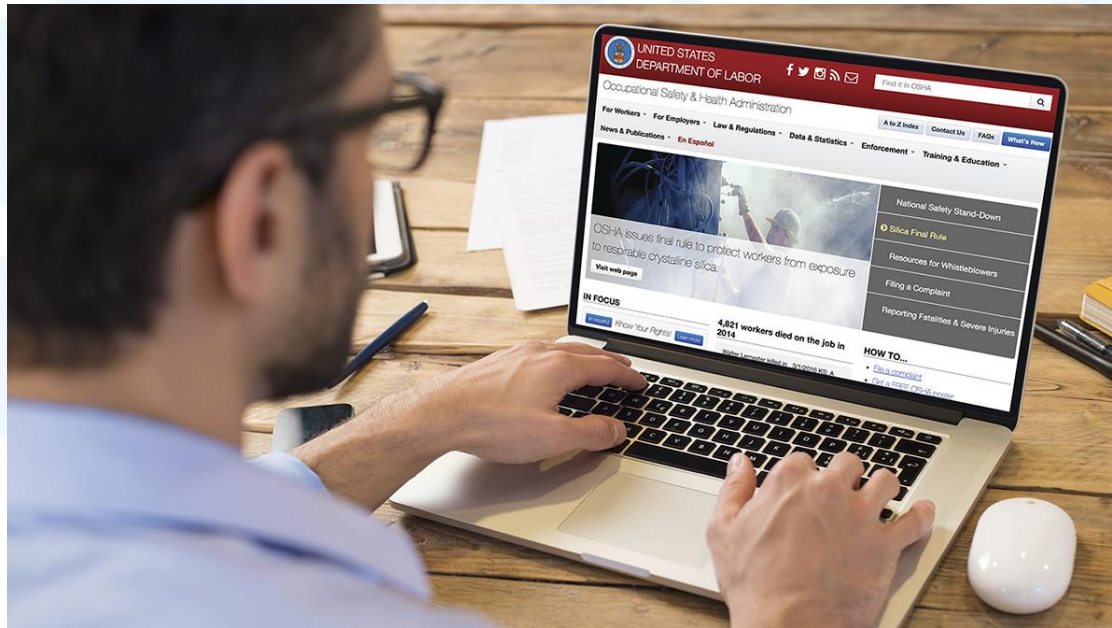


OSHA 1904 Regulations Update and Safety Incentive Programs

Rocky Mountain EHS Peer Group
October 12, 2017



Improve Tracking of Workplace Injuries and Illnesses



Report a fatality or severe injury

- All employers are required to notify OSHA when an employee is **killed** on the job or suffers a work-related **hospitalization, amputation, or loss of an eye**.
- A fatality must be reported **within 8 hours**.
- An in-patient hospitalization, amputation, or eye loss must be reported **within 24 hours**.



What's the Impact?

- Since January 2015 until present
- DAO/EAO has received approximately 850 reports
 - Approximately 30% of reports resulted in an inspection
 - In-patient hospitalization events accounted for approximately 90% of reports and amputations 10%
 - Another way for OSHA to interface with employers to make improvement safety and health programs
 - 40 cases in oil and gas industry in Colorado
 - Amputations and broken bones



Part 1904 amended paragraphs

- 1904.35 Employee involvement
 - Establish reasonable reporting procedure
 - Inform employees of procedure
 - Inform employees of right to report
 - Prohibits retaliating against employees for reporting work-related injuries/illnesses
- 1904.36 Prohibition against discrimination
- 1904.41 Electronic submission of injury and illness records to OSHA



Electronic Reporting Injury and Illness Records (OSHA 300's)

- 1904.41(a)(1) – Establishments with 250 or more employees in industries covered by the recordkeeping rule:
 - Must, on an annual basis, provide data from the:
 - Summary Form 300A
 - Log Form 300
 - Incident Report 301
 - Does not include the injured worker's name and address
 - Does not include the physician's name and address



