

OSHA/PERRP at the Employer Level (Managing Risks)

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UA SafeState

Division of Environmental & Industrial Programs
alabamasafestate.ua.edu



Mission Statement

To promote occupational and environmental safety and health through university-based programs of continuing education and career enhancement, applied research, and technical assistance.

Question?

What is your greatest risk of injury or regulatory risk? What keeps you up at night?

Who Is OSHA?

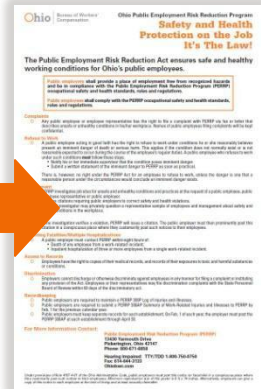
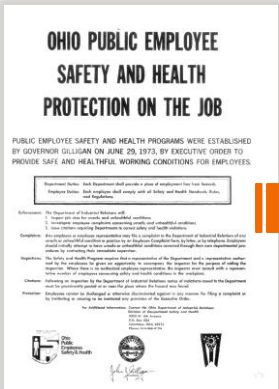
Who Is PERRRP?

Occupational Safety and Health Administration

Public Employment Risk Reduction Program

Both agencies are responsible for worker safety and health protection.





PERRP History

- **1970** – Federal OSHA created (public employees exempted from coverage)
- **1973** – Governor's executive order signed providing safety and health protection for executive branch state employees (OPESH)
- **1992** – Ohio Public Employment Risk Reduction Act passed (House Bill 308); OPESH becomes PERRP extending coverage to most local government employees
- **July 1994** – the Act went into full effect
- **July 2005** – PERRP became part of the Ohio Bureau of Workers' Compensation

- **Regulatory Agenda** informs public of federal agencies' regulatory priorities
 - Published twice a year in Spring and Fall at [Reginfo.gov](https://www.reginfo.gov)
- **Regulatory Plan** (published as part of Fall Agenda) has more details about the most significant regulatory actions

- **Unified Agenda of Regulatory and Deregulatory Actions**

- Pre-Rule Actions
- Proposed Rules
- Final Rules

- **Long-Term Actions**

- Items for which agency does not expect to have regulatory action within a year
- Appears on separate list in Reginfo.gov



View Rule

[View EO 12866 Meetings](#)

[Printer-Friendly Version](#) [Download RIN Data in XML](#)

DOL/OSHA

RIN: 1218-AC99

Publication ID: Spring 2021

Title: Powered Industrial Trucks

Abstract:

Powered Industrial Trucks (e.g., fork trucks, tractors, lift trucks, and motorized hand trucks) are ubiquitous in industrial (and many retail) worksites. The agency's standard still relies upon ANSI standards from 1969. OSHA issued a Request for Information (RFI) on March 11, 2019 (84 FR 8633), to determine if changes need to be made to locations of use, maintenance, training, and operation of powered industrial trucks. On a separate track (RIN 1218-AD26), OSHA also intends to issue a separate proposal for updating the consensus standard incorporated for design and construction of powered industrial trucks. The Industrial Truck Association has been encouraging OSHA to update and expand the OSHA standard to account for the substantial revisions to ANSI standards on powered industrial trucks over the last 45 years. The current standard covers 11 types of trucks, and there are now 19 types. In addition, the standard itself incorporates an out-of-date consensus standard. OSHA will begin the process to develop a proposed rule updating the consensus standard referenced from the 1969 version of the American National Standard B56.1 to the 2016 version.

Agency: Department of Labor(DOL)

RIN Status: Previously published in the Unified Agenda

Major: Undetermined

CFR Citation: [29 CFR 1910.178](#)

Legal Authority: [29 U.S.C. 655\(b\)](#)

Legal Deadline: None

Timetable:

Priority: Other Significant

Agenda Stage of Rulemaking: Long-Term Actions

Unfunded Mandates: No

Action	Date	FR Cite
Request for Information (RFI)	03/11/2019	84 FR 8633
RFI Comment Period End	06/10/2019	
NPRM	To Be Determined	

Finding and Fixing Hazards



#SafeAndSoundAtAWork



2021 Safe + Sound Campaign

Safe and Sound: Worker Participation

<https://www.youtube.com/watch?v=n6m5hcPAz54>

Safe and Sound: Management Leadership Guide to Success

<https://www.youtube.com/watch?v=bi2SCe3bPHM>

Safe and Sound Management Programs Overview

<https://www.youtube.com/watch?v=mfyA9qJOj2o>

Safe and Sound Finding and Fixing Hazards

https://www.youtube.com/watch?v=NW_MkoTojwc

PERRP Purpose

- Ensure public employees in Ohio have a safe and healthy work environment by:
 - Identifying workplace hazards and reducing those hazards through effective safety and health programs.
 - Developing and enforcing **mandatory** job safety and health standards.
 - Maintaining a reporting and recordkeeping system to monitor job-related injuries and illnesses.
 - Providing assistance, training and other support programs to help public employers and workers understand their rights and responsibilities.

Employer and Employee Responsibilities

- Each public employer in Ohio must:
 - Provide a place of employment free from recognized hazards.
 - This requirement is known as the, General Duty Clause.
- Each public employee in Ohio must:
 - Comply with all safety and health regulations; and
 - Any reasonable safety and health policies developed by their employer.

