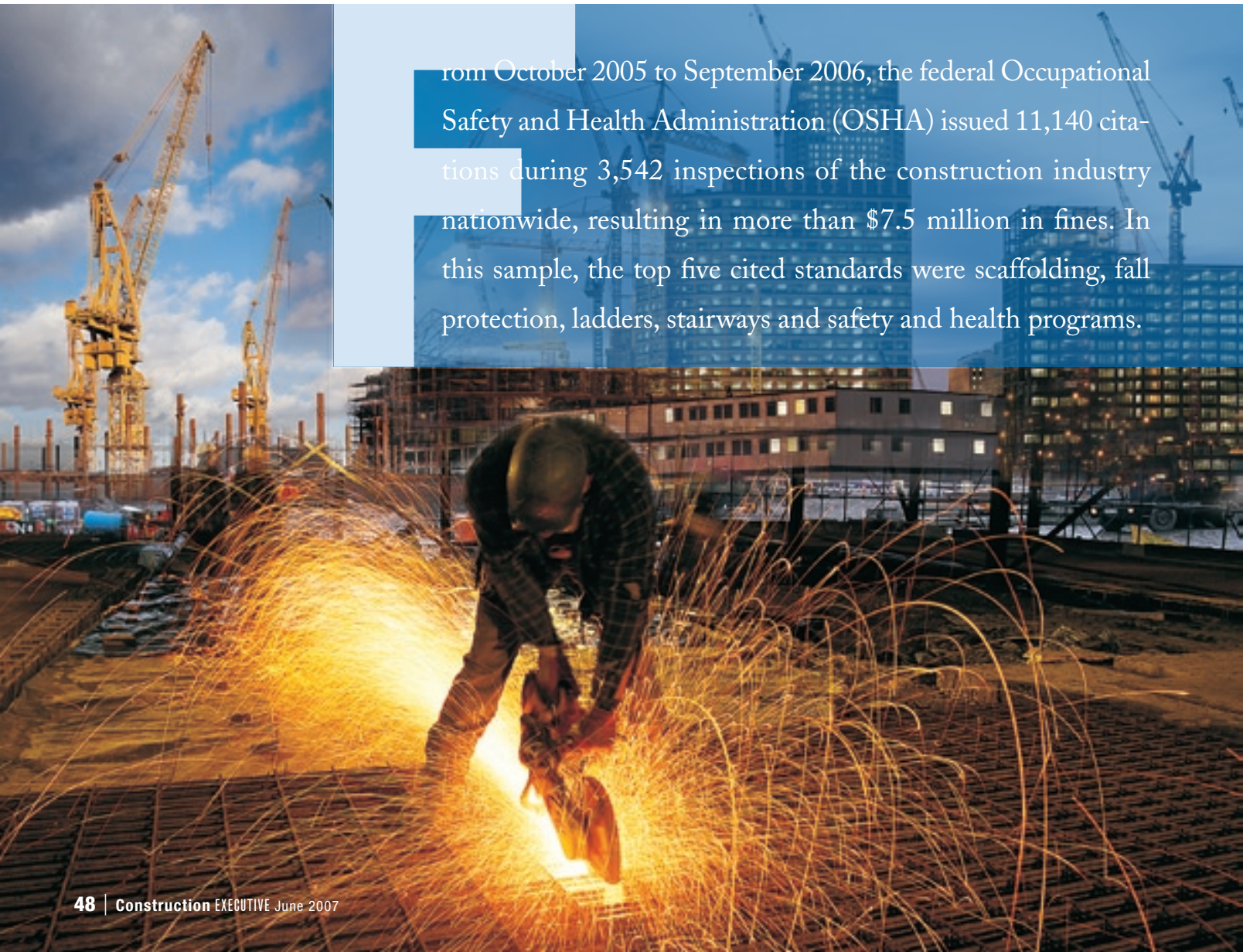


OSHA Inspections For Consideration in 2007

BY STEVE BARNETT



From October 2005 to September 2006, the federal Occupational Safety and Health Administration (OSHA) issued 11,140 citations during 3,542 inspections of the construction industry nationwide, resulting in more than \$7.5 million in fines. In this sample, the top five cited standards were scaffolding, fall protection, ladders, stairways and safety and health programs.

In addition, OSHA's new hexavalent chromium standard, which went into effect last year, will be a focus for OSHA in 2007 and may particularly impact the welding segment of construction.

Also, each of OSHA's 10 regions had at least three Local Emphasis Programs (LEPs) specific to the construction industry in 2006.