Electronic Reporting

- 1904.41(a)(2) covered Industries
 - Ag., forestry and fishing (NAICS 11)
 - Utilities (NAICS 22)
 - Construction (NAICS 23)
 - Manufacturing (NAICS 31-33)
 - Wholesale Trade (NAICS 42)
 - Industry groups (4-digit NAICS) with a three year average DART rate of 2.0 or greater in the Retail, Transportation, Information, Finance, Real Estate and Service sectors.
 - Full list:
<https://www.osha.gov/recordkeeping/NAICScodeforelectronicsubmission.pdf>



Timeline for Reporting OSHA 300 information

- Final Rule Federal Register Notice – May 12, 2016
- Employee Rights effective date – August 10, 2016
- Electronic Reporting effective Date – January 1, 2017
- Phase-in data submission due dates
- New date moved from July 1, 2017 to **December 1, 2017**

Submission year	Establishments with 250 or more employees in industries covered by the recordkeeping rule	Establishments with 20-249 employees In select industries	Submission deadline
2017	CY 2016 300A Form	CY 2016 300A Form	July 1, 2017
2018	CY 2017 300A, 300, 301 Forms	CY 2017 300A Form	July 1, 2018
2019 and beyond	300A, 300, 301 Forms	300A Form	March 2

Summary of Work-Related Injuries and Illnesses

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases

Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
_____	_____	_____	_____
(G)	(H)	(I)	(J)

Number of Days

Total number of days of job transfer or restriction	Total number of days away from work
_____	_____
(K)	(L)

Injury and Illness Types

Total number of ...
(M)

- | | |
|----------------------------------|-------------------------------|
| (1) Injuries _____ | (4) Poisonings _____ |
| (2) Skin disorders _____ | (5) All other illnesses _____ |
| (3) Respiratory conditions _____ | |

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Public reporting burden for this collection of information is estimated to average 50 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a current valid OMB control number. If you have any comments about these estimates or any other aspects of this data collection, contact: US Department of Labor, OSHA Office of Statistics, Room N-3620 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

Establishment information

Your establishment name _____

Street _____

City _____ State _____ ZIP _____

Industry description (e.g., *Manufacture of motor truck trailers*) _____

Standard Industrial Classification (SIC), if known (e.g., *SIC 3715*) _____

Employment information (If you don't have these figures, see the Worksheet on the back of this page to estimate.)

Annual average number of employees _____

Total hours worked by all employees last year _____

Sign here

Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Company executive _____ Title _____

() / / Phone _____ Date _____



Injury Tracking Application (ITA)

The ITA was successfully launched August 1, 2017



- Employers can access the application from the ITA landing page at <https://www.osha.gov/injuryreporting/index.html>

Injury Tracking Application (ITA)

ITA is a secure website with 3 options for data submission:

- Manually enter data into a webform
- Upload CSV file to process single or multiple establishments at the same time
- Users of automated recordkeeping systems can transmit data electronically via an Application Programming Interface (API)



Injury Tracking Application (ITA): Help Request Form

- The application has a [Help Request Form](#) link at the bottom of each page
- If you have questions concerning any technical or policy aspects of the data collection, please use the Help Request Form to ask your question.
- That way, OSHA can coordinate our responses and quickly learn of any problems the regulated community may be experiencing with the system.

[FAQ](#) | If you have questions, please complete the [Help Request Form](#)

Injury Tracking Application (ITA): Test Site

There is a sandbox test site where you can create a dummy account and enter dummy data at

<https://preview.osha.gov/injuryreporting/ita>

Submission on the test site **does not** equal real submission.



Injury Tracking Application (ITA): Create Account

Create Account

Step 1 of 3: Account Details

* Required Fields

First Name*

Last Name*

Company Name*

Please enter the name of the company that you work for.

Job Title

Please enter your job title.