ORC 4167.04

ORC 4167.05

1
3

General Duty Clause

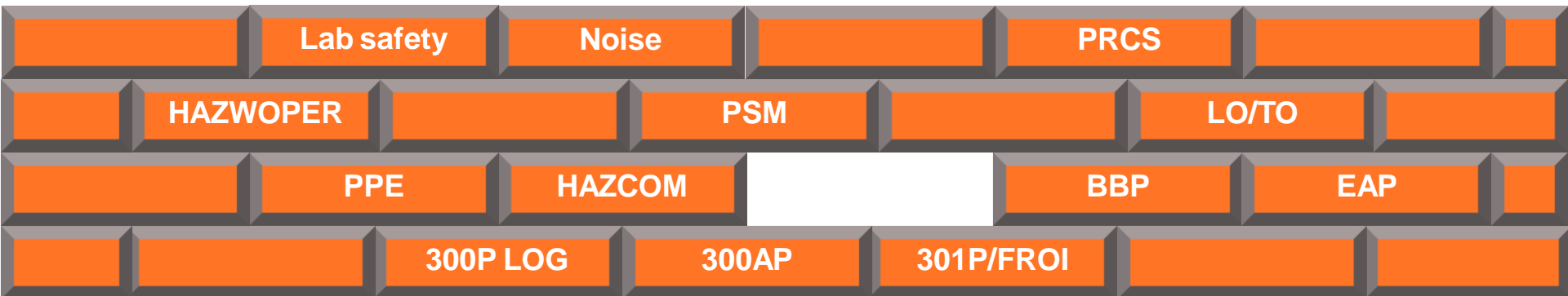
- General duty provisions can only be used where there are no specific standards that apply to the recognized hazard.
- A general duty citation must involve a recognized **serious** hazard and exposure of employees.
- A general duty citation cannot be used to impose a stricter requirement than required by a standard.
- A general duty citation cannot be used to enforce "should" standards.

Wording of Standards

- **Should** (Voluntary)
- **Shall** (Mandatory)
- **Must** (Mandatory)
- **May** (Voluntary)
- Mandatory (shall or must) provisions are minimum compliance requirements.
- Voluntary provisions (should or may) are advisory recommendations for controlling workplace hazards

Compliance...

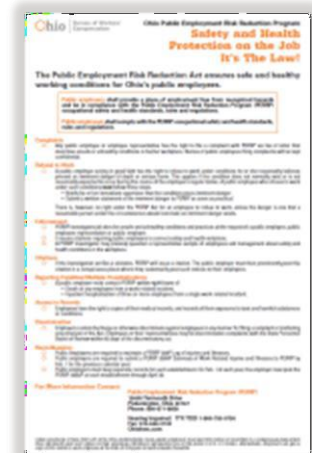
The foundation of an effective safety and health program isn't complete until you meet the minimum requirements!



What Is Enforced?

Regulatory elements of the PERR Act

- The federal OSHA regulations
 - 29 CFR Parts 1910, 1926 and 1928
- Chapters 4167 of the Ohio Administrative Code and Ohio Revised Code
 - Workplace safety poster
 - Injury and illness recordkeeping
 - Ohio Manual on Uniform Traffic Control Devices
 - 10 CFR 20 (Radiation Protection)



ORC 4167.07

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Most Common Violations

- PERRP publishes a list of the most frequently cited standards on our website for the previous calendar year.
- This list can be a helpful tool for identifying potentially hazardous conditions.

**PERRP Most Common Violations by Standard
CY 2019**

Rank	Standard	Condition	# of Findings
1	ORC 4167.04(A)(1)	The public employer did not furnish to each of his public employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to his public employees.	47
2	29 CFR 1910.303(b)(2)	Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling.	42
3	29 CFR 1910.1200(e)(1)	A written hazard communication program was not developed, implemented, and/or maintained at the workplace.	27
4	29 CFR 1910.305(g)(1)(iv)	Flexible cords and cables were improperly used.	27
5	29 CFR 1910.151(c)	Suitable eyewash and/or body drenching facilities were not provided in the work area.	25
6	OAC 4167-6-01(c)(1)	A separate log and summary of all work-related injuries and illnesses was not maintained for each establishment.	20
7	29 CFR 1910.334(a)(2)(i)	A portable cord and plug connected piece of equipment was not visually inspected for evidence of external or internal defects or damage.	19
8	OAC 4167-6-01(A)(1)	Injury and illness records and reports were not maintained on forms prescribed by the superintendent, or equivalent records.	18
9	29 CFR 1910.37(a)(4)	Safeguards designed to protect employees during an emergency were not in proper working order.	17
10	29 CFR 1910.303(g)(1)(ii)	Working space about electric equipment was used for storage.	17
11	29 CFR 1910.22(a)(1)	The place of employment, passageways, storerooms, service rooms, and walking-working surfaces were not kept clean, orderly, or in a sanitary condition.	17
12	29 CFR 1910.212(a)(1)	Machine guarding was not provided to protect the operator and other employees in the machine area from hazards.	16
13	29 CFR 1910.141(b)(2)(ii)	An anti-siphoning device was not installed in order to prevent backflow or back siphonage into the potable water system.	16
14	29 CFR 1910.146(c)(1)	The workplace was not evaluated to determine if any spaces were permit-required confined spaces.	16
15	OAC 4167-3-05(B)	Use of traffic control devices by a public employer did not comply with the Ohio manual of uniform traffic control devices.	15
16	29 CFR 1910.23(b)(9)	Ladders were not inspected before initial use in each work shift, and more frequently as necessary, to identify any visible defects that could cause employee injury.	15
17	29 CFR 1910.132(d)(1)	The employer did not assess the workplace for the use of personal protective equipment.	15
18	29 CFR 1910.215(b)(9)	Abrasive wheel grinder upper (tongue) guard was missing or improperly adjusted.	14
19	29 CFR 1910.157(e)(2)	Portable fire extinguishers were not visually inspected at least monthly.	13
20	29 CFR 1910.244(a)(1)(ii)	Rated load(s) of portable jack(s) were not legibly and permanently marked in a prominent location on the jack(s).	13
21	29 CFR 1910.242(a)	Hand and portable powered tools or equipment were not kept in safe condition.	13
22	29 CFR 1926.21(b)(2)	The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her work environment to control or eliminate any hazards or other exposure to illness or injury.	12
23	29 CFR 1910.146(c)(4)	When the employer decided that its employees would enter permit spaces, the employer did not develop and implement a written permit space entry program.	12
24	29 CFR 1910.215(a)(4)	Abrasive wheel grinder work rest(s) was missing or improperly adjusted.	12
25	29 CFR 1910.101(b)	The storage and utilization of all compressed gases were not in accordance with Compressed Gas Association Pamphlet P-1.	12

In Government Workplaces, the Required PERRP Poster Replaces OSHA Posters!



