)
- Aerial lifts, bucket trucks
- Ladders
- Training
- Procedures, protective equipment



Bucket Trucks/Aerial Devices

- Fall arrest vs restraint
- Traffic issues
- Overhead lines
- Other site conditions



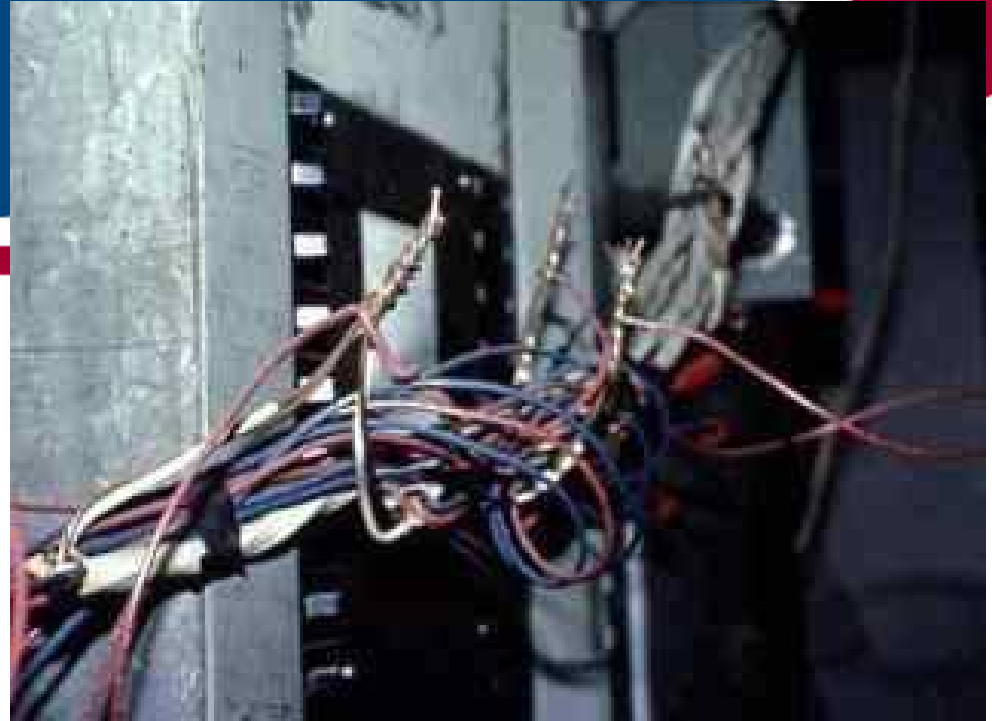


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Electrical

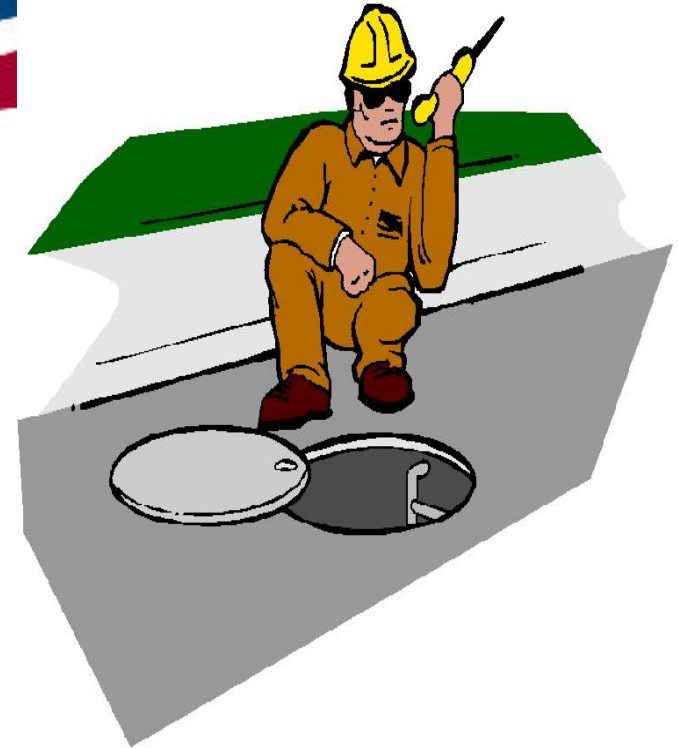
- Safe work practices
- Installations
- Temporary installations
- Tools, flexible cords
- Overhead lines
- Lockout/tagout





Confined Space Entry

- Potential hazards of space
- Entry procedures
- Documentation
- 1910.268 vs 1910.146
 - Manholes and vaults



Traffic Safety

- Workzone requirements
- Temporary traffic control
- Specific 1910.268 requirements
- MUTCD requirements
 - Adopted by OSHA



No Temporary traffic control!



Excavations

- Protective systems
- Competent person-inspections
- Soil classification
- Utilities
- Access



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Other hazards

- Chemical hazards
- Caught in/between
- Struck by
 - Falling objects
 - Moving equipment
 - Material handling
 - Structural hazards



Questions?

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