Email Address*

Confirm Email Address*



Injury Tracking Application (ITA): Get Started

51 days left in the 2017 filing period

[Get Started Here](#)

For Manual Data Entry ⓘ

Create Establishment

Add a new establishment to your account

View Establishment List

View the establishments which have been added to your account

For Batch Data Transmission ⓘ

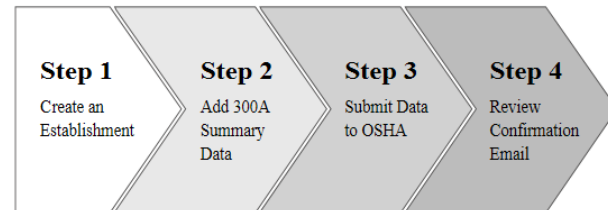
Upload a Batch File

Upload a CSV file containing your establishment and 300 A summary data

View Your API Token

Access your authentication token for use in electronically transmitting data via API

Overview of Data Submission Process



2016 Data Submission Status

300A Summary Status

Establishments

Not Added ⓘ

0

Not Submitted ⓘ

0

Submitted ⓘ

0

Total

0

[FAQ](#) | If you have questions, please complete the [Help Request Form](#)

Injury Tracking Application (ITA): Create Establishment

Create Establishment

User: Barnett | [Logout](#)

Navigation Menu



*Required Fields

Establishment Name*

Each establishment name must be different from all other establishment names provided.

Company Name

Please enter the name of the company that owns the establishment.

Address*

Please include your physical address, not a PO Box.

City*

State*

ZIP (5 or 9 digits)*

NAICS Industry Code or Description (start typing, then select)*

Begin typing either your 2012 NAICS code or the industry description, then select the correct value from the list. If you don't know your code and can't find it in the list, you can look it up [at census.gov](#).

What was the maximum number of employees at this establishment for this year?*

Under 20 20-249 Over 250+

Please select the maximum number of employees (which includes part-time and seasonal workers) that this establishment had at ANY point during the Calendar Year.

Example of Establishment

View Establishment

Navigation Menu



✔ You have successfully created an Establishment



Establishment Details: U.S. Dept. of OSHA DAO

ID: 62506 ⓘ

Company: Denver Area Office

Address: 1391 Speer Blvd. Suite 210,
Denver, CO, 80204

NAICS: 923120

Size: 20-249 employees

Government:

300A Status: Not Added

Edit Details

Remove

300A Submission Progress

1. Create an Establishment
2. Add 300A Summary Data
3. Submit Data to OSHA
4. Review Confirmation Email

Summary for Filing Year 2016

Employee Information

Annual average number of employees:

Total hours worked by all employees last year:

Add 300A Summary

Submit 300A Data

There's currently no 300A Summary data for this establishment.

After you finish entering your 300A Summary data, you must submit the data to OSHA.

- You may submit data for a single establishment from this page.
- To submit multiple establishments at the same time go to the [Establishment List Page](#).
- It is possible to edit and resubmit data in the event of changes or errors.

Illness & Injury Rates



Injury Tracking Application (ITA): Add 300A Summary

Add 300A Summary

User: Barnett | [Logout](#)

Navigation Menu

Summary of Work-related Injuries and Illnesses

All Fields are Required

Establishment Name: **ABC Company: Rockville Facility**

Employment Information

Annual average number of employees ⓘ

Note: This is not necessarily the same as the maximum number of employees you selected when creating the establishment.

Total hours worked by all employees last year ⓘ

- **Include** hours worked by salaried, hourly, part-time and seasonal workers, as well as hours worked by other workers subject to day to day supervision by your establishment (e.g., temporary help services workers).
- **Do not include** vacation, sick leave, holidays, or any other non-work time, even if employees were paid for it. If your establishment keeps records of only the hours paid or if you have employees who are not paid by the hour, please estimate the hours that the employees actually worked.

Number Of Cases

TOTAL NUMBER OF:

Deaths (G) ⓘ

Cases with days away from work (H) ⓘ

Cases with job transfer or restriction (I) ⓘ

Other recordable cases (J) ⓘ

Number Of Days

TOTAL NUMBER OF:

Days away from work (K) ⓘ

Days of job transfer or restriction (L) ⓘ

Injury And Illness Types

TOTAL NUMBER OF:

Injuries (M1) ⓘ

Repetitive (M2) ⓘ

Illness & Injury Rates

Total Case Incidence Rate (TCR): 0.0 ⓘ

Days Away Restrictions and Transfers (DART): 0.0 ⓘ

Injury and Illness Types

Injury And Illness Types

Enter 0 if there are no injuries or illnesses to report.