PERRP



OSHA

PERRP Recordkeeping Forms

- **300P** Log of Work-Related Injuries and Illnesses
 - Employer must maintain all forms , including 300P, for each establishment and kept on site for five years.
- **300AP** Summary of Work-Related Injuries and Illnesses
 - Employer must submit the 300AP to PERRP by Feb. 1 of each year.
- **301P** Injury and Illness Incident Report
 - Employer must complete the 301P or equivalent for each recordable incident.
- The forms clarify the requirements for public employers and reference the appropriate sections in the ORC/OAC.

Three OSHA recordkeeping forms are shown stacked vertically. The top form is the OSHA 300, 'Log of Work-Related Injuries and Illnesses', which is a large table for recording incidents. The middle form is the OSHA 300AP, 'Summary of Work-Related Injuries and Illnesses', which is a smaller form for annual reporting. The bottom form is the OSHA 301, 'Injury and Illness Incident Report', which is a form for detailing individual incidents.

Exposure & Medical Records


- Employees (and representatives) have a right to examine & copy exposure records
- Examples of toxic substances and harmful physical agents are:
 - Metals and dusts, such as, lead, cadmium, and silica.
 - Biological agents, such as bacteria, viruses, and fungi.
 - Physical stress, such as noise, heat, cold, vibration, repetitive motion, and ionizing and non-ionizing radiation.

ORC 4167.11

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PERRP Inspections

STATE OF OHIO
Public Employment Risk Reduction Program
Division of Safety and Hygiene
Ohio Bureau of Workers' Compensation



CITATION

Policy Number: [REDACTED]
Employer Name: [REDACTED]
Inspection Location: [REDACTED]

Report Number: [REDACTED]
Inspection Date: [REDACTED]
Issuance Date: [REDACTED]

Citation Number	1	Abatement Date	1/30/2011
Condition			
29 CFR 1910.146(k)(2)(ii): The employer did not ensure that affected employees assigned to perform rescue duties successfully completed the training required to establish proficiency as an authorized entrant, as provided by paragraphs (g) and (h) of this section.			
Findings			
<p>a. On [REDACTED] and at times prior thereto, [REDACTED] could not substantiate that employees assigned to perform permit required confined space rescue duties had established proficiency in their assigned duties.</p> <p>b. Employer training records for affected employees assigned to perform rescue operations did not contain information demonstrating an evaluation of employee competency to perform assigned permit required confined space rescue duties.</p>			
<p>Abatement Note: One method of compliance would be to follow the guidelines provided in 29 CFR 1910.146 Non-Mandatory Appendix F – <i>Rescue Team or Rescue Service Evaluation Criteria</i>. An additional method of compliance would be to conduct an evaluation based upon the criteria established in the following standards from the National Fire Protection Association (NFPA): NFPA 1006-2008, <i>Standard for Technical Rescuer Professional Qualifications</i> and NFPA 1670-2009, <i>Standard on Operations and Training for Technical Search and Rescue Incidents</i>.</p>			

Abatement Verification is required by OAC 4167-13-01

See Fatality Report No. 87585100 and attached Violation Notice for information on employer and employee rights and responsibilities.

Citations

Page 1 of 1

Ohio Bureau of Workers' Compensation

Abatement Verification Report

Public Employment Risk Reduction Program
13430 Yarmouth Drive
Pickerington, Ohio 43147
614-644-2246 or 800-671-6858
Fax: 614-644-3313
www.ohiohwc.com

As required by rule 4167-13-01 of the Ohio Administrative Code, the following abatement verification report is hereby submitted in reference to a citation issued in a Public Employment Risk Reduction Program visit report.

Employer Name: _____
Employer Address: _____
Visit Number: _____ Citation Number: _____ Corrective Action Date: _____

Corrective Action on this item has been completed: (Check one)
☐ Yes ☐ No

Description of Corrective Action Taken: (Attach any appropriate documentary evidence that will clearly substantiate hazard correction. [e.g., photographs, invoices, training records, etc.])

Reason Corrective Action has not been completed: (If applicable) [NOTE: If the employer has initially stated that a particular citation item has not been abated, and later the employer abates the condition, the employer must submit to the superintendent abatement verification within fourteen calendar days after abatement.]

Signature of Employer's Authorized Representative _____ Date of Signature _____

Each employer shall submit to the administrator an abatement report with respect to each citation item, and do so within fourteen calendar days after the abatement date for the citation item. This document must be submitted by first-class mail, postage prepaid, facsimile transmission, or hand delivery, the date of submission is the date when the document is received by the administrator. A copy of each document required to be submitted to the administrator shall be posted, at the time of submission, at or near each place the violation(s) described in the citation occurred. False statements knowingly and willfully made in any document required by this rule are subject to the willful failure to comply provisions.

Ref: OAC 4167-13-01

This form is provided for the assistance of any employer required to submit documentation required by this rule. This form is not intended to constitute the exclusive means by which abatement verification may be submitted to the Public Employment Risk Reduction Program.

This form may be copied as necessary.

PERRP Inspection Priorities

Priority	Category of Inspection
1st	Refusal to Work: <i>Reasonable certainty an immediate danger exists</i>
2nd	Fatality/Multiple Hospitalization: <i>Reported to PERRP within eight hours; inspected ASAP</i>
3rd	Complaints: <i>Worker or worker representative can file a complaint about a safety or health hazard</i>
4th	Compliance Assistance Inspections: <i>Voluntary inspections encourage a pro-active approach to addressing workplace hazards</i>

Injury and Illness Recordkeeping

OSHA proposed to restore the Musculoskeletal Disorders (MSD) column to OSHA 300 log

Powered Industrial Trucks

OSHA issued a Request for Information (RFI) on March 11, 2019 (84 FR 8633), to determine whether changes need to be made to locations of use, maintenance, training, and operation of powered industrial trucks.

Drug Testing Program and Safety Incentives Rule

OSHA is considering making changes to 29 CFR 1904.35(b)(1)(iv) related to implementation of post-incident drug testing and safety incentive programs.

Fatality Reporting

- Employers must report all fatalities verbally to PERRP within eight hours of the accident or as soon as the employer becomes aware of the death.
- This requirement also applies to the in-patient hospitalization of three or more employees as the result of a single catastrophic accident.
- Reporting can be done in person or by using the fatality reporting phone number:
1-800-671-6858.



