



ENVIRONMENTAL AND SAFETY UPDATE

Winter 2014

WHAT TO EXPECT FROM OSHA IN 2014

OSHA has announced its 2014 unified regulatory agenda. This regulatory agenda outlines the regulations, industries, and general safety concepts it will be pursuing in 2014. OSHA says that this is their way of ensuring that employers and other regulated entities are in full compliance with the regulations every day. The rules and updates to be on the lookout for in 2014 are as follows:

- **Confined Spaces in Construction:** Confined space regulations for general industry are going to be extended to the construction industry. This update to the construction regulations are in the works currently. That means that there may need to be some changes to many facilities' contractor safety programs whenever a construction project is put in the books.
- **Slips, Trips, and Falls:** OSHA is focusing primarily on the use and selection of personal fall arrest systems. The time is finally here that regulations start catching up with technology. Expected in June, OSHA will be updating its fall prevention regulations and potential violations to incorporate the new technologies of personal fall arrest systems and railing systems.
- **Electric Power Transmission and Distribution:** For all those maintenance personnel and electricians this regulation update is for you. You can expect a change in the requirements for foot protection and aerial lift protection while installing electrical lines and equipment. This update especially includes more stringent requirements during electrical maintenance.
- **Exposure to Respirable Crystalline Silica and Beryllium:** The maximum permissible exposure limits (PELs) will be lowered from the current 100 mg/m³ down to 50 mg/m³. This could mean a change in PPE, possibly introducing different respirators or supplied air respirators, for those employees that could be potentially exposed to crystalline silica and beryllium.
- **Process Safety Management:** In line with President Obama's Executive Order incorporating the improvement of Chemical Facility Security & Safety, OSHA aims to issue Requests For Information (RFIs) to facilities regarding process safety management and prevention of major chemical accidents. These RFIs will aid OSHA in identifying issues with the current Process Safety Management Standard (29 CFR 1910.119) and other related standards that are necessary to meet the goal of preventing major chemical accidents.
- **Whistleblower Protection:** OSHA's Whistleblower Protection Program was established to investigate violations of an employee's right to report safety concerns without fear of reprisal or retribution of any kind. The importance of this program can be described in what Assistant Secretary for Occupational Safety and Health Dr. David Michaels said in an OSHA press release, "The ability of workers to speak out and exercise their rights without fear of retaliation provides the backbone for some American workers' most essential protections."¹

“...let employers benchmark their performance against others in their industry and help them make improvements”

Whistleblower complaints have been steadily increasing over the past few years, which is a transparent view into OSHA's ability to inform employees of their rights to report complaints, as well as the steps taken to make the reporting process easier. OSHA is taking this one step further. OSHA announced that it has created a new online whistleblower form for workers to use if they have witnessed any safety concerns or have been retaliated against and want to reach out to OSHA.

According to an OSHA press release put out on this topic on December 5, 2013, the new online form prompts

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the worker to include basic whistleblower information so that they can be contacted easily for follow-up. On-line complaints are automatically routed to the appropriate regional whistleblower investigators. The complaint form can also be downloaded and submitted as a hard-copy via fax, mail, or hand-delivery.

This updated approach is primarily about OSHA being more effective in ensuring that workers have a voice in the workplace. Whistleblower employees are a highly valuable tool in the workplace. These employees tend to have a unique and constructive perspective of the work environment and potential hazards. They could offer different outlooks for solutions and, maybe most importantly, they care enough about safety to want to make a real change in the right direction.

- **Injury and Illness Recordkeeping:** OSHA is advancing with a change to the rules and regulations governing Safety Recordkeeping that could drastically change the frequency and quality requirements of your injury and illness reporting. The current system only has a handful of facilities required to send injury and illness reports, OSHA 300A and 301 forms for instance, to OSHA. With the new rules, facilities with 250 or more employees that have been maintaining records will now be required to send the information to OSHA electronically on a quarterly basis, while facilities with 20 or more employees would be required to send the information once per year. Along with this change in injury and illness reporting to OSHA, the rule also directs that these injury and illness reports be posted online for both OSHA and the general public to have access to.

There have been remarks both for and against this public notification. "Posting the collected data online will let employers benchmark their performance against others in their industry and help them make improvements" OSHA Chief Director David Michaels said to Industrial Safety & Hygiene News in favor of the change². In the same article, on the contrary, Amanda Wood, Director of Labor and Employment Policy for the National Association of Manufacturers (NAM) said "public disclosure of the data would not help make the workplaces safer and could lead to unfair judgment about a company." One aspect of this public disclosure that is very important is that the average public citizen may not fully comprehend what he/she is looking at while reading these reports. As Marc Freedman, Execu-

tive Director of Labor Law Policy at the U.S. Chamber of Commerce, told the Associated Press, "Just because you have an injury, it does not mean there was employer fault. Reporting the injury records does not tell the full story of the company."³

"Just because you have an injury, it does not mean there was employer fault..."