TOTAL NUMBER OF:

Injuries (M1) * ⓘ

Poisonings (M4) * ⓘ

Skin disorders (M2) * ⓘ

Hearing loss (M5) * ⓘ

Respiratory conditions (M3) * ⓘ

All other illnesses (M6) * ⓘ

[Cancel](#)

[Save](#)

Injury Tracking Application (ITA): Submit Data to OSHA

View Establishment

User: Barnett | [Logout](#)

Navigation Menu

✔ 300A summary data has been added but not submitted

Establishment Details: ABC Company: Rockville Facility

ID: 2568	NAICS: 211111	Edit Details
Company: ABC Company	Size: 20-249 employees	Remove
Address: 123 Elm St., Rockville, MA, 23245	Government:	
	300A Status: Not Submitted	

300A Submission Progress

- 1. Create an Establishment
- 2. Add 300A Summary Data
- 3. Submit Data to OSHA
- 4. Review Confirmation Email

Summary for Filing Year 2016

Employee Information	Illness & Injury Rates	Edit Summary
Annual average number of employees: 175	Total Cases Reported (TCR): 466	Submit 300A Data
Total hours worked by all employees last year: 3000	Days Away Restrictions and Transfers (DART): 333	

Number Of Cases

TOTAL NUMBER OF:



Injury Tracking Application (ITA): Multiple Establishments

[Injury Tracking Application Home](#) / Establishment List

Injury Tracking Application

User: Barnett | [Logout](#)

Navigation Menu

Establishment List

i Instructions for Submitting Your Data to OSHA

- Select one or more establishments from the list below, then click Submit button
- If you have more than one page of establishments, you may select establishments from multiple pages before clicking the submit button.
- To edit 300A data for an establishment, click its name in the list below.

+ Create an Establishment

Submit 300A Data for Selected

Filter

To filter your list of establishments, input your criteria in one or more fields below, and then click the "Filter" button to update the list.

Status

Establishment Name / Street / City

State

Zipcode

Clear

Filter

Include Inactive Establishments

<input type="checkbox"/>	300A Status	Name	Street	City	State	Zip
	Not Added	ABC - Silver Spring Facility	123 Oak St.	Silver Spring	MA	23451
	Submitted	ABC Company: Rockville Facility	123 Elm St.	Rockville	MA	23245

Injury Tracking Application (ITA): Uploading Batch Files

[Injury Tracking Application Home](#) / [Upload a Batch File](#)

Upload a Batch File

Injury Tracking Application

User: Barnett | [Logout](#)

Navigation Menu



This feature allows you to batch upload information about establishments and 300A Summary data.

You can perform the following actions using the file:

- Create establishments
- Edit establishment information
- Submit and re-submit 300A data

To use this feature, follow the steps listed below:

Step 1: Read the Instructions.

In order for your file to be processed correctly, it needs to contain the establishment and 300A Summary data in a specific format.

The instructions for creating a file can be found here: [File Instructions](#)

A template file can be downloaded here: [CSV Template](#)

A sample CSV file can be downloaded here: [CSV Sample](#)

Step 2: Locate and Select Your File

No file chosen

Step 3: Agree to the terms and conditions below



Injury Tracking Application (ITA): API

[Injury Tracking Application Home](#) / [Manage Account](#)

Injury Tracking Application
User: Barnett | [Logout](#)

Navigation Menu ▾

Manage Account

Profile | **API Token**

API Token

This is the API token belonging to your account. For more information about this token and its use, please [download the API specifications](#).

Punishment for Unlawful Statements

It is unlawful to make any false statement, representation, or certification to an agency of the United States. Violations can be punished by a fine or by imprisonment of not more than five years, or by both. See 18 U.S.C. 1001(a); 29 U.S.C. 666(g).

By using the API to submit data, you are certifying that the information submitted will be true and correct to the best of your knowledge and belief.