OAC 4167-6-10

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Incident Reporting

- Employers must report and record **all** work-related fatalities including highway or public street motor vehicle accidents and heart attacks.
- PERRP may not exercise its right to investigate vehicular accidents or heart attacks that result in a fatality.
- Failure to report a fatality or multiple hospitalization event will result in the issuance of a citation.

Refusal to Work

- Any public employee acting in **good faith** may refuse unsafe assigned tasks.
- Good faith means:
 - A reasonable person would conclude workplace conditions create an **imminent danger** of death or serious physical harm and there is insufficient time to use the PERRP written complaint process.
- Good faith does not mean:
 - An employee can refuse assigned job tasks that are **reasonably** expected to occur during the course of their regular duties.

ORC 4167.06

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Refusing to Work

Public employees who wish to exercise their right to refuse work under “imminent danger” conditions must follow these steps.

1. The employee must notify his or her immediate supervisor of the imminent danger condition.
2. If the employer refuses to correct or disputes the condition, the employee must contact PERRP.
 - Employees are encouraged to contact PERRP as soon as possible by phone **1-800-671-6858**.
3. Submit a written statement explaining the imminent danger condition to PERRP.

ORC 4167.06

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Complaints

- Employees may file complaints over any unsafe or unhealthful condition or practice.
- Any public employee or employee representative may file a complaint with PERRP.
 - All complaints are kept confidential!
- Employees must submit a complaint **in writing** to PERRP by letter or fax.
- Employees **should** initially attempt to have unsafe or unhealthy conditions corrected by contacting their immediate supervisor (or designated safety person).

Ohio Bureau of Workers' Compensation Public Employment Risk Reduction Program State of Ohio Division of Safety and Hygiene 13430 Yarmouth Drive Pickerington, OH 43147 614-644-2246 Toll Free 800-671-6868	For official use only	
Complaint Form		
Use this form to file a complaint with the Public Employment Risk Reduction Program.		
The undersigned (Please check) <input type="checkbox"/> Employee <input type="checkbox"/> Employee representative <input type="checkbox"/> Other believes that an occupational safety or health hazard(s) exist at the following place of employment:		
Employer (City, township, school district, etc.)		
Name of supervisor or manager at facility		
Address		
City	County	State ZIP code
Phone		
Name and title of highest administrator of public entity (director, superintendent, mayor, etc.)		
Address (if different from above)		
City	State	ZIP code
Phone		
Does the risk pose an immediate threat of serious harm? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Are any employees refusing to work? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, have employees notified the supervisor of the risks? <input type="checkbox"/> Yes <input type="checkbox"/> No		
What was the result? _____		

Have employees contacted the Public Employment Risk Reduction Program regarding this hazard? <input type="checkbox"/> Yes <input type="checkbox"/> No		
When? _____ Staff member contacted _____		
Nature of hazardous activity		
1. Describe the existing hazards, including the number of employees exposed to the danger.		

(Additional comments may be made on reverse side)		

ORC 4167.10

Discrimination

- The PERR Act provides for employee protection from retaliation.
- Employees cannot be discharged or otherwise discriminated against for:
 - Invoking a good faith refusal to work;
 - Filing a complaint;
 - Speaking with an inspector during the course of an inspection;
 - Testifying at a hearing.
- Employees can file discrimination complaints related to health and safety with the State Personnel Board of Review.

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Appellant (Please Print Clearly)
Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

Vs.
Appellee
Agency/Dept: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

NOTICE OF APPEAL

Notice is hereby given that Appellant appeals to the State Personnel Board of Review from the Order or Notice of:

<input type="checkbox"/> Removal	<input type="checkbox"/> Layoff	<input type="checkbox"/> Reduction in Pay or Position
<input type="checkbox"/> Transfer	<input type="checkbox"/> Abolishment	<input type="checkbox"/> Fined
<input type="checkbox"/> Investigation	<input type="checkbox"/> Reclassification	<input type="checkbox"/> Involuntary Disability Separation
<input type="checkbox"/> Other _____	<input type="checkbox"/> Suspension (✓one)	<input type="checkbox"/> Retaliatory Discipline (✓one)
	<input type="checkbox"/> Working	<input type="checkbox"/> Whistleblower
	<input type="checkbox"/> Non-Working	<input type="checkbox"/> OSHA
	____ No. of days	

which was received on (specify date) _____
and which was effective on (specify date) _____

If Applicable:
Attorney for Appellant: _____
Address: _____ City: _____ Zip: _____
Telephone Number: _____ Fax Number: _____

Instructions: Please complete the above form, filling in all of the blanks and printing clearly. The original of this notice is to be sent directly to the State Personnel Board of Review, 65 East State Street, 12th Floor, Columbus, Ohio 43215-4213. Please retain a copy of this notice for your personal records.

ORC 4167.13

Retaliation Complaints under Whistleblower Statutes

OSHA is updating procedures for handling and investigation of retaliation complaints under several whistleblower protection statutes.

The updates would make the investigation procedures consistent among the statutes and make the process accessible for employers and employees by providing uniform standards for various procedural issues including the sharing of the information between the parties during the investigation and the ability of the agency to serve findings by electronic means.

Interim Final Rule expected in September 2021.

Retaliation Complaints under the Anti-Money Laundering Act

OSHA is promulgating procedures for the handling and investigation of complaints pursuant to the Anti-Money Laundering Act (AMLA) of 2020

This new law prohibits employers from retaliating against certain whistleblowers who report potential money laundering-related violations

Interim final rule expected in February 2022

Retaliation Complaints under Criminal Antitrust Anti- Retaliation Act

OSHA is promulgating procedures for the handling and investigation of complaints pursuant to the Criminal Antitrust Anti-Retaliation Act (CAARA) of 2019.

This new law prohibits employers from retaliating against certain whistleblowers who report criminal antitrust violations

Interim Final Rule expected in February 2022.

Rights Under the Williams-Steiger Occupational Safety and Health Act of 1970

The OSH Act prohibits adverse action against employees who have engaged in protected activity, such as complaining about unsafe or unhealthful working conditions.

The revised interpretive rule clarifies the causal connection between the protected activity and the adverse action. To prove a violation, DOL must show that but for the employee's protected activity he or she would not have suffered an adverse action.