Finally, Assistant Secretary of Labor Edwin G. Foulke, Jr., has prioritized OSHA's set of cooperative programs, and contractors may receive an invitation from OSHA to participate.

Read on for a summary of OSHA inspections and cooperative programs that may affect construction operations this year.

SCAFFOLDING, FALL PROTECTION, STAIRWAYS AND LADDERS, AND SAFETY AND HEALTH PROGRAMS

Scaffolds—OSHA reports 72 percent of scaffolding injuries were attributed to the planking or support giving way, or to an employee slipping or being struck by a falling object.

Fall protection—In 2004, the Bureau of Labor Statistics reported 36 percent of construction fatalities resulted from falls. Unstable working surfaces, misuse of fall protection equipment and human error are most often to blame for falls, and guardrails, fall arrest systems, safety nets, covers and travel restriction systems can prevent these incidents.

Stairways and ladders—OSHA estimates almost 25,000 injuries and as many as 36 fatalities per year are due to falls from stairways and ladders used in construction. OSHA requirements for both stairways and ladders are very specific, including dimensions to the inch of risers, treads, railings, rungs, cleats and steps.

Safety and health programs—The fifth most cited violation in the construction industry from October 2005 to September 2006 was 29 CFR 1926.20, which requires employers under federal or federally assisted contracts to initiate and maintain safety and health programs that provide frequent and regular inspections.

Rounding out the top 10 OSHA citations in the construction industry for this period were electrical wiring design and

methods, head protection, hazard communication, asbestos, and trenching and excavations.

NEW HEXAVALENT CHROMIUM STANDARD

The new hexavalent chromium standard for welding and cutting lowered the Permissible Exposure Limit (PEL) approximately ten-fold, from 52 micrograms per cubic meter to 5 micrograms per cubic meter with an action level of 2.5. The standard requires air monitoring, training and medical surveillance, among other things. (Workers exposed less than 30 days per year are exempt from medical surveillance requirements but not from other requirements of the standard.)

Airborne concentrations during welding and cutting of mild steel (chromium content of less than 1 percent) have been reported in the range of the new action level and PEL. Tool steel or recycled steel made in mini-mills may have a chromium content of 3 percent to 4 percent, and stainless steel has a minimum chromium content of 12 percent. Employers of workers engaged in welding and steel cutting should evaluate their procedures in light of the new standard.

LOCAL EMPHASIS PROGRAMS

LEPs may be implemented by a single area office or by a regional office. As of Jan. 8, each OSHA region had at least three separate LEPs for the construction industry. The most frequent examples are construction fall hazards, residential construction, concrete and concrete products, silica, and roadway workzone safety and health. Expect increased programmed inspections accompanied by outreach in these areas.

COOPERATIVE PROGRAMS

Foulke has prioritized OSHA's cooperative programs, including consultation services, the Voluntary Protection Program (VPP), the Strategic Partnership Program, the Alliance Program and other OSHA training, education and outreach programs, particularly those directed at small and medium-sized businesses.

Consultation assistance is available on request and is provided at no cost to the employer. If the employer fails to correctly identify hazards within an agreed-upon time, the issue will be referred to OSHA

enforcement. Participating employers may obtain an exemption from programmed inspections (not complaint or accident investigation inspections) for a period of one year.

VPP is OSHA's most comprehensive cooperative program. Acceptance into VPP requires application review, onsite evaluation by OSHA and the employer's ongoing achievement of performance-based goals, such as injury and illness rates. Participants are exempt from programmed enforcement inspections but remain subject to inspections of complaints or referrals, including referrals from the onsite VPP team. Participants will not be cited for violations that are promptly corrected.

The **Strategic Partnership Program** is the newest member of OSHA's cooperative programs. Whereas OSHA's Consultation Program and VPP entail one-on-one relationships between OSHA and individual worksites, strategic partnerships involve groups of employers and employees, as is the case for multi-employer construction sites.



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Benefits include reductions in penalties for violations, deferral from programmed inspection lists and deletion of other worksites from programmed inspection lists following an appropriate number of onsite enforcement inspections to verify requirements.

The **Alliance Program** is open to trade or professional organizations, businesses, labor organizations, educational institutions and government agencies. Few formal program requirements exist for alliances, and the agreements do not include an enforcement component. OSHA offers a variety of information services, such as compliance assistance, technical advice, publications, audiovisual aids and speakers for special engagements. OSHA has a variety of materials and tools available at www.osha.gov, including e-Tools that help an employer identify requirements and create written programs and other required documents.

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