Your API Token

Rb2V1kCMjd2Zim9oCs3RtzrcDcI6am21yFSxJEfhOH4 [Generate New Token](#)

[FAQ](#) | If you have questions, please complete the [Help Request Form](#)



Electronic Submission Compliance Date

- The May 12, 2016, final rule (81 FR 29624) required employers to electronically submit 2016 Form 300A data to OSHA by July 1, 2017.
- On June 28, 2017, OSHA published a Notice of Proposed Rulemaking to delay the initial deadline for electronic submission of 2016 Form 300A data from July 1, 2017, to **December 1, 2017**.
- OSHA is currently writing the final rule.



Electronic Submission Compliance Date

- In the June 28, 2017 NPRM, OSHA announced its intent to issue a separate proposal to reconsider, revise, or remove other provisions of the prior final rule and to seek comment on those provisions in that separate proposal.
- OSHA is currently writing that separate proposal.



State Plans

- Some State Plans do not have a comparable rule in place at this time
 - CA; IL (GOV ONLY); ME (GOV ONLY); MD; MN; NJ (GOV ONLY); NY (GOV ONLY); SC; UT; WA; and WY
 - “Based on the information you have provided, your establishment falls under an OSHA-approved State Plan that has not yet adopted the requirement to submit injury and illness reports electronically. Your State Plan has indicated that once the rule is adopted, employers within the State Plan will be required to submit injury and illness reports through OSHA’s ITA. Contact information for each of the State Plans can be found at <https://www.osha.gov/dcsp/osp/states.html>”



Outreach Materials

- Materials available from the ITA landing page at <https://www.osha.gov/injuryreporting/index.html> include:
 - Link to Injury Tracking Application
 - Synopsis of the requirements
 - FAQs
 - Job Aids (instructions for creating accounts, creating passwords, editing data, etc.)
 - Instructions for submitting data by csv file or API



Employee Rights Under Incentive Programs 1904.35(b)(1)(iv)

- An employer may not retaliate against employees for reporting work-related injuries or illnesses. OSHA will be able to cite an employer for retaliation even if the employee does not file a complaint under 11(c) of the act, or if the employer has a program that deters or discourages reporting through the threat of retaliation
 - This rule does not ban incentive programs. However, employers must not create incentive programs that deter or discourage an employee from reporting an injury or illness. Incentive programs should encourage safe work practices and promote worker participation in safety-related activities.



Incentive Programs

- **Example of an incentive program:** Promising a benefit if a work group is injury-free
- **Need protected activity and adverse action to cite under 1904.35:** such as withholding the benefit after an employee reports an injury
- **Need causation to cite under 1904.35:** Did the employer withhold the benefit simply because an employee reported an injury, or did the employer have a legitimate reason?

Non-Compliant Incentive Programs

- Prize drawing for anyone who's not been injured in previous year
- “Wall of Shame” – Name/Photo/Identifying information posted when someone reports an injury that they “caused”
- Bonus pool – but only if you/your group has no injuries
- Cash incentives based on injury and illness rates
- Award if no one on the team injured during specific period
- Some “Safety Bingos”
- Avoid systems that award employees for passively surviving or for hiding injuries.



A Well-Designed Incentive Program

- Recognizes & rewards ACTIVE, MEANINGFUL, and CONSTRUCTIVE employee involvement.
- Should focus on “leading” versus “lagging” indicators.
- Should be linked systematically to an effective accountability system.
- Flexible – can adapt over time.
- Plan, Do, Check, Act



Cooperative Programs

- Alliances/Partnerships- Enhances the ability to work together
- DJ Basin Safety Council - Member of STEPS Network
- MSEA Mountain States Energy Alliance
- Red Rock Community College- OSHA TI
- Colorado Mountain College - Rifle Campus
- AGC
- HBA
- Mexican Consulate
- Colorado Hospital Association
- Colorado Healthcare Association
- Colorado Safety Association



FY 18 Regional and Local Emphasis (REP/LEPs)

- Regional Emphasis Programs
 - Fall Hazards in Construction
 - Roadway Work Zone Activities
 - Oil and Gas Industry
 - Grain Handling Facilities
 - Workplace Violence in Residential Intellectual and Developmental Disability Facilities
- Local Emphasis Programs
 - Hazards in Automotive Services (Englewood)
 - Asbestos Abatement (Englewood)
 - Scrap & Recycling (Englewood)
 - Aircraft Support and Maintenance Facilities (Englewood)