This interpretation is based on Supreme Court precedents interpreting similar language dealing with causation.

Final Rule expected in July 2021

OSHA Recordkeeping

Revisions to Recordkeeping rule in 2002

Revisions to Recordkeeping rule in 2015

Reporting

Reporting fatalities, hospitalizations, amputation
or loss of eye 1904.39

Annual OSHA injury and illness surveys
1904.41

BLS annual survey 1904.42

Providing records to NIOSH/OSHA 1904.40



Employers must report the following events to OSHA:

All work-related fatalities

All work-related in-patient hospitalizations of one or more employees

All work-related amputations

All work-related losses of an eye

Employers must report work-related fatalities within **8 hours of finding out about it.**

For any in-patient hospitalization, amputation, or eye loss **employers must report the incident within 24 hours of learning about it.**

Only fatalities occurring within 30 days of the work-related incident must be reported to OSHA.

For an inpatient hospitalization, amputation or loss of an eye, incidents must be reported to OSHA only if they occur within 24 hours of the work-related incident.

Employers have three options for reporting the event:

Must orally report the fatality/multiple hospitalization by telephone or in person to the nearest OSHA office

Do not leave message in Area Office' answer machine, call OSHA toll-free central telephone number, 1-800-321-OSHA (1-800-321-6742)

Electronically on OSHA's website.

Fatality/Hospitalization/Amputation/Loss of Eye

Provide:

Establishment name

Location of the incident

Time of the incident

Number of fatalities or hospitalized employees

Names of any injured employees

Contact person and phone number

Brief description of the incident

Fatality/Hospitalization/Amputation/ Loss of Eye

Do not need to report highway or public street motor vehicle accidents (outside of a construction work zone)

Do not need to report commercial airplane, train, subway or bus accidents

Must report heart attacks that occur at work when the employee dies

For More Help

[OSHA's Recordkeeping Page](#)

Regional recordkeeping coordinators

State Plans and State Consultation



Inspection Procedures

PERRP will:

- Conduct an opening conference to explain the inspection purpose and scope.
- Perform a walk-around inspection of the jobsite(s).
- Interview employees and management.
- Hold a closing conference to summarize the findings.

Ohio Bureau of Workers' Compensation		Investigation Report	
Public Employment Risk Reduction Program		1440 Vermont Drive Columbus, Ohio 43217 Phone: 610-571-6555 Fax: 614-644-3313 www.ohiosec.com	
Visit Number	BWC Policy Number	Case Closed Date (MM/DD/YYYY)	
Investigation Type (Check One): <input type="checkbox"/> Fatality <input type="checkbox"/> Hospitalization <input type="checkbox"/> Imminent Danger (RTW) <input type="checkbox"/> Complaint			
Was an inspection performed for this incident or notification? (Check One) <input type="checkbox"/> Yes <input type="checkbox"/> No (If inspection did not occur, provide explanation in the investigation narrative.)			
Was the incident subject to OAC §4167-6-10 8 hour notification? (Check One) <input type="checkbox"/> Yes <input type="checkbox"/> No			
Incident Date or Date of Inspection (MM/DD/YYYY)	Incident Time or Time of Inspection (HH:MM AM/PM)		
Notice of Alleged Imminent Danger Posting Date (MM/DD/YYYY)	Notice of Alleged Imminent Danger Removal Date (MM/DD/YYYY)		
PERRP Notification Date (MM/DD/YYYY)	PERRP Notification Time (HH:MM AM/PM)		
Opening Conference Date (MM/DD/YYYY)	Opening Conference Time (HH:MM AM/PM)		
Closing Conference Date (MM/DD/YYYY)	Closing Conference Time (HH:MM AM/PM)		
Were citations proposed as a result of this investigation? (Check One) <input type="checkbox"/> Yes <input type="checkbox"/> No (If citations are not proposed, provide explanation in the investigation narrative. Attach PERRP 62 for proposed citations.)			
Employer Information			
Employer Name			
Highest Ranking Authority (HRA) (Last, First, MI)		HRA Title	
Citation Mailing Address (Street, City, State, Zip)			
HRA Phone	HRA FAX	HRA Email	
Establishment Name			
Compliance Safety and Health Officer (CSHO)			Page 1 of 8

Inspection Reports

- If alleged violations are identified during an enforcement visit, PERRP sends a report to the employer.
 - For refusal to work or complaint investigations, PERRP also sends a copy of the report to the employee or employee representative.
- Inspection reports include:
 - **Violation Notice**
 - Includes an overview of employer/employee rights and responsibilities.
 - **Citations**
 - Include the regulation/standard that pertains to the alleged violation and a description of where the alleged violation was observed by a PERRP Compliance Safety and Health Officer.

Citation Information

- Citations include the following information:
 - Standard (regulation that is alleged to have been violated);
 - Conditions (violation descriptions);
 - Findings (location where violations were observed);
 - Abatement Date (mandatory deadline to achieve compliance).

STATE OF OHIO
Public Employment Risk Reduction Program
Division of Safety and Hygiene
Ohio Bureau of Workers' Compensation

CITATION

Policy Number: [REDACTED]
Employer Name: [REDACTED]
Inspection Location: [REDACTED]

Report Number: [REDACTED]
Inspection Dates: [REDACTED]
Issuance Date: [REDACTED]

Citation Number	1	Abatement Date	1/30/2011
Condition			
29 CFR 1910.146(k)(2)(ii): The employer did not ensure that affected employees assigned to perform rescue duties successfully completed the training required to establish proficiency as an authorized entrant, as provided by paragraphs (g) and (h) of this section.			
Findings			
a. On [REDACTED] and at times prior thereto, [REDACTED] could not substantiate that employees assigned to perform permit required confined space rescue duties had established proficiency in their assigned duties.			
b. Employer training records for affected employees assigned to perform rescue operations did not contain information demonstrating an evaluation of employee competency to perform assigned permit required confined space rescue duties.			
Abatement Note: One method of compliance would be to follow the guidelines provided in 29 CFR 1910.146 Non-Mandatory Appendix F -- <i>Rescue Team or Rescue Service Evaluation Criteria</i> . An additional method of compliance would be to conduct an evaluation based upon the criteria established in the following standards from the National Fire Protection Association (NFPA): NFPA 1006-2008, <i>Standard for Technical Rescuer Professional Qualifications</i> and NFPA 1670-2009, <i>Standard on Operations and Training for Technical Search and Rescue Incidents</i> .			