Based on these statements and a severe backlash from the industrial community, you can expect these changes in injury and illness reporting to be hotly debated in 2014. While these are not all of the rules and regulations OSHA is expected to be acting on in 2014, they are those that greatly affect those companies in General Industry. The best way to be prepared for OSHA's updates of these programs is to be proactive about your facility's safety. This could include being up-to-date on OSHA press releases, getting a jump start on employee training for the year, and even starting a safety rewards and recognition program at your facility which would reward those employees who report potential safety violations to their supervisor before they become hazards. Always remember, that being proactive is much cheaper, easier, and safer than being reactive, especially when an employee's health and safety may be on the line. Have a safe day!

Resources cited in article:

- 1) U.S. Department of Labor. Occupational Safety & Health Administration. Whistleblowers Can Now File Complaints Online with OSHA. OSHA News Release. OSHA.gov, 5 Dec. 2013. Web. 10 Jan. 2014. <https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=25203>.
- 2) Johnson, Dave, ed. "OSHA Proposes to Make Injury, Illness Data Public." *Industrial Safety & Hygiene News* Dec. 2013: 14. Print.
- 3) Johnson, Dave. "Public Posting Is a Scary Thing." *Industrial Safety & Hygiene News* Dec. 2013: 10. Print.



Proud Member

NEW COMBUSTIBLE DUST STANDARDS ARE BEING WRITTEN

NFPA 652, Standard on Fundamentals of Combustible Dust is a new combustible dust standard that is currently under development by the National Fire Protection Association (NFPA) Fundamentals of Combustible Dusts Committee. The committee recently held its second Draft Meeting in St. Petersburg, FL, and Brian Edwards, Director of Engineering for CTI, was in attendance.

In its current form, NFPA 652 is designed to be the overarching combustible dust standard that will be used in conjunction with industry specific standards (e.g. NFPA 61, 654, and 664). The purpose of the standard is to provide the minimum general requirements for managing combustible dust hazards and to direct users to other NFPA industry and commodity-specific standards.

Some of the specific topics it will cover include: combustibility testing, process hazard analysis, and hazard management. It will be the standard that, eventually, all of the industry specific standards will reference for dust sample collection, laboratory analysis, and other methods for determining the properties of dusts. Additionally, NFPA 652 consolidates the performance-based design option and process hazard analysis methods from the combustible dust standards. The other industry and commodity specific standards will begin referring to NFPA 652 in regards to these topics, and for topics on hazard management, mitigation and prevention, and for management systems.

...it allows a Process Hazard Analysis (PHA) and risk assessment (such as those performed by CTI) to be used to determine the level of protection that is required...

The hazard management chapter provides the design and programmatic requirements for a variety of facility equipment and processes in order to manage a combustible dust hazard (e.g. prevent catastrophic fires and explosions). This chapter includes topics like separation and segregation of explosion hazard areas, and velocity



design requirements for dust collectors and dust collection lines.

One of the most important aspects of NFPA 652 is that it allows a Process Hazard Analysis (PHA) and risk assessment (such as those performed by CTI) to be used to determine the level of protection that is required in a building and process. This means that a facility is no longer strictly tied to the generic, prescriptive requirements commonly found in industry specific standards. For example, if a PHA determines that the risk of a silo explosion is minimal, the prescriptive requirements for explosion protection would not have to apply.

Finally, the management systems chapter includes all of the management specific topics seen in the other standards, such as maintenance and training requirements. By pulling all of the general combustible dust standards such as housekeeping, inspections, PPE, and management of change from the industry specific standards, NFPA is providing more correlation between the standards. It is also allowing for the other dust standards to be more streamlined and focused on the industries that they cover.



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ENVIRONMENTAL AND SAFETY CONSULTING ENGINEERS



CTI's Network of Websites:

www.conversiontechnology.com

www.boilermactcompliance.com

www.comdustsafety.com

www.airleakagetest.net

www.gogreencti.com



- ◆ AIR QUALITY
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- ◆ AUDITS & EVALUATIONS
- ◆ COMBUSTIBLE DUST SAFETY
- ◆ ESH MANAGEMENT SYSTEM

- ◆ ESH PROGRAMS AND TRAINING
- ◆ ESH PROJECT IMPLEMENTATION
- ◆ HAZARDOUS MATERIALS
- ◆ GROUNDWATER QUALITY
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- ◆ LAND PROTECTION

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- ◆ PROCESS SAFETY/RISK MANAGEMENT
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- ◆ WASTE MANAGEMENT
- ◆ WASTEWATER QUALITY