OSHA Compliance Assistance

- Regional Compliance Assistance Newsletter
- Send me an email if interested
- Quick takes on www.osha.gov

OSHA Region VIII Compliance Assistance Newsletter

Spring 2018 Volume 1, Issue 3

OSHA Issues Final Rule for Respirable Crystalline Silica


The Occupational Safety and Health Administration (OSHA) has **issued a final rule** to curb lung cancer, silicosis, chronic obstructive pulmonary disease and kidney disease in America's workers by limiting their exposure to respirable crystalline silica. The rule is comprised of two standards, one for **Construction** and one for **General Industry and Maritime**. The new rule requires that employers use engineering controls – such as ventilation and wet methods for cutting and sawing crystalline silica-containing materials – to reduce workers' exposure to silica dust.

OSHA issued this rule because the previous permissible exposure limits (PELs) for silica were outdated, inconsistent and did not adequately protect worker health. OSHA determined that occupational exposure to respirable crystalline silica at the previous PELs resulted in significant risk of developing or dying from silicosis, lung cancer, other lung diseases or kidney disease. OSHA estimates that the rule will save over 600 lives and prevent more than 900 new cases of silicosis each year, once its effects are fully realized.

About 2.3 million workers are exposed to respirable crystalline silica in their workplaces, including 2 million construction workers who drill, cut, crush, or grind silica-containing materials such as concrete and stone, and 300,000 workers in general industry operations such as brick manufacturing, foundries, and hydraulic fracturing, also known as fracking. The Final Rule is projected to provide net benefits of about \$7.7 billion, annually.

The construction standard provides for flexible alternatives, especially useful for small employers. Employers can either use a control method employed in Table 1 or they can measure workers' exposure and independently determine which dust control methods work best to limit exposures in their workplaces.

OSHA's On-site Consultation Program offers free and confidential safety and occupational health advice to small and medium-sized businesses. To find a program office near you, click on the map.



Work Safely with Silica

The Center for Construction Research and Training (CPWR) has created an **e-tool** that takes employers through a step-by-step assessment of their workplace and assists them in determining appropriate dust controls and creating a written plan to minimize silica dust hazards.

Control the Dust

Reduce or avoid exposures and reduce the dust and silica hazards. This tool is for planning dust control measures for the site through consultation with CPWR. It provides the OSHA consultation process and includes a self-assessment tool to determine or reduce silica exposure. This tool is for use only with CPWR consultation services.

[CREATE A PLAN](#)

[Click Here](#)

SOME KEY PROVISIONS OF THE SILICA STANDARD:


- Reduces the permissible exposure limit (PEL) for respirable crystalline silica to 50 micrograms per cubic meter of air (50ug/m3) as an 8-hour average
- Requires employers to use engineering controls to limit exposure
- Requires employers to provide respirators when engineering controls cannot adequately limit exposures
- Requires employers to develop a written control plan
- Requires employers to offer medical exams to highly exposed workers