Abatement Verification is required by OAC 4167-13-01

See Fatality Report No. 87585100 and attached Violation Notice for information on employer and employee rights and responsibilities.

Citations Page 1 of 1

Citation Posting

- Employers must prominently post copies of the violation notice and citations in a conspicuous place at or near each violation.
- Citations must remain posted until all cited violations are corrected, or for three working days, whichever period is longer.

Ohio Bureau of Workers' Compensation
13430 Yarmouth Drive
Pickerington, OH 43147
Governor John R. Kasich
Administrator/CEO Stephen Buehler
ohiobwc.com
1-800-CHOCBWC
Phone: 614-995-8622
Fax: 614-385-4974

VIOLATION NOTICE

RE: Employee refusal to work/imminent danger notification investigation. [REDACTED]
[REDACTED] Waste Water Treatment Plant – Visit Report [REDACTED]

An investigation was conducted during the period between [REDACTED] to [REDACTED] at the above referenced location. The investigation revealed conditions which are not in compliance with Ohio Public Employment Risk Reduction (PERRP) Standards, as adopted by the Ohio Bureau of Workers' Compensation (BWC). The nature of the alleged violations is described in the enclosed citations, with references to applicable standards, rules, regulations, and provisions of said Program.

PERRP requires that, upon receipt, a copy of this Violation Notice and the enclosed citations be prominently posted in a conspicuous place or places where notices to employees are customarily posted. Citations must remain posted until all cited violations are corrected, or for three (3) working days, whichever period is longer. The issuance of a citation does not constitute a finding that a violation of the act has occurred unless there is a failure to contest as provided for in the act, or if contested, unless the citation is affirmed.

Pursuant to Ohio Revised Code §4167.15, the public employer has the right to contest any or all parts of the citations. The public employer has fourteen (14) days after receipt of the citations in which to notify the Director of PERRP of the employer's desire to contest the citations. The contest of the citations by the employer must include the factual basis for contesting each provision of the act, standard, regulation, rule, or order issued by the PERRP Director. The public employee or public employee representative has the right to contest the abatement dates within fourteen (14) days after receipt of the citations.

These conditions must be abated on or before the date shown on each citation enumerated. The employer shall submit an abatement report with respect to each citation item to the PERRP Director within fourteen (14) calendar days after the abatement for the citation item. Documentation of abatement verification must be posted in areas accessible to the affected public employees (OAC 4167-13-01). The PERRP Director may require progress reports in citations where multi-step and/or long-term abatement is deemed appropriate. Receipt of an employer's documents by the agency under this regulation does not constitute an agreement that the employer is in compliance.

Any party who is adversely affected by a final order of the BWC Administrator, and who has exhausted all administrative appeals from such order, may appeal the order, within thirty (30) days of the receipt of a copy of the final order, to the Court of Common Pleas of Franklin County, or to the Court of Common Pleas of the county in which the alleged violations occurred.

If a public employer, public employee, or public employee representative willfully fails to comply with any final order of BWC's Administrator, the BWC Administrator may apply to the Court of Common Pleas for an injunction, restraining order, or any other appropriate relief compelling the public employer, public employee, or public employee representative to comply with such order. The court may impose a civil penalty of not more than five hundred dollars (\$500.00) per day, per violation and not to exceed ten thousand dollars (\$10,000.00) per violation.

Questions concerning information contained in this Violation Notice or the enclosed citations should be forwarded to PERRP Director, Glenn E. McGinley, 13430 Yarmouth Dr., Pickerington, Ohio 43147, or by phone at (800) 671-6656.

ORC 4167.10(E)

Hazard Abatement

- Each enforcement citation will include an abatement date.
- Compliance with adopted standards is **mandatory** and employers must submit abatement verification to PERRP within 14 calendar days after abatement date.
- Employers must post their abatement verification documents for at least six calendar days in a prominent location visible to affected employees.

The form is titled "Abatement Verification Report" and is part of the "Public Employment Risk Reduction Program". It includes fields for Employer Name, Address, Visit Number, Citation Number, and Corrective Action Date. There are checkboxes for "Corrective Action on this item has been completed: (Check one)" with options for "Yes" and "No". A section for "Description of Corrective Action Taken" is provided with lines for text. A "Reason Corrective Action has not been completed" section is also present. The form requires signatures and dates from the Employer's Authorized Representative. A footer note states: "This form may be copied as necessary."

Failure to Comply

- If a public employer, public employee or public employee representative willfully fails to comply with a final order from PERRP, the Court of Common Pleas may issue an injunction, restraining order or any other appropriate relief to compel compliance.
- In addition, the court must impose a civil penalty.
 - Penalty cannot exceed \$500 per day, per violation.
 - Total penalty may not exceed \$10,000 per violation.
- Results of PERRP voluntary compliance inspections cannot be used for three years as evidence in any court proceeding in the State of Ohio.

ORC 4167.10(E)

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Employer Rights

- Following an inspection employers:
 - May contest citations and abatement dates **within** 14 calendar days of citation receipt.
 - May request multi-step and/or long term abatement for technically complex citation items (requires periodic progress reports).
 - Must post petitions for abatement date modifications in a conspicuous place visible to affected employees for fourteen calendar days.