COMPLIANCE DEADLINES

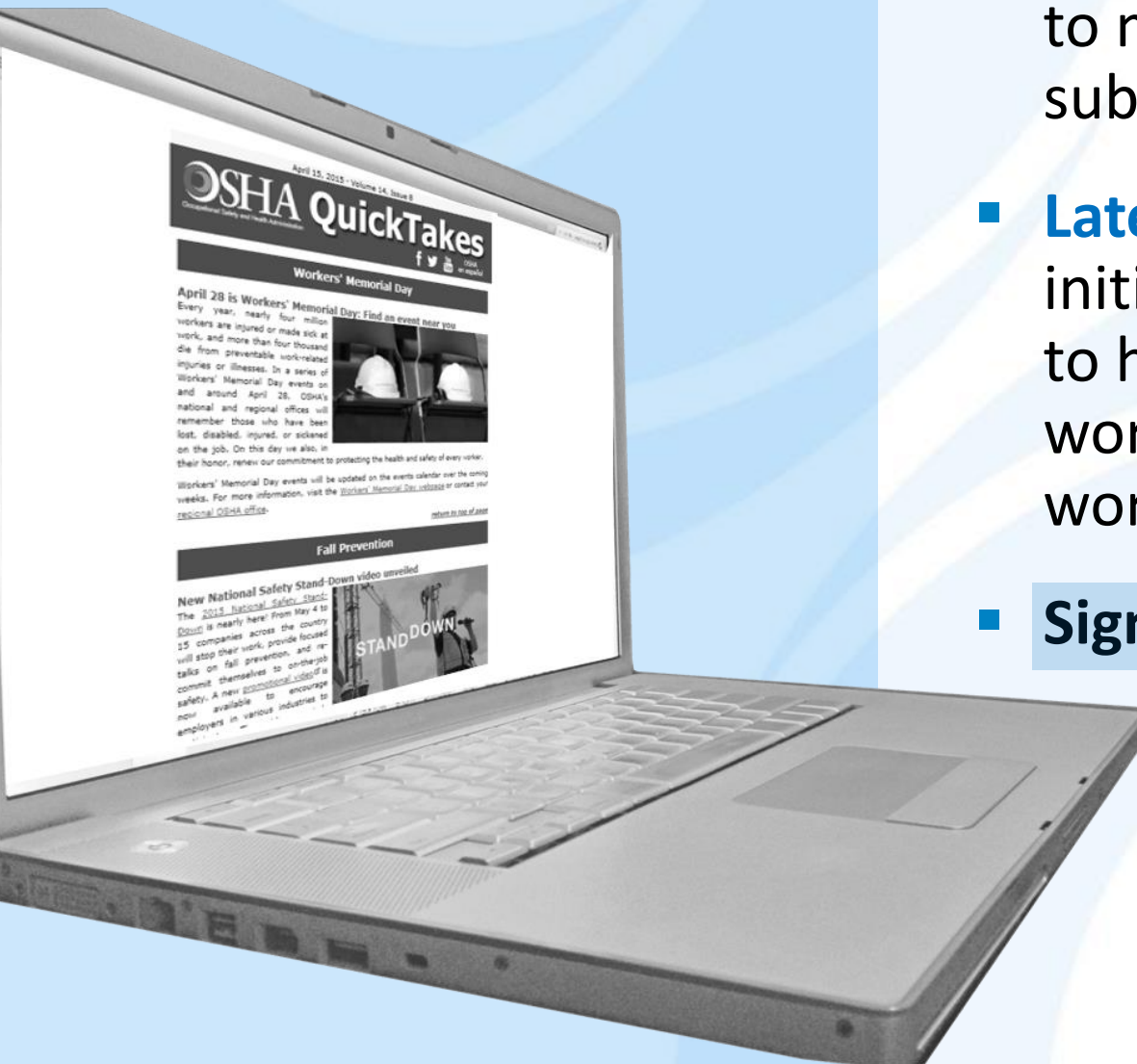
Construction: June 23, 2017

General Industry/ Maritime: June 23, 2018

Hydraulic Fracturing: June 23, 2018 for all provisions except Engineering Controls, which have a compliance date of June 23, 2021



OSHA QuickTakes



- **Free** OSHA e-newsletter delivered twice monthly to more than 110,000 subscribers
- **Latest news** about OSHA initiatives and products to help employers and workers find and prevent workplace hazards
- Sign up at www.osha.gov



Disclaimer

- This information has been developed by an OSHA Compliance Assistance Specialist and is intended to assist employers, workers, and others as they strive to improve workplace health and safety. While we attempt to thoroughly address specific topics, it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in a presentation of this nature. Thus, this information must be understood as a tool for addressing workplace hazards, rather than an exhaustive statement of an employer's legal obligations, which are defined by statute, regulations, and standards. Likewise, to the extent that this information references practices or procedures that may enhance health or safety, but which are not required by a statute, regulation, or standard, it cannot, and does not, create additional legal obligations. Finally, over time, OSHA may modify rules and interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, or to review information on a wide range of occupational safety and health topics, you can visit OSHA's website at www.osha.gov.





Working Together, We Can Help

www.osha.gov

800-321-OSHA (6742)