Employee Rights

- Prior to and during an inspection employees or their representative:
 - Can accompany a PERRP investigator
 - Can talk to the investigator privately
 - May point out hazards, describe injuries, illnesses or near misses that resulted from those hazards and describe any concern you have about a safety or health issue.
- Following an inspection employees:
 - May file a notice with PERRP that abatement dates assigned for a violation are unreasonable



PERRP Compliance Assistance



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Compliance Assistance

- Requests for assistance demonstrate an employer's Good Faith effort to achieve compliance!
- PERRP offers these risk reduction services



Safety surveys



Health surveys



Training

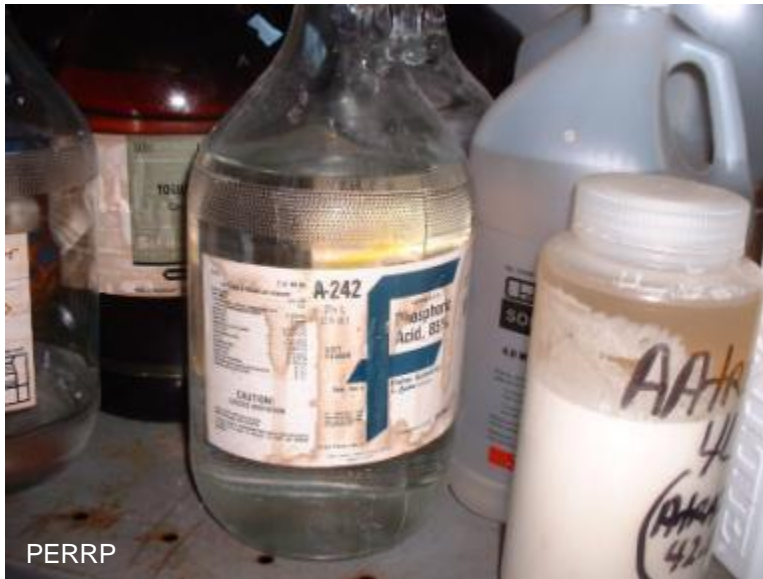
Risk Reduction Inspections (Safety)

- Safety surveys
 - Comprehensive
 - Site specific



Risk Reduction Inspections (Health)

- Health surveys
 - Noise
 - Air monitoring
 - Chemical hygiene



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Voluntary Inspection Reports

- Following all voluntary risk reduction inspections, PERRP prepares and sends detailed reports to the employer.
- PERRP encourages (not required) to share voluntary inspection reports with employees.
- Reports include the following information:
 - **Target date** (date for completion of corrective action);
 - **Standard** (regulation that is alleged to have been violated);
 - **Condition** (violation description);
 - **Finding(s)** (location where violations were observed);
 - **Potential effects** (how a violation may injure a worker);
 - **Recommended action** (how to eliminate or control an observed hazard).

Corrective Action

- Compliance assistance findings are voluntarily abated by employers by assigned target dates.
 - Compliance with cited standards is always mandatory.
- PERRP sends a corrective action report to the employer following the inspection to verify abatement.
- PERRP uses the abatement verification for statistical analysis.
- Employers who voluntarily abate hazards are demonstrating a good faith effort to comply with the cited standards.

Training Services

On-site training can be provided for a variety of topics.

- Injury and illness recordkeeping
- Permit required confined spaces
- Trenching and excavation
- Electrical hazard recognition
- Hazard communication
- Welding and cutting
- PPE hazard assessment
- Fire protection
- And many more!



Compliance Services

- PERRP provides compliance services free of charge.
- Submit requests by mail, fax, or on BWC's website: <http://www.bwc.ohio.gov>
- You can also phone in a request to PERRP by calling the investigator/consultant in your area or by contacting the PERRP central office between 8 a.m. and 5 p.m. at:
1-800-671-6858.

Sources of information

- BWC website: <http://www.bwc.ohio.gov>
- Ohio Center for Occupational Safety and Health (OCOSH) courses
- OSHA website: <http://www.osha.gov>
- National Institute for Occupational Safety and Health (NIOSH) – OSHA's sister agency
- OSHA Training Institute Education Centers
- Doctors, nurses, other health care providers
- PERRP Compliance Officers

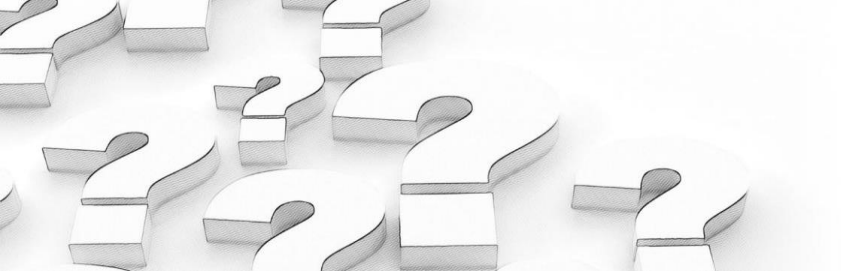
PERRP Contact Information

Ohio Bureau of Workers' Compensation
Public Employment Risk Reduction Program

13430 Yarmouth Drive
Pickerington, Ohio 43147

PERRP's Main Number & Refusal to Work/
Fatality Hotline: **1-800-671-6858**

BWC's Main Number: 1-800-OHIOBWC



THE UNIVERSITY OF ALABAMA



QUESTIONS?

Don Elswick, CIH, CSP, CHMM, CIT

ddelswick@ua.edu or elsmat0101@gmail.com

(419) 788-6162 or (205) 348-4667

“Judge a man by his questions, rather than his answers.”

~ Voltaire



Subpart U - Emergency Temporary Standard- COVID-19

OSHA is issuing an emergency temporary standard to address the grave danger of COVID-19 in the workplace. This standard contains provisions necessary to ensure the health and safety of workers and is in accordance with President Biden's Executive Order 13999 on Protecting Worker Health and Safety (January 21st, 2021)

**Interim Final Rule and Request for Comments issued
June 21, 2021**

Infectious Diseases
Cranes and Derricks in
Construction Amendments
Shipyard Fall Protection
Communication Towers
HazCom Update
Lockout/Tagout Update
Tree Care
Silica for Construction- Table 1
Update

Welding in Construction

Confined Spaces
PPE in Construction
Powered Industrial Truck
Design Standard Update
Walking Working Surfaces
Silica- Medical Surveillance
Provisions Revisions
Workplace Injury/Illness
Tracking

Infectious Diseases

Employees in health care and other high-risk environments face long-standing infectious disease hazards.

OSHA is examining regulatory alternatives for control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease.

Proposed rule expected in December 2021.



OSHA is proposing various corrections and amendments to the cranes and derricks standards issued in 2010.

Proposed rule expected in December 2021.



Existing 29 CFR 1915, subpart E is not comprehensive and does not reflect national consensus standards
OSHA issued an RFI in 2016 to solicit data and comments on updating existing standards and dividing the rulemaking into three subparts- subpart E, subpart M and subpart N.
Proposed Rule expected in December 2021.



High fatality rate in this industry – falls are leading cause of death. Communication tower construction and maintenance activities may not be adequately covered by current OSHA fall protection and personnel hoisting standards.

Small Business Regulatory Enforcement Fairness Act (SBREFA) process completed in Oct. 2018.

Proposed rule expected in March 2022.

Rulemaking to:

Harmonize the HCS to the latest edition of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) and

Codify a number of enforcement policies that have been issued since the 2012 standard.

Informal Public Hearing scheduled for Sept. 21, 2021



- Recent technological advancements that employ computer-based controls of hazardous energy (e.g., mechanical, electrical, pneumatic, chemical, radiation) conflict with OSHA's existing lock-out/tag-out standard.
- The use of these computer-based controls has become more prevalent as equipment manufactures modernize their designs.
- OSHA issued a request for information (RFI) in May 2019 to help it understand the strengths and limitations of this new technology, and potential hazards to workers.
- Proposed rule expected** in January 2022.



- There is no OSHA standard for tree care operations; the agency currently applies a patchwork of standards to address the serious hazards in this industry.
- The tree care industry previously petitioned the agency for rulemaking and OSHA issued an ANPRM (September 2008).
- OSHA completed a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel in May 2020, collecting information from affected small entities on a potential standard.
- **Proposed rule expected** in April 2022.

- Table 1 in OSHA's crystalline silica standard for construction includes dust control methods for certain equipment/tasks. Employers that follow Table 1 are not required to measure workers' silica exposure and are not subject to the PEL.
- In 2019, OSHA issued a request for information (RFI) on the effectiveness of control measures not currently included for tasks and tools listed in Table 1 *and* on tasks and tools involving exposure to silica not currently listed in Table 1.
- OSHA is evaluating this information to determine if revisions to Table 1 may be appropriate.
- **Proposed rule expected** in April 2022.





OSHA is proposing to amend the Welding and Cutting Standard in construction to eliminate any perceived ambiguity about the definition of "confined space" that applies to welding activities in construction.

Proposed rule expected in September 2021.



OSHA is proposing to clarify requirements for the fit of PPE in construction.

Proposed rule expected in September 2021.

OSHA's is proposing to update the reference in its powered industrial trucks standard (1910.178) to also refer to the 2018 version of ANSI/ITSDF B56.1a Safety Standard for Low Lift and High Lift Trucks.

This rulemaking will incorporate by reference provisions related to the design and construction of powered industrial trucks.

This is a continuation of OSHA's ongoing effort to update references to consensus standards.

Proposed rule expected in May 2021.



OSHA received stakeholder feedback that some provisions of the 2016 final rule on walking-working surfaces are unclear.

OSHA plans to correct a formatting error in Table D-2 (Stairway Handrail Requirements).

OSHA also plans to revise language on stair rail systems to make them clearer and reflect OSHA's original intent.

Proposed rule expected in July 2021.



Medical Surveillance Provisions for Medical Removal Protection

OSHA's silica standards (construction and general industry/maritime) do not include a provision for medical removal protection.

Industry and labor organizations petitioned for review of the rule. A federal court concluded that OSHA failed to adequately explain its decision to omit medical removal protections from the rule and sent the rule back to OSHA for further consideration.

Proposed rule expected in March 2022.



Workplace Injury/Illness Tracking

OSHA intends to restore provisions of the Improve Tracking of Workplace Injuries and Illnesses final rule, 81 FR 29624 (May 12, 2016) that were removed by Tracking of Workplace Injuries and Illnesses final rule, 84 FR 380 (January 25, 2019).

OSHA proposes to amend its recordkeeping regulation to restore the requirement to electronically submit to OSHA information from the OSHA Form 300 and OSHA Form 301
Proposed rule expected in December 2021.

Process Safety Management and Prevention
Emergency Response and Preparedness
Mechanical Power Presses
Workplace Violence in Health Care and Social
Assistance
Blood Lead Level for Medical Removal
Heat Illness Prevention

Process Safety Management and Prevention

OSHA issued a Request for Information (RFI) in 2013 that identified issues related to modernization of the Process Safety Management standard and related standards to meet the goal of preventing major chemical accidents.

OSHA plans to hold a Stakeholder meeting in August 2021

Current OSHA standards *do not*:

- Reflect major developments in safety and health practices that have been incorporated into industry consensus standards.

- Address the full range of hazards or concerns facing emergency responders,

- Reflect major changes in performance specifications for protective clothing and equipment.

OSHA is considering updating these standards with information gathered through a request for information (RFI) and public meetings.

OSHA plans to initiate the Small Business Regulatory Enforcement Fairness Act (SBREFA) process in May 2021.



The current OSHA standard is 40 years old and does not address technological changes or the use of hydraulic or pneumatic power presses.

OSHA plans to issue a request for information (RFI) in May 2021 to help it determine how to proceed.



- Labor unions petitioned OSHA to issue a standard on preventing workplace violence in health care. OSHA granted the petitions in January 2017.
- OSHA previously issued a request for information (RFI) asking health care employers and workers about the impact of workplace violence and prevention strategies.
- **OSHA plans to initiate the Small Business Regulatory Enforcement Fairness Act (SBREFA) process in Dec. 2021**



OSHA's lead standards for general industry and construction are over 35 years old, and recent medical findings indicate that even at levels below the OSHA standard, blood lead levels (BLLs) in adults can result in adverse health effects. **OSHA plans to issue an Advanced Notice of Proposed Rulemaking** in May 2021 to help identify possible areas of the lead standards for revision to improve protection of workers



Heat Illness Prevention

Heat is the leading weather-related killer, and it is becoming more dangerous as 18 of the last 19 years were the hottest on record.

According to the Bureau of Labor Statistics, heat stress killed 815 US workers and seriously injured more than 70,000 workers from 1992 through 2017.

OSHA currently relies on the general duty clause (OSH Act Section 5(a)(1)) to protect workers from this hazard.

OSHA plans to issue a request for information (RFI) in October 2021 to begin a dialogue and explore potential rulemaking.